

AN ORDINANCE OF THE CITY OF LIVE OAK, TEXAS REPEALING 2015 EDITION OF CERTAIN INTERNATIONAL BUILDING CODES; AMENDING THE CITY'S CODE OF ORDINANCES; ADOPTING CERTAIN 2018 INTERNATIONAL BUILDING CODES AND STANDARDS AND AMENDMENTS, ESTABLISHING CERTAIN BUILDING REGULATIONS AND REQUIREMENTS; AND ESTABLISHING PENALTIES THERETO

WHEREAS, the Texas Local Governmental Code empowers the City to enact building codes and regulations and provide for their administration, enforcement, and amendment; and

WHEREAS, the regulation of building and building construction by the City of Live Oak is necessary to protect the public health and welfare; and

WHEREAS, the Texas Local Governmental Code empowers the City to enact building codes and regulations and provide for their administration, enforcement, and amendment; and

WHEREAS, the regulation of buildings in all residences, all commercial and other buildings and building construction by the City of Live Oak is necessary to protect the public health, safety and welfare; and

WHEREAS, the City adopted the 2015 version of the International Building Code and other International Codes for building and construction, which have been updated and amended with new versions; and

WHEREAS, the City finds it is in the interests and welfare of its citizens to repeal the 2015 International Building Codes and adopt the updated 2018 International Building Code and other associated building codes with amendments.

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

The City of Live Oak Code of Ordinances is hereby amended as follows:

**I.
AMENDMENTS**

**I.
CHAPTER FIVE, ARTICLE I, SECTION 5-2 AMENDED**

Chapter Five (5), Article I, Section 5-2 is hereby amended to read as follows:

The following codes and all subsequent amendments thereto are hereby adopted by reference as though they were fully copied herein:

International Building Code, 2018 Edition w/amendments
International Residential Code, 2018 Edition w/amendments
International Plumbing Code, 2018 Edition w/amendments
International Mechanical Code, 2018 Edition w/amendments
International Fuel Gas Code, 2018 Edition w/amendments
International Energy Conservation Code, 2018 Edition
International Performance Code for Buildings and Facilities, 2018 Edition
NFPA 101 Life Safety Code, Current Edition
National Electrical Code NFPA 70 Current State Adopted Edition without Article 80
Virginia Graeme Baker Pool & Spa Safety Act
International Swimming Pool and Spa Code, 2018 edition

II.

2018 INTERNATIONAL BUILDING CODE ADOPTED WITH AMENDMENTS

The Text of Chapter Five (5), Article I, Section 5-16 is hereby repealed and amended to read as follows:

Sec. 5-16. – International Building Code adopted

The International Building Code, 2018 Edition, is hereby adopted by reference as the building code which shall control construction in the city except as otherwise provided.

Sec. 5-17. Amendments.

The Code adopted by this Article is hereby amended as set out in this section:

Add: [A] 101.4.8

All commercial businesses shall have a mailbox delivery being accessible to the mail service 24 hours, 7 days a week.

SECTION 109 FEES

Replace paragraph 109.4 to read: Work commencing before permit issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical, fire systems or plumbing system before obtaining the necessary permits shall be subject to a fee of double the original permit fee established by the permit fee schedule.

Add: paragraph 803.1.1. All residential minimum roof sheathing requirements shall be at least 7/16" OSB or Plywood.

Section 905 para R905.2.1 Add new sentence at end of paragraph to read 3/8" sheathing does not meet the solid decking requirements.

Section R908 para R908.3 add at end of sentence: Roof decking must comply with paragraph 803.1.1

SECTION 110

INSPECTIONS

110.7 Add:

The building official, with the approval of the city manager, may appoint such number of officers, inspectors, assistants, and other employees as shall be authorized from time to time.

SECTION 113

Delete: Board of Appeals

Replace with:

Appeals.

(a) A board of appeals is hereby created in order to hear and decide appeals of orders, decisions or determinations by the building or code official relative to the application and interpretation of any code adopted under this chapter, unless another board is designated to handle such matters by this Code or state law.

(b) The city council may act as the board of appeals or may appoint members to serve on the board. If positions on the board are appointed, then the board shall consist of five members each of whom shall serve staggered and overlapping terms for two-year periods, or until a successor has been appointed. Employees of the city will not be eligible for appointment to the board. The appointed board members shall serve and hold office at the will and pleasure of the city council. The building or code official shall be an ex officio member of the board, but shall have no vote on any matter before the board.

(c) The board shall adopt rules of procedure for conducting its business, hear appeals regarding all technical code violations and variances, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building or code official.

Delete: Appendix B

Section 114

114.4. Should read: Violations; penalty.

Any person who shall violate a provision of the Code adopted by this article, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved there

under, shall be guilty of a misdemeanor, and upon conviction of any such violation such person shall be punished by a fine not to be *less than \$500.00 and not more than \$2000.00*. The owner or owners of any building or premises or part thereof, where anything in violation of this article shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

Section 1807 Retaining Walls

Paragraph 1807.2.1 General;

Add: A new retaining wall exceeding 3 (three) foot in height, shall be erected in accordance with plans and specifications prepared by a registered professional engineer, the plans and specifications shall have been approved by the cities engineer before a permit will be issued on abutting land.

Inspections: the director of public works shall inspect or cause to be inspected periodically all retaining walls on land abutting a public highway, street, road, sidewalk or other public place of said retaining walls are located so as to create a possible dangerous and unsafe condition imperiling life, safety, or property of anyone using the public highway, street, road, sidewalk or other public place.

Section 3304 Add: paragraph 3304.1.5 to read, All construction site shall have access roadways to handle a max weight of 80,000lbs and be no less than 16 feet in width. This roadway shall have access to all construction on the site.

Add after last sentence on 1507.2.1. 3/8" decking does not comply with solid sheathing and must be changed out to a min. of 7/16" OSB or Plywood. Roofs shall not have double sheathing.

Chapter 19

Section 1901.1 add; end of paragraph to read, no load will be placed on any foundation slab Residential or Commercial property for a time period not to be less than seven (7) days after initial pour.

Section 3410

Section 3410.1 MOVING OF BUILDINGS: Add paragraphs

Paragraph 3410.1 Moving of buildings by persons other than licensed house movers restricted.

No person except a licensed house mover shall move any building or structure over, across or along any street, public way or public place within the city except as specifically provided in this article.

add paragraph 3410.2 House mover's license--Required; application.

Every person before engaging in moving a building or structure shall have previously made application to the city's building inspector and the city secretary for a house mover's license and such license must have been approved and issued for the current year.

add paragraph 3410.3 Same--Bond prerequisite to issuance.

Before a house mover's license is issued, the applicant shall file with the city secretary a surety bond in the amount of ten thousand dollars (\$10,000.00) for the faithful performance of any obligations undertaken pursuant to this article. Such bond shall contain a provision for a ten (10) day written notice to the city of cancellation by the surety.

add paragraph 3410.4 Same--Insurance prerequisite to issuance.

Before a house mover's license is issued, the applicant shall file with the city secretary a public liability property damage insurance policy certificate naming the applicant as the insured and providing for the payment of any liability imposed by law upon applicant to the extent of one hundred thousand dollars (\$100,000.00) for each person or bodily injury, three hundred thousand dollars (\$300,000.00) per occurrence, and one hundred thousand dollars (\$100,000.00) for property damage liability of each accident.

add paragraph 3410.5 Same--Inspection of applicant's equipment and facilities; issuance.

Upon execution of the bond and certificate of insurance required in sections 5-118 and 5-119, and their approval by the city secretary, the building inspector shall inspect or cause to be inspected, the equipment and facilities to be used by the house moving contractor and shall determine that the size, design and safety factors of any vehicle and other equipment in the moving of any building or structure are such that their operation on public property shall not cause damage to the pavement or other public improvements. Upon approval of such vehicle and other equipment, and the payment of the license fee, the license shall be issued to the person applying therefore, and he shall thereafter be known as a licensed house moving contractor.

add paragraph 3410.6 Same--Unlawful to lend, rent or transfer to another.

It shall be unlawful for any person to lend, rent or transfer his license issued under this article, or any rights therein contained, to any person or for any person to make use of any such rights which are not actually his own, without the approval of the building inspector.

add paragraph 3410.7 Same--Exceptions to requirement.

Nothing contained in this article shall require a license or bond for the movement of oversized equipment, or buildings or structures of a temporary nature, when such equipment, building, or structures are within the legal road limit as required by the state statutes; nor shall any bond and license be required of one passing through the city enroute between two (2) other incorporated cities, unless those cities are in this county.

add paragraph 3410.9 Same--Notices and clearances prerequisite to application.

(a) Before application for a moving permit is made, the house mover shall notify all public utilities concerned, and other persons whose facilities are involved in such movement.

(b) Before application for a moving permit is made, the house mover shall notify the police department, fire department, and other appropriate city offices as may be required, and shall obtain proper clearance from each of these departments or divisions in writing. This clearance shall specify the day of the week, and hour of day when such moving is to take place. The route to be taken shall be at the discretion of the chief of the police department.

add paragraph 3410.10 Same--Application.

The licensed house mover shall, in each case, before moving or preparing to move any building or structure, apply to the building inspector by written application for a moving permit to do so, and pay a fee of fifty dollars (\$50.00) in which application the building or structure to be moved shall be described, with the extreme dimensions of its width, length, height, present location, the place to which it is proposed to be moved, and the location on the lot to which it is proposed to be moved.

add paragraph 3410.11 Restrictions relative to leaving buildings on public property.

(a) If it becomes temporarily necessary to leave the building on public property, there shall be placed around the building or structure, and all equipment, red lanterns, flares or other warning devices. No building or structure under any condition shall be allowed to remain in or on public places for more than twenty-four (24) hours except by special permission of the city council and under no circumstances shall such house mover stop, park or stand on public streets while moving any buildings or structures within the city's corporate limits. Any building or structure which occupies or moves along or across any portion of public property after sundown shall have sufficient lights and flares continually burning for the protection of the public.

(b) No person shall move a building or structure across or along any street, public way or public place within the city's corporate limits unless accompanied or escorted by either an on-or off-duty city police officer assigned to this duty by the chief of police.

add paragraph 3410.12 Relocation permit.

(a) *Required; application; fee.* Any person desiring to relocate a building or structure on a lot or tract of land located within the city shall submit an application fee of one hundred dollars (\$100.00) and obtain a relocation permit from the building department authorizing such move.

(b) *Required information.* Applicant shall present to the building department in support of his application in writing, a complete description of the structure or building to be moved, its extreme dimensions of width, length, height, present location, the lot to which it is desired to move the same, and a specific location thereon to which it will be moved. In determining whether it should grant such application the building department, with approval from the City Manager, should be governed, among other things, by the following criteria:

(1) Every fact or condition bearing on the application as it is related to the health, peace of mind, convenience, comfort and welfare of the inhabitants of the vicinity to be affected thereby and within a two hundred (200) foot radius of the lot to which such structure or building is to be moved;

- (2) What effect, if any, the granting of a particular relocation permit may have on property values in the vicinity with reference to uses presently made or in the future to be made of the property;
- (3) What effect, if any, the granting of the particular relocation permit may have on nearby churches and schools, or on traffic conditions; and,
- (4) Whether the placing of such building or structure would tend to contravene the general architectural standards of other buildings or structures within two hundred (200) feet of the lot to which such building or structure is to be moved;
- (5) Whether such structure as placed on such lot would be consistent with the general character of the neighborhood affected thereby; and,
- (6) Whether such structure as placed on such lot would best protect the health and property and promote the safety, peace, comfort, convenience and welfare of the inhabitants of the city.

add paragraph 3410.14 Performance bond required; exception; cumulative nature.

- (a) Any person applying for a relocation permit to relocate a building or structure to another lot within the city's corporate limits shall additionally file a performance bond in such amount as may be determined and set by the building inspector in an amount not less than two thousand dollars (\$2,000.00) but not more than forty thousand dollars (\$40,000.00), based on the inspector's estimate of the cost of repairs necessary to comply with city codes and ordinances and any added requirements imposed by the city council. In the event that the owner of the building being moved provides an executed repair contract with an independent building contractor, the amount of the performance bond shall be the amount set forth in the cost for such improvements, but in no event less than two thousand dollars (\$2,000.00). The performance bond may be in the form of a deposit of cash or of United States Treasury "bearer" bonds or a surety bond payable to the city. If a surety bond is submitted by the applicant, it shall be in a form approved by the city attorney, issued by a company authorized to do business in the state, and shall name an agent in the county to receive notices and upon whom service may be had concerning matters with respect to such bond. Such bond shall be furnished conditioned upon the completion of all work upon such relocated building necessary to bring it into compliance with the applicable codes and ordinances of the city within 60 days of issuance of the permit provided for in section 5-127 of this article. However, the building inspector may grant such applicants an additional 30-day period to complete such repairs if proper justification for such extension is shown.
- (b) The performance bond provided for herein shall not be required whenever a building is moved to a location outside of the city's corporate limits or is being relocated upon the same plat or tract of land.
- (c) The provisions in this section for a performance bond and its forfeiture shall be cumulative and not instead of any other remedy, penal or otherwise, which the city may have to enforce compliance with pertinent codes and ordinances.

add paragraph 3410.15 Provision of utilities to moved buildings restricted.

No utilities shall be provided to a moved building or structure except those necessary for repairs or construction and in no event shall such utilities be provided for a period in excess of 60 days unless the building inspector shall have first previously granted an extension of not more than 30 days for the completion of repairs on such building.

add paragraph 3410.16 Certificate of occupancy prerequisite to occupancy or use of moved building.

No moved building or structure may be occupied or used in any manner until a certificate of occupancy has been issued by the city building department.

add paragraph 3410.17 Inspections.

The city building inspector shall make periodic inspections to the relocated building or structure to determine whether such building has been brought to compliance with applicable codes and ordinances. If all of such repairs are completed within the time prescribed in the relocation permit or any extensions thereof, and in a satisfactory manner, the building inspector shall release the performance bond required hereby. If such work is not completed within 60 days after the permit is granted, it may be extended for 30 days at the discretion of the council. The director shall so notify the permitted and the surety, if any, by certified mail, return receipt requested.

add paragraph 3410.18 Procedure upon failure to perform move in conformity to article.

The building inspector shall notify the city attorney whenever any person shall have failed to perform the necessary work upon a building or structure relocated pursuant to the provisions of this article. Thereupon the city attorney shall prepare an appropriate ordinance or resolution for submission to the city council to declare forfeited the performance bond previously furnished by such applicant.

add paragraph 3410.19 Conformity with other ordinances required.

Nothing in this article shall be construed to permit nonresidential use of residential or any relocation of buildings in violation of the zoning ordinance, the fire protection code, or other codes or ordinances of the city.

III.

2018 INTERNATIONAL MECHANICAL CODE ADOPTED WITH AMENDMENTS

The Text of Chapter Five (5), Article V Sections 5-96 and 5-82 are hereby repealed and amended to read as follows:

Sec. 5-96. Adopted

The City does hereby adopt the International Mechanical Code, 2018 Edition as its building code which shall control construction in the City except as otherwise provided.

Sec. 5-17. Amendments.

The Code adopted by this Article is hereby amended as set out in this section:

Replace Section 106 para 106.1 with
106.1 Required.

Any Homestead (HS) owner or owner's authorized agent or contractor (must be licensed through Texas Department of Licensing and Registration (TDLR) who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

Section 109

Means of Appeal

Amend to read as follows: Requirements for appeal per the amendments in Section 113 of the International Building Code.

Section 303

Paragraph 303.4 Protection from damage

Add after approved barriers add: to be determined by the Building Official.

IV.

2018 INTERNATIONAL RESIDENTIAL CODE ADOPTED WITH AMENDMENTS

The text of Chapter Five (5), Article X Section 5-211 is hereby repealed and amended to read as follows:

Sec. 5-211. Adopted.

The City does hereby adopt the International Residential Code, 2018 Edition as its building code which shall control construction in the City except as otherwise provided.

Sec. 5-212. Amendments.

The Code adopted by this Article is hereby amended as set out in this section:

R101.1 Title.

These provisions shall be known as the Residential Code for One- and Two-family Dwellings of Live Oak, and shall be cited as such and will be referred to herein as “this code.”

R105.2 Work exempt from permit.

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Delete items 1, 2,,3, 10 replace with the following:

Building:

1. One-story detached accessory structures, provided that the floor area does not exceed 120 square feet and NOT on a permeant foundation
2. Replacement of a current Fence(s) 6’ in height or less with the same. Any new foot print for fencing MUST be permitted.
3. Retaining walls that are not over 3 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

10. Decks not exceeding 100 square feet in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling do not serve the exit door required by Section R311.4.

Section R112

Delete: Board of Appeals

Add: Means of Appeal

Amend to read as follows: Requirements for appeal per the amendments in Section 113 of the International Building Code.

Section R319

At the end of paragraph R319.1

Add: The street address of each singly-family structure shall be illuminated by a light bulb of at least sixty (60) watts, and shall be easily visible from the street. The bulb(s) shall be protected by a weather-and-vandalism-resistant globe or cover.

Lighting facilities used on private properties for security or decorative reasons or to illuminate outdoor recreational areas such as, but not limited to, tennis courts and swimming pools, shall be shielded so as to prevent beams or rays of light from being directed at any adjoining property.

Section R311.2 Type of lock or latch

Add: In addition to being equipped with a dead latch with a half-inch minimum throw, each exterior single swing door shall be secured by a deadlock with one-inch (1”) minimum throw having hardened steel inserts; alternately the deadlock will be of a design which otherwise

prevents a spreading threat. Any alternate locking devices shall be approved by the Building Official prior to being installed.

Section R311.3 Doors

Add at end of paragraph R311.3

Door Viewers shall be installed on all solid front entrance doors and shall cover 180 degrees of viewing. Such viewer is to be installed with the securing portion on the inside and non removable from the outside.

Chapter 9

Delete Section R905.7 thru 905.8

Section 905.7 should read as follows:

Wooden Roofs Prohibited.

Regardless of any provisions of the applicable Standard Building Code or of any other provisions of this Code, all wooden roofs whatever (to include wooden shingle or wooden shake roofs) is henceforth absolutely prohibited. All roofing materials shall be certified noncombustible in accordance with the highest prevailing current standard in the building materials markets.

"No existing wooden or wooden shingle or shake roof can hereafter be replaced but all such roofs, when reroofed, shall be reroofed in strict accord with the provisions hereof. Only minor repairs to existing wood roofs can be made with wooden shingles or shakes. If more than 50 percent of the roof's surface needs to be replaced with new materials, it shall be completed reroofed with approved incombustible materials."

R908.3 add at end of sentence: Decking MUST comply with section 803 paragraph 803.1.1 of the 2018 International Building Code

V.

2018 INTERNATIONAL PLUMBING CODE ADOPTED WITH AMENDMENTS

Chapter Five (5), Article XII Section is hereby amended as follows:

Sec. 5-250. Adopted

The City does hereby adopt the International Plumbing Code, 2018 Edition as its building code which shall control construction in the City except as otherwise provided.

Sec. 5-251. Amendments.

The Code adopted by this Article is hereby amended as set out in this section:
Section 606

Para 606.1

Item 2 delete and add the following:

2. On the water distribution supply pipe within 3 feet from entering into the structure.

Section 502

Delete paragraph 502.3

Add new paragraph 502.3 to read: Water heaters shall be prohibited from being installed/replaced in any residential attic space. If installed on second story and above (excluding attic space) extra support must be placed to support 3 times the weight of filled water heater.

Section 109

Delete: Paragraphs 109.2, 109.2.1, 109.2.2, 109.2.3

Delete: Board of Appeals

Add: Means of Appeal

Amend to read as follows: Requirements for appeal per the amendments in Section 113 of the International Building Code.

Section 306

Paragraph 306.1

Add at end of sentence: rebar or such material shall not be used as piping bedding support. The Building Official can approve other support material if needed.

Add to Section 1003

Para 1003.10

G. Customer (Generator) Responsibilities:

It is the responsibility of the customer (waste generator) to insure compliance with the City of Live Oak's discharge limitations.

Hazardous wastes, such as acids, strong cleaners, pesticides, herbicides, paint, solvents, or gasoline shall not be disposed of where they would go through grease interceptors or grit traps.

Care must be taken in system design when commercial dishwashers are discharged through a grease interceptor. Dishwashers use detergents and elevated water temperatures that will melt grease. If the interceptor is either too small or too close to the commercial dishwasher, grease may pass through the interceptor and into the collection system.

Generators are responsible for maintaining grease interceptors in continuous proper working condition, by removing the oil and grease buildup in the interceptor. Further, generators are responsible for inspecting, repairing, replacing, or installing apparatus and equipment as necessary to ensure proper operation and function of grease interceptors and compliance with discharge limitations at all times.

The City Of Live Oak and TCEQ require grease trap/interceptor maintenance records be maintained on site for three (3) years.

The City Of Live Oak discourages the use of enzymes, solvents, and emulsifiers as this will only change the form of grease, allowing it to be carried out of the trap/interceptor with the wastewater and deposited in the collection system.

Add to Section 1003

Para 1003.6 after Exceptions

A. Commercial Laundries

Commercial Laundries, Laundromats, and dry-cleaners shall be equipped with an interceptor in order to reduce the quantity of lint and silt that enter the collection system. The system must be of adequate size and design to allow for cool-down of wastewater so that separation can be more readily achieved. The interceptor must be installed with a wire basket or similar device, removable for cleaning that prevents passage into the drainage system of solids larger than 1/4 inch in any dimension, string, rags, buttons or other materials detrimental to the public sewerage system.

Sizing must be in accordance with guidance found in the Uniform Plumbing Code (UPC), Appendix H, which uses the following formula:

$$(TGC) \times (CPH) \times (RT) \times (ST) = \text{Size of Lint Interceptor (gallons)}$$

Where: TGC = Total Gallons per Cycle CPH = Cycles per hour RT = Retention time

2.5 for Institutional Laundry

2.0 for Standard Commercial Laundry

1.5 Light Commercial Laundry ST =

Storage Factor, based on hours of operation;

1.0 for 8 hours of operation

1.5 for 12 or more hours

VI.

2018 INTERNATIONAL FUEL GAS CODE ADOPTED WITH AMENDMENTS

Chapter Five (5), Article IV, Section 5-81, Gas Code is hereby amended as follows:

Sec. 5-81. - Adopted and fees.

The International Fuel Gas Code, 2018 Edition, is hereby adopted as the city's gas code, which shall control all gas work within the city, except as otherwise provided by this article or other ordinances of the city. The city may collect fees for permits and inspections for this Code as necessary pursuant to the fee schedule adopted by the city council and as amended from time to time as necessary.

The Text of Chapter Five (5), Article IV, Section 5-82, Gas Code is hereby amended as follows:

Sections 109.2, 109.2.1, 109.2.2 and 109.2.3 are hereby repealed and amended as follows:

Delete: Board of Appeals

Add: Means of Appeal

Amend to read as follows: Requirements for appeal per the amendments in Section 113 of the International Building Code.

**II.
PENALTY**

Any owner, person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not less than \$500.00 and not to exceed \$2,000.00. Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

**III.
CUMULATIVE**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Live Oak, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**IV.
SEVERABILITY**

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

same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**V.
EFFECTIVE DATE**

This Ordinance has a penalty associated with a violation and shall take effect immediately upon its publication as provided by law. Notice of the enactment of this Ordinance will be given by publishing the Ordinance or its descriptive caption and penalty in the City's official newspaper one time within 30 days of passage.

PASSED, APPROVED and ADOPTED this 27th day of March, 2018

Mary M. Dennis, Mayor

ATTEST:

Deborah L. Goza, City Secretary

APPROVED FOR LEGAL SUFFICIENCY:

City Attorney's Office