

CITY OF HAGERSTOWN, MARYLAND

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN,
CHAPTER 64 THEREOF, *BUILDING CONSTRUCTION*,
TO UPDATE, ADD OR AMEND PROVISIONS
OF ARTICLE III,
PROPERTY MAINTENANCE STANDARDS

RECITALS

WHEREAS, the City of Hagerstown has previously adopted building construction standards in Chapter 64, Article I, *Building Construction Standards* ("*Building Construction Standards*"), of the Code of the City of Hagerstown; and

WHEREAS, Chapter 64, Article III, *Property Maintenance Standards* contains references to certain provisions of the Building Construction Standards; and

WHEREAS, as a result of changes in industry standards and other factors, Chapter 64, Article I, *Building Construction Standards*, Chapter 64, Article V, *Plumbing Standards*, Chapter 64, Article VI, *Mechanical Standards*, and Chapter 64, Article IV, *Electrical Standards*, have been updated in accordance with Maryland State Fire Prevention and Public Safety Codes; and

WHEREAS, in order to remain consistent with the updated standards adopted in Chapter 64, Article I, *Building Construction Standards*, Chapter 64, Article V, *Plumbing Standards*, Chapter 64, Article VI, *Mechanical Standards*, and Chapter 64, Article IV, *Electrical Standards*, it is appropriate to amend certain provisions of Chapter 64, Article III, *Property Maintenance Standards*; and

WHEREAS, the Mayor and Council find it in the best interest of the citizens of the City of Hagerstown to do so;

NOW THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body, as follows:

SECTION 1: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 202, General Definitions be and is hereby amended to add the following definitions:

CARBON MONOXIDE ALARM. A single or multiple station device that senses carbon monoxide and is capable of emitting a distinct and audible sound.

COMBINATION ALARM. A single or multiple station device that detects visible or invisible products of combustion including a built-in internal alarm signal and the same

single or multiple station device that also senses carbon monoxide and is capable of emitting a distinct and audible sound.

ENTRY DOOR. A door entering into a structure, rental unit, rooming unit or transient housing unit.

EXTENDED STAY. A transient housing unit equipped with City Code compliant cooking facilities within a transient housing facility.

HOUSEKEEPING. Services provided by a transient housing facility, which is responsible for cleanliness, maintenance, aesthetic upkeep of transient housing units, and public areas.

INDOOR FURNITURE. Any furniture intended for and made of such material that would require the furniture be sheltered from the natural elements such as rain and snow and shall include but not be limited to items such as couches, sofas, love seats, fabric covered chairs and mattresses.

INSECT. There are two basic types of insect infestations: nuisance and wood destroying. Nuisance insects include flies, fleas, bees, cockroaches, bed bugs and silverfish. Wood destroying insects include termites, powder-post beetles and carpenter ants.

INTERCONNECTION. Activation of any one alarm causes alarm activation of all other required alarms within the unit.

TRANSIENT HOUSING FACILITY.

- A. A structure containing one or more transient housing units.
- B. As used in Chapter 230, transient housing facility shall not include any rental facility, as that term is defined in Chapter 197 of the Code.
- C. Transient Housing Facilities shall include hotels, motels, inns, bed and breakfasts, and short-term rentals.

TRANSIENT HOUSING UNIT. Any single room or suite located in the City and which is intended for temporary living and sleeping purposes (typically less than 30 days, but in no case more than 182 days) where transient visitors and lodged for pay.

TRANSIENT VISITOR. A person who purchases lodging, with or without meals, for a period typically less than 30 days, but in no case more than 182 consecutive days.

SECTION 2: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 102.6, Historic buildings is hereby amended to read as follows:

102.6 Historic buildings. The provisions of this code may not be mandatory for existing buildings or structures designated as historic buildings by the City of Hagerstown Historic District Commission when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

SECTION 3: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 104.3, Inspections is hereby amended to read as follows:

104.3 Inspections. The code official shall make all of the required inspections, or may accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. Whenever an expert opinion report is required by the Code Official, said report shall be the responsibility of the property owner.

SECTION 4: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 108.1.5, Unsafe Component is hereby amended to add code section to read as follows:

108.1.5 Unsafe Component. Unsafe component includes any subsystem, subassembly, or other system designed for use in or as part of a structure which shall include but not limited to stairs, porches, decks, balconies or other components on the premises or within the structure which is in such disrepair or condition that such component is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

SECTION 5: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 301.4, Accessibility Compliance is hereby amended to add code section to read as follows:

301.4 Accessibility Compliance. All Maryland Accessibility requirements shall be maintained and in good repair.

SECTION 6: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 302.11, Signs is hereby amended to read as follows:

302.11 Signs. All on and off premise signs shall be maintained in good repair, properly painted and maintained in a skillful and reasonable manner. On premise signs advertising a business that has been out of operation for more than 30 days shall be removed.

Exemption: The provisions of this section shall not apply to historic painted signs approved for preservation by the Historic District Commission.

SECTION 7: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 304.13,

Window, light and door frames is hereby amended to read as follows:

304.13 Window, light and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. A storm window shall not constitute as a window.

SECTION 8: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 304.15, Doors is hereby amended to read as follows:

304.15 Entry Doors. All entry doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units, transient housing units, and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.10.

SECTION 9: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 305.1, Interior General is hereby amended to read as follows:

305.1 Interior General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a transient housing facility, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. Transient housing units shall be provided housekeeping services at least once per week by the transient housing facility.

SECTION 10: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 305.3, Interior surfaces is hereby amended to read as follows:

305.3 Interior surfaces. All interior surfaces, including floors, ceilings, counters, cabinets, windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

SECTION 11 Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. Section 308, Extermination be and is hereby amended to read as follows:

308.1 Infestation. All structures shall be kept free from infestation. All structures in which an infestation is found shall be promptly exterminated by approved processes that will not be injurious to human health. After ex-termination, proper precautions shall be taken to prevent re-infestation.

308.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure and/or rental unit and/or transient housing unit.

308.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

308.4 Multiple occupancy. The owner of a structure containing two or more rental units, a multiple occupancy, a rooming house, transient housing facility, or a nonresidential structure shall be responsible for extermination of the entire structure when more than one unit is infested.

308.5 Shared Areas. The owner of a structure containing two or more dwelling rental units, a multiple occupancy, a rooming house, transient housing facility, or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property.

308.6 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the rental unit or transient housing unit.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

308.7 Documentation. The owner of a structure shall provide the Code Official with a report from a licensed extermination professional indicating the property has been abated of the infestation and the proper precautions to prevent re-infestation.

SECTION 12: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 404.8, Kitchen Floor Surface is hereby amended to add code section to read as follows:

404.8 Kitchen Floor Surface. Every kitchen floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 13: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 502.4, Employee' facilities is hereby amended to read as follows:

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

Exemption: Where drinking facility was not required at the time of original construction.

SECTION 14: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 503.4, Toilet room and bathroom floor surface is hereby amended to read as follows:

503.4 Toilet room and bathroom floor surface. Every toilet room and bathroom floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 15: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 603.1.1, Mechanical Servicing is hereby amended to add code section to read as follows:

603.1.1 Mechanical Servicing. All fossil fuel appliances shall be serviced by a Maryland licensed HVAC professional annually.

SECTION 16: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 604.3.3, Electrical Device Hazard is hereby amended to add code section to read as follows:

604.3.3 Electrical Device Hazard. An electrical device shall not be painted.

SECTION 17: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 702.1.1, Maintenance is hereby amended to add code section to read as follows:

702.1.1 Maintenance. The means of egress shall be maintained in good repair, structurally sound and sanitary.

SECTION 18: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 702.11, Unit identification is hereby amended to add code section to read as follows:

702.11 Unit identification. Each unit in a structure or room in a transient housing facility shall be identified with a unique identifier. The identification shall be located 5 feet (1524 mm) above the floor in a position which is readily visible when the doors are in the open and closed position.

SECTION 19: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 702.12, Emergency Instructions is hereby amended to add code section to read as follows:

702.12 Emergency Instructions. A floor diagram reflecting the floor plan, exit locations, and transient housing unit identification shall be posted in an approved location in every transient housing unit. Fire safety information shall be provided in accordance with the currently adopted Fire Prevention Code of the City of Hagerstown.

SECTION 20: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 706.1, General is hereby amended to read as follows:

706.1 General. The fire resistance rating of entry doors, floors, walls, ceilings, and other elements and components required by the then currently adopted City Code shall be maintained.

SECTION 21: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 707.6, Backflow Prevention is hereby amended to add code section to read as follows:

707.6 Backflow Prevention. Backflow prevention assemblies are required and to be maintained in good repair on potable water lines serving fire sprinkler systems and fire service standpipes. Backflow prevention devices are required and to be maintained in good repair for all commercial kitchen equipment served by potable water in accordance with City Plumbing Code.

SECTION 22: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 707.6.1, Backflow Prevention Testing is hereby amended to add code section to read as follows:

707.6.1 Backflow Prevention Testing. All backflow prevention assemblies for fire suppression systems shall be inspected annually and the inspection report be submitted to the Department. The water purveyor's reports shall be used for the inspection report.

SECTION 23: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 708.1, Exit signs is hereby amended to read as follows:

708.1 Exit signs. All required means of egress in multiple unit residential structures with more than three stories above grade shall be indicated with approved EXIT SIGNS. All exit signs shall be maintained in an efficient, safe operating condition and remain visible. All means of egress in nonresidential structures shall be indicated with approved Exit Signs where required by the building code.

SECTION 24 Chapter 64 of the Code of the City of Hagerstown, Section 64-8, Chapter 8, Smoke Alarms is hereby amended to read as follows:

Chapter 8
SMOKE & CARBON MONOXIDE ALARMS
SECTION 801
GENERAL

801.1 Scope. The provisions of this chapter shall govern the minimum standards for smoke and carbon monoxide alarms in existing structures.

801.2 Smoke Alarm Responsibility. The owner of the structure shall provide and maintain such smoke alarms in compliance with these requirements. A person shall not

occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

801.3 Carbon Monoxide Responsibility. The owner of the structure that relies on the combustion of a fossil fuel for heat, ventilation, hot water, clothes drying, fireplace, has an attached garage or was built after January 1, 2008 shall provide and maintain such carbon monoxide alarms or combination alarms in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 802 MAINTENANCE AND TESTING

802.1 Compliance. The more restrictive code of the then currently adopted City Code or the State of Maryland Fire Prevention Code shall govern for compliance in all smoke alarms, smoke detectors, carbon monoxide alarms, and combination alarms requirements.

802.2 Maintenance. All existing smoke alarms, smoke detectors, carbon monoxide alarms, and combination alarms must be properly installed and maintained in a working condition.

802.2.1 Replacement. In all residential occupancies, all smoke alarms, smoke detectors, carbon monoxide alarms, and combination alarms in operation for more than ten (10) years shall be replaced.

802.3 Installation. All smoke alarms, smoke detectors, carbon monoxide alarms, and combination alarms shall be installed in accordance with the Code of the City of Hagerstown, the manufacturer's instructions, NFPA 72, and NFPA 720. When actuated, the smoke alarms smoke detectors, carbon monoxide alarms, or combination alarms shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

802.4 Testing. All fire-warning and carbon monoxide-warning equipment shall be maintained and tested in accordance with the manufacture's instructions and in compliance with nationally accepted standards.

802.5 Alterations, repairs and additions. Any permitted alterations, repairs and additions completed on the structure must comply with the Code of the City of Hagerstown as related to smoke alarms and carbon monoxide alarms.

802.6 Tampering. Anyone tampering or interfering with the effectiveness of a smoke alarm smoke detector, carbon monoxide alarms, or combination alarms shall be in violation of this code.

802.7 UL Listed. All smoke alarms shall be in compliance with UL217 or UL268. All carbon monoxide alarms shall be in compliance with UL2034 or UL 2075. All combination alarms shall be in compliance with all UL listings contained in this section.

SECTION 803 LOCATION REQUIREMENTS

803.1 Location Level. Smoke alarms, smoke detectors, carbon monoxide alarms, and combination alarms shall be installed on every level including basements.

Exception: Smoke alarms, smoke detectors, carbon monoxide alarms, or combination alarms shall not be required in nonhabitable attics and crawl spaces.

803.2 Location Split Level. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm, smoke detector, carbon monoxide alarm, or combination alarm installed on the upper level shall suffice for the adjacent level, provided that the lower level is less than one full story below the upper level.

803.3 Location Bedrooms. Smoke alarms, smoke detectors and combination alarms shall be installed outside each separate sleeping area in the immediate vicinity of the bedrooms. Structures built or altered after January 1, 2001 shall also install smoke detectors or smoke alarms in each sleeping room.

SECTION 804 INTERCONNECTION

804.1 Smoke Alarm Interconnection. Where structures are built on or after January 1, 1989, interconnection of smoke alarms, smoke detectors and combination alarms shall be required.

Exception: Interconnection on a structure constructed prior to January 1, 1989 may be required by the Code Official if certain substandard aspects of the building warrant such a measure to protect public health, safety and welfare.

804.2 Carbon Monoxide Interconnection. All carbon monoxide alarms within a dwelling unit shall be interconnected.

Exception: Alarms installed in existing construction shall not be required to be interconnected unless required by the Code Official.

804.3 Maintenance. Smoke alarms and smoke detectors shall maintain interconnection within the unit.

SECTION 805
SMOKE ALARM POWER SOURCE – ONE and TWO FAMILY DWELLING

805.1 Power Source. All one and two family dwellings shall be required to comply with requirements in 805.1.1 through 805.1.3.

805.1.1 Before 1975. Where structures are built before July 1, 1975, ten (10) year lithium battery powered smoke alarms or combination alarms that are sealed and tamper-resistant shall be required.

805.1.2. Between 1975 and 1990. Where structures are built between July 1, 1975 and June 30, 1990, AC primary smoke alarms or combination alarms shall be required.

805.1.3. After 1990. Where structures are built on or after July 1, 1990, AC primary with battery backup smoke alarms or combination alarms shall be required.

SECTION 806
SMOKE ALARM POWER SOURCE –
THREE UNIT DWELLINGS, GUEST ROOMS, BOARDING HOUSES, SUITES,
DORMITORIES AND OTHER SIMILAR STRUCTURES

806.1 Power Source. All three unit dwellings, guest rooms, boarding houses, suites, dormitories and other similar structures shall be required to have on of the following:

OPTION 1 – Installation of ten (10) year lithium battery powered smoke alarms or combination alarms on every level, outside each separate sleeping area in the immediate vicinity of the bedrooms, or

OPTION 2 – Installation of AC primary with battery backup smoke alarms or combination alarms on every level, in each dwelling unit outside each separate sleeping area in the immediate vicinity of the bedrooms.

Exceptions:

1. A commercial light and power source along with a secondary battery source that is capable of operating the device for at least twenty-four (24) hours in the normal condition followed by four (4) minutes of alarm.
2. A commercial light and power source is not normally available, a noncommercial ac power source along with a secondary battery source that is capable of operating the device for at least seven (7) days in the normal condition followed by four (4) minutes of alarm.

3. Other systems as approved by the Fire Marshal's Office, Planning and Code and Administration Department or authority having jurisdiction.

SECTION 807
SMOKE ALARM POWER SOURCE –
FOUR OR MORE UNIT DWELLINGS, GUEST ROOMS, BOARDING HOUSES,
SUITES, DORMITORIES AND OTHER SIMILAR STRUCTURES

807.1 Power Source. All four or more unit dwellings, guest rooms, boarding houses, suites, dormitories and other similar structures shall be required to have AC primary battery back-up smoke alarms, smoke detectors or combination alarms.

Exceptions:

1. A commercial light and power source along with a secondary battery source that is capable of operating the device for at least twenty-four (24) hours in the normal condition followed by four (4) minutes of alarm.
2. A commercial light and power source is not normally available, a noncommercial ac power source along with a secondary battery source that is capable of operating the device for at least seven (7) days in the normal condition followed by four (4) minutes of alarm.
3. Other systems as approved by the Fire Marshal's Office, Planning and Code Administration Department or authority having jurisdiction.

SECTION 808
CARBON MONOXIDE POWER SOURCE

808.1 Power Source. All structures that require carbon monoxide alarms shall be required to comply with one of the following requirements in 808.1.1 through 808.1.4.

808.1.1 Battery. Ten (10) year lithium battery powered carbon monoxide alarms that are sealed and tamper-resistant.

808.1.2 AC Power. AC Primary with battery backup carbon monoxide alarms.

808.1.3 Control Unit. Alarms are connected to an on-site control unit that monitors the carbon monoxide alarms remotely so that a responsible party is alerted when the device activates the alarm signal and receives primary power from a battery or the control unit.

808.1.4 Other System. Other system as approved by the Fire Marshal's Office, Planning and Code Administration Department, or authority having jurisdiction.

**SECTION 809
DEAF OR HEARING IMPAIRED SMOKE ALARMS**

809.1 Deaf or Hearing Impaired Smoke Alarms. An owner of a structure where a deaf or hearing impaired occupant resides shall install a smoke alarm when activated provides a signal that:

1. Is approved by a nationally recognized testing laboratory for electrical appliances and approved by the Fire Marshall's office

And

2. Is sufficient to warn the deaf or hearing impaired resident(s) or occupant(s).

809.2 Deaf or hearing Impaired Carbon Monoxide Alarms. An owner of a structure where a deaf or hearing impaired occupant resides that requires a carbon monoxide alarms per the City Code shall install a carbon monoxide alarm or combination alarm so that when activated the alarm provides a signal that:

1. Is approved by a nationally recognized testing laboratory for electrical appliances and approved by the Fire Marshall's office

And

2. Is sufficient to warn the deaf or hearing impaired resident(s) or occupant(s).

809.3 Deaf or hearing Impaired Transient Housing. A transient housing facility shall have available at least one approved notification appliance for the deaf or hard of hearing individual for each 50 units or fraction of 50 units.

809.3.1 Posting. A transient housing facility shall post in a conspicuous place at the registration desk a permanent sign that states the availability of smoke alarm notification appliances for the deaf or hard of hearing individual.

SECTION 25: Chapter 64 of the Code of the City of Hagerstown, Section 64- 8. 106.4, Penalty be and the table of Municipal Infraction Fines is hereby amended for the following line items, all other line items to remain as previously adopted, to read as follows:

Municipal Infraction Fines

Code Section	Title	Fines
	Section 308 Extermination	

308.5	Shared Area	\$200
308.6	Occupant	\$200
308.7	Documentation	\$200

**Section 404
Occupancy Limitations**

404.8	Kitchen Floor Surfaces	\$200
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**Section 603
Mechanical Equipment**

603.1.1	Mechanical Services	\$200
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**Section 604
Electrical Facilities**

604.3.3	Electrical Device Hazards	\$100
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**Section 702
Means of Egress**

702.1.1	Maintenance	\$500
702.11	Unit identification	\$200
702.12	Emergency Instructions	\$200

**Section 706
Fire Resistance Ratings**

707.6	Backflow Prevention	\$500
707.6.1	Backflow Prevention Testing	\$500

Chapter 8 Smoke & Carbon Monoxide Alarms

**Section 801
General**

801.3	Carbon Monoxide Responsibility	\$1,000
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**Section 802
Maintenance and Testing**

802.7	UL Listed	\$500
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**Section 804
Interconnection**

804.2	Carbon Monoxide Interconnection	\$500
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**Section 808
Carbon Monoxide Power Source**

808.1	Power Source	\$500
808.1.1	Battery	\$500
808.1.2	AC Power	\$500
808.1.3	Control Unit	\$500
808.1.4	Other System	\$500

**Section 809
Deaf or Hearing Impaired Smoke Alarms**


809.1	Deaf or Hearing Impaired Smoke Alarms	\$500
809.2	Deaf or hearing Impaired Carbon Monoxide Alarms	\$500
809.3	Deaf or hearing Impaired Transient Housing	\$500
809.3.1	Posing	\$500

SECTION 26: Effective date. This Ordinance shall become effective immediately upon the effective date of this enacting Ordinance.

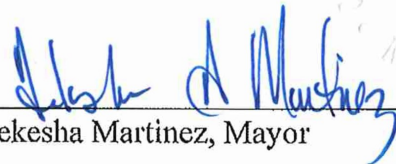
BE IT FURTHER RESOLVED, ENACTED AND ORDAINED THAT this enacting Ordinance shall become effective upon the expiration of thirty (30) calendar days following its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL
MARYLAND

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN,



Donna K. Spickler, City Clerk



Tekesha Martinez, Mayor

Date of Introduction: March 26, 2024
Date of Passage: April 23, 2024
Effective Date: May 24, 2024

PREPARED BY:
SALVATORE & MORTON, LLC
CITY ATTORNEYS