

An Ordinance of the City of Plano, Texas, repealing City of Plano Ordinance No. 2018-11-10, codified as Divisions 1 and 2 of Chapter 6, Buildings and Building Regulations, Article III, Property Maintenance Code, of the Code of Ordinances; and adopting the 2021 Edition of the International Property Maintenance Code, with certain additions, deletions and amendments, as the Property Maintenance Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on November 26, 2018, the City Council enacted Ordinance No. 2018-11-10 adopting the 2018 Edition of the International Property Maintenance Code with certain additions, deletions, and amendments as the Property Maintenance Code of the City of Plano; and

WHEREAS, the City of Plano Building Standards Commission held a public hearing to discuss the adoption of the 2021 Edition of the International Property Maintenance Code, a publication of the International Code Council, along with certain additions, deletions, amendments thereto, and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon recommendation of the City of Plano Building Standards Commission and upon full review and consideration of all matters related and attendant thereto, the City Council is of the opinion that Ordinance No. 2018-11-10 should be repealed and the 2021 Edition of the International Property Maintenance Code, along with the revised local additions, deletions and amendments thereto, should be adopted as the Property Maintenance Code for the City of Plano and that regulations and fees should be established thereunder.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PLANO, TEXAS, THAT:

Section I. Ordinance No. 2018-11-10 duly passed and approved by the City Council of the City of Plano on November 26, 2018, and codified as Divisions 1 and 2 of Chapter 6, Buildings and Building Regulations, Article III, Property Maintenance Code, of the Code of Ordinances, is hereby repealed in its entirety.

Section II. The 2021 Edition of the International Property Maintenance Code with certain revised additions, deletions, and amendments is hereby adopted as the Property Maintenance Code of the City of Plano; and new Divisions 1 and 2 of Chapter 6, Buildings and Building Regulations, Article III, Property Maintenance Code, of the Code of Ordinances shall read in its entirety as follows:

**”ARTICLE III. - PROPERTY MAINTENANCE CODE
DIVISION 1. - GENERALLY**

Sec. 6-45. - Penalty.

Any violation of the provisions or terms of this article by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with subsection 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Sec. 6-46. - Adopted.

The 2021 Edition of the International Property Maintenance Code, a publication of the International Code Council, is hereby adopted and designated as the property maintenance code of the City of Plano to the same extent as if such code were copied verbatim in this article, subject to the deletions, additions, and amendments prescribed in this article. A copy of the 2021 Edition of the International Property Maintenance Code is on file in the office of the city secretary.

Sec. 6-47. - Affirmative defenses.

An "Exception:" in the property maintenance code is not an exception as provided by V.T.C.A., Penal Code § 2.02, as amended, but may be asserted as an affirmative defense to prosecution. In such an instance, the following shall apply:

- (1) The prosecuting attorney is not required to negate the existence of the defense in the accusation or complaint charging commission of the offense;
- (2) The prosecuting attorney is not required to prove beyond a reasonable doubt that the defendant or defendant's conduct does not fall within the defense;
- (3) The issue of the existence of an affirmative defense is not submitted to the jury unless evidence is admitted supporting the defense; and
- (4) The burden of proof is on the defendant to prove such an affirmative defense by a preponderance of the evidence.

Secs. 6-48, 6-49. - Reserved.

DIVISION 2. – AMENDMENTS

Sec. 6-50. - Deletions, additions and amendments to Chapter 1 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 1, *Administration*, of the International Property Maintenance Code as follows:

Subsection 101.1, Title, is changed to read as follows:

These regulations shall be known as the Property Maintenance Code of the City of Plano, TX, hereinafter referred to as "this code."

Subsection 102.3, Application of Other Codes, is changed to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Building Codes as adopted by the City of Plano. Nothing in the Code shall be construed to cancel, modify or set aside any provision of the City of Plano Zoning Ordinance.

Section 103, Code Compliance Agency, is deleted in its entirety

Subsection 105.1, General, is changed to read as follows:

The code official or the City Manager's designee(s) is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in

compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Subsection 107.1, General, is changed to read as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Building Standards Commission, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was issued. All decisions and findings shall be provided in writing to the appellant with a duplicate copy to the code official.

Subsection 107.2, Limitations of authority, is changed to read as follows:

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code. A person's exercise of an appeal does not preclude or abate criminal enforcement for a violation of this code.

Subsection 107.3, Qualifications, is deleted in its entirety.

Section 108, Board of Appeals, is deleted in its entirety.

Subsection 109.2, Notice of violation, is deleted in its entirety.

Subsection 109.3, Prosecution of violation, is deleted in its entirety.

Subsection 109.4, Violation penalties, is deleted in its entirety.

Subsection 109.5, Abatement of violation, is deleted in its entirety.

Section 110, STOP WORK ORDER, is deleted in its entirety.

Subsection 111.1, Unsafe conditions, is changed to read as follows:

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

Notwithstanding anything in this Section to the contrary, the City expressly retains all statutory powers and rights to address unsafe structures.

Subsection 111.3, Record, is changed to read as follows:

The code official shall cause a report to be made on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

Subsection 111.4, Notice, is deleted in its entirety.

Subsection 111.4.1, Form, is deleted in its entirety.

Subsection 111.4.2, Method of service, is deleted in its entirety.

Subsection 113.1, General, is changed to read as follows:

The code official, building official or Building Standards Commission may order the owner or owner's authorized agent of any structure, which in his, her, or its judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's or owner's authorized agent's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official, building official or Building Standards Commission may order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official, code official or Building Standards Commission.

Notwithstanding anything in this Section to the contrary, the City and its Building Standards Commission expressly retain all statutory powers and rights to pursue demolition.

Subsection 113.2, Notices and orders, is deleted in its entirety.

Sec. 6-51. - Deletions, additions and amendments to Chapter 2 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 2, *Definitions*, of the International Property Maintenance Code as follows:

Subsection 201.3, Terms defined in other codes, is changed to read as follows:

Where terms are not defined in this code, they shall have the meanings ascribed to them as stated in the building codes as adopted by the City of Plano.

Exception: When used within this code, the terms unsafe and dangerous shall have only the meaning ascribed to them in this code and shall not have the meanings ascribed to them by any other adopted codes.

Subsection 202, General Definitions, the following definitions are changed or added as follows:

BEDROOM. Any room or space intended to be used for sleeping purposes in either a dwelling or sleeping unit.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The cost shall include the actual cost of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to the demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency

repairs or to obtain or enforce an order of demolition made by the code official, building official or Building Standards Commission.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food and all decayable waste.

NOXIOUS WEED. Any plant designated by a Federal, State or county government as injurious to public health, including but not limited to poison ivy, poison oak, poison sumac.

OPEN STORAGE. The outside storage of goods, materials, merchandise, or equipment on a lot or tract including the placement of storage containers such as vaults, shipping containers or other vehicles for storage. Open storage does not include the storage of furniture, cooking equipment, heaters, firewood, fire pits, and other items designed to be stored outside of a residential building if stored in a manner which does not create a risk to the health or safety of the public or constitute a public nuisance.

PARKWAY. The area lying between the street right-of-way line of any public street and/or alley, and the curb line of the street and/or alley; or if there is no curb line, the paved portion of the street and/or alley.

SHRUB. A woody plant smaller than a tree, usually having multiple permanent stems branching from or near the ground. Including but limited to bushes and hedges.

Sec. 6-52. - Deletions, additions and amendments to Chapter 3 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 3, *General Requirements*, of the International Property Maintenance Code as follows:

Subsection 301.3, Vacant structures and land, is changed to read as follows:

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety or welfare.

Subsection 301.4, Unlawful Structures, is added to read as follows:

It is an offense for an owner, owner's representative, occupant or person with care, custody or control of property to erect, alter or maintain an unlawful structure, as described in subsection 111.1.4 of this ordinance, upon said property.

Subsection 301.5, Workmanship, is added to read as follows:

It is an offense for an owner, owner's representative, occupant or person with care, custody or control of property to make repairs, maintenance work, alterations or installations that are not performed in a workmanlike manner and installed in accordance with the manufacturer's instructions and intended uses.

Subsection 302.1, Sanitation, is changed to read as follows:

All exterior property and premises shall be maintained in a clean, safe and sanitary condition.

Subsection 302.4, Weeds, is changed to Exterior Property Maintenance and is changed to read as follows:

All exterior property areas shall be maintained in a safe and healthy manner.

1. It is an offense for an owner, owner's representative, occupant or person with care, custody or control of property to fail to maintain the exterior property as follows:
 - a. All noxious weeds shall be prohibited.
 - b. Dead or dying trees that adversely affect public health and safety shall be removed.
 - c. Damaged trees that adversely affect public health and safety shall be trimmed to eliminate public health or safety concerns.
 - d. Diseased or insect-infested trees, shrubs or other vegetation that adversely affect public health and safety shall be removed.
 - e. Exterior property areas and landscaping shall be maintained to minimize property damage and eliminate public safety hazards.
 - f. Trees, shrubs and all other vegetation shall be maintained to allow a vertical clearance of at least seven (7) feet above sidewalk pavement and fourteen (14) feet above street pavement.
 - g. Trees, shrubs, boulders or other objects located along paved alleys shall be maintained one (1) foot back from the paved alley edge and so as to allow a vertical clearance of at least fourteen (14) feet.
 - h. Turf grasses and groundcover that are located adjacent to alleys shall be maintained even with the paved edge.
 - i. Gravel, pavers, bricks, concrete or asphalt that are located adjacent to the alley shall be maintained level with the paved alley surface, unless otherwise prohibited.
2. Conditions described in subsection 302.4(1) of this section constitute public health and safety hazards.
3. Abatement of public health and safety hazards
 - a. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut or trim trees, shrubs, ground cover and all other vegetation thereon, and the costs incurred for such work shall be paid by the owner or agent responsible for the property. The charges to be collected by the city under this section shall include, in addition to the costs and expenses of cutting, trimming or correcting a condition upon a tract of land, the sum of two hundred dollars (\$200.00) per lot or tract of land,

which sum is hereby found to be the cost to the City of administering the terms of this section.

Subsection 302.8, Motor vehicles, is changed to read as follows:

Except as provided for in other regulations, inoperable or unlicensed motor vehicle shall not be parked, kept or stored in public view, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Subsection 302.10, Open storage prohibited, is added to read as follows:

It is an offense for an owner, owner's representative, occupant or person with care, custody or control of property to allow open storage, as defined in subsection 202 of this ordinance, in a residential district.

Subsection 304.1.1, Unsafe conditions, is changed to read as follows:

The following conditions are deemed unsafe and shall be repaired or replaced to comply with the International Building Code or the International Residential Code, as adopted.

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of wall and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

Subsection 304.3, Premises identification, is changed to read as follows:

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property and rear alleyway where such alleyway exists in accordance with City Code of Ordinances Section 8-17. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters.

Subsection 304.7, Roofs and drainage, is changed to read as follows:

The roof and flashing shall be sound, tight and not have defects. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Water runoff shall not be discharged in a manner that creates a public nuisance.

Subsection 304.9, Overhang extensions, is changed to read as follows:

Overhang extensions including, but not limited to eaves, fascia, soffits, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Subsection 304.14, Insect screens, is changed to read as follows:

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Subsection 305.1.1, Unsafe conditions, is changed to read as follows:

The following conditions are deemed unsafe and shall be repaired or replaced to comply with the International Building Code or the International Residential Code, as adopted:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

Subsection 308.1, Accumulation of rubbish or garbage, is changed to read as follows:

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Disposal of rubbish and garbage shall be in accordance with City of Plano Code of Ordinances, Chapter 18.

Subsection 308.1.1, Refrigerators, is added to read as follows:

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first securing or removing the doors.

Subsection 308.2 Disposal of rubbish, is deleted in its entirety.

Subsection 308.2.1, Rubbish storage facilities, is deleted in its entirety.

Subsection 308.2.2, Refrigerator, is deleted in its entirety.

Sec. 6-53. - Deletions, additions and amendments to Chapter 5 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 5, *Plumbing Facilities and Fixture Requirements*, of the International Property Maintenance Code as follows:

Subsection 504.1, General, is changed to read as follows:

Plumbing systems and fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing systems and fixtures shall be maintained in a safe, sanitary and functional condition.

Subsection 505.3, Supply, is changed to read as follows:

The water supply system of all occupied structures shall be installed and maintained to provide an active supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

Sec. 6-54. - Deletions, additions and amendments to Chapter 6 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 6, *Mechanical and Electrical Requirements*, of the International Property Maintenance Code as follows:

Subsection 602.3, Heat supply, is changed to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code, as adopted.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

Subsection 602.4, Occupiable work spaces, is changed to insert the following dates:

Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

Subsection 604.2, Service, is changed to read as follows:

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Building Codes as adopted by the City of Plano. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Sec. 6-55. - Deletions, additions and amendments to Chapter 7 of the International Property Maintenance Code.

The City of Plano hereby amends Chapter 7, *Fire Safety Requirements*, of the International Property Maintenance Code as follows:

Subsection 703.2, Unsafe conditions, is changed to read as follows:

Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with the International Fire Code, as adopted. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered.

Subsection 703.3, Maintenance, is changed to read as follows:

The required fire-resistance rating of fire-resistance rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained in accordance with the International Fire Code, as adopted.

Subsection 703.3.2, Smoke barriers and smoke partitions, is changed to read as follows:

Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke.

Subsection 703.4, Opening protectives, is changed to read as follows:

Opening protectives shall be maintained in an operative condition. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

Subsection 704.1, Inspection, testing and maintenance, is deleted in its entirety.

Subsection 704.2, Standards, is deleted in its entirety.

Subsection 704.3, System out of service, is deleted in its entirety.

Subsection 704.4, Removal of or tampering with equipment, is deleted in its entirety.

Subsection 704.5, Fire department connection, is deleted in its entirety.

Secs. 6-56—6-59. - Reserved.”

Section III. All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section V. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

Section VI. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED ON THIS THE 24th DAY OF JANUARY, 2022.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY