

ORDINANCE NO. _____

**AN ORDINANCE PROVIDING FOR A HEALTH AND SAFETY INSPECTION AND
OCCUPANCY PERMIT CODE FOR
THE CITY OF COLLINSVILLE, ILLINOIS**

WHEREAS, the City of Collinsville, Illinois (the “City”) has lacked an effective health and safety code enforcement program to provide for periodic inspection of commercial and residential buildings throughout the City;

WHEREAS, the lack of such a health and safety enforcement program has permitted portions of the City's commercial and residential housing inventory to become substandard and deteriorated through the lack of maintenance, alterations, and/or uses in violation of building code laws;

WHEREAS, substandard and deteriorated commercial and residential housing has a detrimental effect upon the stability of neighborhoods, is environmentally undesirable and therefore is detrimental to City residents and to neighboring communities;

WHEREAS, improving the commercial and residential housing environment throughout the City requires inspection of buildings in the City to ensure that such premises conform to the City's Code and other applicable laws;

WHEREAS, in order to provide for such needed inspection of commercial and residential buildings, this ordinance establishes a Health and Safety Inspection Program to protect occupants from substandard commercial and residential buildings;

WHEREAS, nothing in this ordinance shall limit the City's ability to inspect properties and issue citations for property-related conditions that may constitute an immediate health or safety threat;

WHEREAS, the City has previously adopted, through City Ordinances, the following Building Codes of the City, as may be amended, and which include:

The International Building Code, 2006 edition.

The International Residential Code, 2006 edition.

The International Mechanical Code, 2006 edition.

The International Fire Code, 2006 edition.

The International Property Maintenance Code, 2006 edition.

The International Existing Building Code, 2006 edition.

The International Fuel Gas Code, 2006 edition.

The International Energy Conservation Code, 2006 edition.

The Illinois State Plumbing Code, 2004 edition.

The National Electrical Code, 2005 edition.

The current Life Safety Code as adopted by the State of Illinois.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Collinsville, Illinois, as follows:

Section 1. Title 8 (Health and Safety) of the Collinsville Municipal Code adopted November, 9,2009, is hereby amended by the addition thereto of Chapter 8.02 entitled “Health and Safety Occupancy Code”, which shall read in its entirety as follows:

HEALTH AND SAFETY OCCUPANCY CODE

8.02.010 Title

This Chapter 8.02 and the entire contents thereof, as amended, shall be commonly known as the “Health and Safety Occupancy Code” of the City of Collinsville, Illinois.

8.02.020 Application of Code

This Code shall apply to every commercial, single family residential, multi-family residential, and accessory building in the City, irrespective to any other classification such buildings may otherwise belong, and without regard to when such buildings may have been constructed, altered, or repaired.

8.02.030 Definitions

1. Generally. The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building having a use customarily incident to and located on the lot occupied by the main building, or a use customarily incident to the main use of the property.

Building means any commercial structure, residential structure, dwelling unit or accessory building, which is built for the support, enclosure, shelter, or protection of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land; including structures designed and constructed in sections expressly for assembly and placement on a permanent perimeter foundation, with any transport equipment being readily detachable and designed for delivery purposes only, if said structure is placed on such foundation with all transport equipment permanently removed.

Certificate of Occupancy means a currently effective certificate issued by the City evidencing compliance with the requirements of this Health and Safety Code.

Change in Occupancy means a change in possession or control of a building or dwelling unit by way of rental, leasehold, ownership, or other manner of tenancy.

Change in Ownership means any one or more of the following:

1. A transfer of title to the real property by way of a deed;
2. A transfer of majority interest in a land trust holding title to the real property;
3. A transfer of majority interest in a corporation, partnership, limited liability company or partnership, or any other entity holding title to the real property.

City means the City of Collinsville, Illinois, or as appropriate, its employees, officers, agents, consultant, or contractors acting under and within the scope of authority of the City to carry out and enforce the provisions of this Code.

Code means this Chapter 8.02 of the Collinsville Municipal Code, commonly known as the Health and Safety Occupancy Code.

Commercial means being engaged in conduct with the purpose of carrying on commerce or trade involving tangible or intangible goods or services, and without regard to whether such actions are for profit or not for profit. Commercial shall not include Home Occupations legally authorized by a City issued permit pursuant to the City's Zoning Code.

Dwelling means a room or suite of rooms arranged, intended or designed as a place of residence; or any building which is designed, built, leased, rented, let, or hired to be occupied, or which is occupied as a home or residence; or a building designed exclusively for residential occupancy, including one-family, two-family, and multiple family dwellings, boarding and lodging houses. Hotels, motels, nursing homes, travel trailers, recreational vehicles, manufactured or mobile homes shall not be considered dwellings.

Dwelling unit means a group of rooms or a room occupied or intended for occupancy as separate living quarters.

Family means any one of the following:

1. An individual, or two or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit with kitchen facilities. A family under this definition may include, in addition thereto, not more than two nonpaying guests.
2. A group of not more than four persons who are not be related by blood, marriage, or adoption, living together as a single housekeeping unit with kitchen facilities.
3. The term "family" shall not be construed to mean a boarding house, fraternity, sorority, club, or institutional group.

Family unit means one or more persons living, sleeping and cooking together as a single housekeeping unit.

Habitable room means a room or enclosed floor space arranged for living, eating and sleeping purposes, not including bathrooms, water closet compartments, laundries, utility rooms, pantries, foyers, hallways and other accessory floor space.

Lease means offering a building or dwelling unit for use or occupation in exchange for remuneration, whether it be for money, property, or any other form of payment.

Municipal Code means the Code of Ordinances of the City of Collinsville, Illinois adopted November 9, 2009, as amended, including the Building Codes of the City.

Operator means any person who has charge, care or control of premises in which buildings or dwelling units are rented.

Owner means any person who, alone, jointly or severally with others, shall have:

1. Title to any building or dwelling unit with or without accompanying actual possession thereof; or
2. Charge, care or control of any building or dwelling unit as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with this Code and the rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

Person means any natural person; firm; joint venture, including all participants; partnership, including all partners; association, social club, or fraternal organization, including all officers and directors; corporation, including all officers, directors and significant stockholders; estate; trust;

business trust; receiver; or any other group or combination acting as a unit.

Premises mean the lot, plot or parcel of land including the buildings, structures, and dwelling units thereon.

Probable Cause means, but is not limited to, observation of the exterior of the property which leads the City to conclude that Code violations may exist on the interior of the property, or upon request of the fire, police or health departments, who, after entering the interior of the property, have reason to believe that Code violations may exist.

Rent or rental means offering a building or dwelling for use or occupation in exchange for remuneration, whether it be for money, property, or any other form of payment.

Utility Service(s) means to include for any building or dwelling unit, the services of electricity, gas, telephone, video transmissions, cable television, internet access, water, sanitary sewer, or garbage disposal.

1. *Meaning of certain words.* Whenever the words "building," "accessory building," "dwelling unit," "premises," and "property" are used in this Code, they shall be construed as though they were followed by the words "or any part thereof."

8.02.040 Certificate of Occupancy Required

A. Commercial. It shall be unlawful for any person to occupy a building within the City by rental, lease, purchase or otherwise, or for any owner or agent thereof to permit the occupation of a building within the City by any person, for any commercial purpose until a Certificate of Occupancy has been issued by the City for each and every separate unit of occupancy of commercial building.

B. Residential. It shall be unlawful for any person to occupy a dwelling unit within the City as owners or by rental, lease, purchase or otherwise, or for any owner or agent thereof to permit the occupation of a dwelling unit within the City by any person for any purpose, until a Certificate of Occupancy has been issued by the City for each new family unit to occupy a dwelling unit and every separate occupancy of any family unit.

1. For any owner-occupied dwelling unit, a Certificate of Occupancy is required for each new family or family unit to occupy a dwelling unit and every separate occupancy of any family or family unit whether as a result of sale, inheritance, assignment or gift.

2. For rental or lease of a dwelling unit, a Certificate of Occupancy is prior to the time a new family or family unit occupies the dwelling.

C. No person shall occupy as owner-occupant, or rent to another for occupancy, any building or dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this Code.

D. A Certificate of Occupancy shall be issued by the City upon a determination that there are no violations of any applicable section of this Code in the interior and exterior of the building after inspection has been made to ascertain Code violations.

E. A Certificate of Occupancy issued under this Chapter of the Municipal Code shall be considered and is expressly distinguished from any permits issued under the City's Zoning or Building Codes and any permit issued under one Chapter shall not be deemed evidence of compliance of with the provisions of the other Chapter.

8.02.050 Exceptions to Certificate of Occupancy

A. The provisions of Section 8.02.040 shall not be applicable in the following instances:

1. The change in ownership of a building when the change in ownership is between immediate-family members and if there is no change in the family unit.
2. The change in ownership of a building when, within seven (7) days from date of purchase or transfer, the new owner delivers a notarized Affidavit to the City Clerk stating that the new owner will cause the building to be demolished within 90 days from the date of purchase.

8.02.60 Applications for Certificate of Occupancy

A. Application for the Occupancy Permit required by this Code shall be made by the owner of the building or by his agent. Any application submitted by a person other than the owner shall be done so with legal written authorization from the owner submitted to the City with the application. The application shall contain the full name and address of the owner or the names and addresses of the responsible officers if the owner is other than a natural person and the name and address of the applicant.

B. Application for a Certificate of Occupancy shall be made to the City as follows:

1. For commercial buildings, an application shall be made by either the owner, occupier, or contract purchaser and shall be made no less than 7 days and no more than 90 days prior to occupancy by any new person. Such application shall state the names of all the property owners and the business names and number of business occupants. The application shall be accompanied by an inspection fee as follows:

- a. \$50.00 for buildings of 1,000 square feet or less of total floor space or less;
- b. \$100.00 for buildings more than 1,000 and 2,000 or less square feet of total floor space;
- c. \$200.00 for buildings more than 2,000 and 5,000 or less square feet of total floor space;
- d. \$400.00 for buildings more than 5,000 and 10,000 or less square feet of total floor space;
- e. \$500.00 for buildings more than 10,000 and 50,000 or less square feet of total floor space;
- f. \$1,000.00 for buildings more than 50,000 square feet of total floor space.

2. For owner-occupied residential dwellings, an application shall be made by either the owner or contract purchaser and shall be made no less than 7 days and no more than 90 days prior to occupancy by any new family. Such application shall state the names of all the property owners and the number of occupants. The application shall be accompanied by an inspection fee of \$50.00 for a building which contains one dwelling unit and \$35.00 per dwelling unit where a building contains more than one dwelling unit.

3. For any residential dwelling not owner occupied, the owners shall make application to the City for a Certificate of Occupancy for each dwelling unit within no less than 7 days and no more than 90 days prior to occupancy by any new family. The application shall state the name and number of occupants and term of occupancy. The application shall be accompanied by an inspection fee of \$50.00 for a building containing one dwelling unit and \$35.00 per dwelling unit where a building contains more than one dwelling unit.

4. No application shall be acted upon until the applicable inspection fee has been paid in full. All reinspections to ascertain abatement of any Code violations shall be performed by the City. The first follow-up or reinspection shall be conducted at no cost. There shall be a fee for each subsequent follow-up or reinspection of \$100.00 for a building containing one dwelling unit and \$60.00 per dwelling unit where such unit comprises a part of a building that contains more than one dwelling unit.

C. If an inspection reveals any violation of any applicable section of this Code, a temporary Certificate of Occupancy may be issued, provided that the owner of the dwelling unit files with the City Clerk financial security, letter of credit, or a performance bond to ensure the abatement of all outstanding violations in a form acceptable to the City and in an amount equal to the City's estimated cost of the work and materials necessary to abate all outstanding violations. A temporary Certificate of Occupancy shall be limited to a time period not to exceed 30 days.

D. Any Certificate of Occupancy issued by the City shall not be deemed a release or waiver by the City of any requirement for compliance with all applicable sections of this Code, nor shall it constitute a guarantee that no Code violations exist. Issuance of any Certificate of Occupancy shall not restrain or prohibit the City from making further inspection of the dwelling unit and giving notice of any violation of this Code at any time, notwithstanding the validity of a Certificate of Occupancy.

E. A Certificate of Occupancy shall be valid for six months from its date of issue. If no occupancy occurs within six months from the date of issue, a new Certificate of Occupancy shall be required for that calendar year.

F. In addition to the inspection fees provided for in this Section, a charge of \$1000.00 shall be imposed in any case where entry to a building for purposes of inspection requires the City of the City to petition and obtain a warrant from a court of competent jurisdiction.

8.02.070 Issuance of Certificate of Occupancy Permit

If a building or dwelling unit is in compliance with this Code, the City shall present a Certificate of Occupancy to the applicant, owner, and resident. The City may refuse to issue a Certificate of Occupancy for a building or a dwelling unit until any overdue and unpaid City garbage, water, sewer bills, or real estate taxes for that premises have been paid in full.

8.02.080 Corrective Action Order

A. Contents of Order. Whenever the City determines that a building or dwelling unit is in violation of this Code, it shall so notify the owner and/or occupant in writing, and order appropriate corrective action. The corrective action order shall include the following information:

1. A description of the premises sufficient for identification;
2. A statement indicating the nature of the violation;
3. A statement of the remedial action (repairs, reduced number of occupants, etc.) necessary to effect compliance;
4. The date by which the violation must be corrected;
5. Statement that if the violation is not corrected or if the order is not appealed within five (5) days, if previously issued the occupancy permit may be revoked, a citation issued, and/or the property may be declared unfit for human habitation with attendant consequences.

B. Service of Order. The corrective action order shall be deemed properly served upon the owner, agent, or occupant if it is:

1. Served upon them personally;
2. Sent by registered mail to their last known address; or
3. If either of the foregoing subsections (1) or (2) are impossible or refused, then posted in a conspicuous place on or about the building, dwelling or premises.

C. Transfer of Ownership Prohibited. It shall be unlawful for the owner of any building or dwelling unit who has been served a corrective action order to sell, transfer, mortgage, lease, or otherwise dispose of the building or dwelling unit, or its ownership interest therein, until they have either:

1. Effected compliance with the provisions of this Code; or
2. Furnished the grantee, transferee, mortgagee, or lessee a true copy of the corrective action order, and has given the City Clerk a signed and notarized Affidavit from said grantee, transferee, mortgagee, or lessee that acknowledges receipt of such corrective action order and unconditionally accepts responsibility for making the required repairs.

D. Renting Prohibited. It is unlawful for any person to occupy, rent, or hold out to another for occupancy, any building or dwelling unit for the purpose of living therein, where such dwelling unit does not comply with the steps required by the corrective action order.

8.02.090 Conditional Permits

A Certificate of Occupancy may be granted on a conditional basis when in the judgment of the City, practical difficulties interfere with completing all repairs required to bring the premises into full compliance with this Code prior to permitted occupancy. However, no Certificate of Occupancy shall be issued when there is a condition on the premises which can threaten the health and safety of an occupant. No Certificate of Occupancy shall be issued under the provisions of this Code for premises which have been newly constructed, newly altered, or on which a change in uses is proposed unless a Certificate of Use and Occupancy has first been issued under the provisions of the City's Zoning Code.

8.02.100 Inspections Authorized; Right of Entry

A. The City is authorized and directed to make inspections to determine the condition of buildings and dwelling units located within the City in order that it may perform its duty of safeguarding the health and safety of the occupants of buildings and of the general public.

B. For the purpose of making such inspections the City is authorized to enter, examine and survey the interior of the building and dwelling units under the following circumstances:

1. Upon a Change of Occupancy.
2. Upon a Change of Ownership.
3. Upon owner and/or tenant request or complaint.
4. When there is Probable Cause to believe a Code violation may exist.

C. Under the above circumstances, the City may examine and survey all buildings and dwelling units, and their premises, for the purpose of determining whether or not there is compliance with this Code.

D. The owner or the owner's authorized agent and the occupant, if occupied on the date of inspection, of every building or dwelling unit, shall give the City access to such building and its premises, or dwelling unit, at all reasonable times, for the purposes as stated in this Code, at all reasonable times upon presentation of proper identification and a written inventory of the specific areas and facilities to be inspected, examined and surveyed on a form prepared by the City. If any owner or the owner's authorized agent, or the occupant, if occupied as of the date of the inspection, refuses to permit free access or entry into such building or any part thereof with respect to which an inspection authorized by this Code is sought to be made, the City may petition and obtain a warrant to inspect or an order from a court of competent jurisdiction directing compliance with the inspection requirement of this Code.

E. Regular inspections and regular re-inspections shall be scheduled for normal work days and times of the City, unless appointments for non business hours are otherwise agreed to by the City. It shall be the responsibility of the owner or the owner's agent or tenant to provide access to the building(s) within 7 days from the date of a request by the City to gain entry and free access.

F. Every occupant of a building or dwelling unit shall give the owner thereof, or his agent, contractor, or employee, free access to any part of such building or dwelling unit, or their premises, at all reasonable times for the purpose of making such inspection, repair, maintenance, or alterations as are necessary to effect compliance with this Code or with any lawful rule or regulation adopted or order issued pursuant to this Code.

8.02.110 Health and Life Threatening Violations

1. Inspections pursuant to this Code of the following shall be limited to health and life threatening violations relating to the following:
 1. Smoke and carbon monoxide detectors.
 2. Stairways, railings, balusters, and steps.
 3. Water heaters.
 4. Heating and ventilation system.
 5. Gas lines system.
 6. Electrical system.
 7. Plumbing system.
 8. Other utility services facilities.
 9. Sidewalks and driveways.
 10. Ingress and egress of doors and windows.
 11. Fireplaces and chimneys.
 12. Swimming pools, spas, and hot tubs.
 13. Premises identification.
 14. Gutters and downspouts.
 15. Foundation walls.
 16. Decks, porches, and balconies.
 17. Exterior door locks.
 18. Sump pump discharge.
 19. Fire separation barriers.
 20. Roof systems.
 21. Obvious interior or exterior defects that may impact the health and safety of an occupant.
 22. Over occupancy, in that the occupancy of the dwelling units exceeds the maximum density, minimum space, use and location requirements of the City's Municipal Code.
 - a. The provisions of this sub section 22 shall not apply to:
 - (i) hotels, motels, and hospitals;
 - (ii) units of local government or other governmental agencies not subject to the City's Building Codes;
 - (iii) owners who occupy single-family residences and duplexes;
 - (iv) purchaser(s) pursuant to a contract for deed who occupy a single family residence or duplex and the contract is duly recorded in the Office of Recorder of Deeds of Madison or St. Clair County. This exemption shall only be available to an owner for a period of 12 months at a time before it must be reestablished by a signed and notarized Affidavit submitted to the City.
 - b. When a nonresidential building or premises, or a state or federally licensed and inspected use occupies a portion of a building or premises that would be exempt from this sub section, the provisions of this Section shall be applicable to the residential, common, and public areas of such building or premises.

8.02.120 Revocation of Permit

1. The City may revoke a previously issued Certificate of Occupancy under any of the following conditions:
 1. The submission of false statements or misrepresentation of facts in the application on which a Certificate was issued.
 2. A violation which could be detrimental to the health, safety, or welfare of the occupants has not been removed within the time frames mandated by the City.
 3. A reinspection performed pursuant to this Code which reveals a violation that could be detrimental to the health, safety, or welfare of the occupants.
 4. Failure to give written notice to the City of a change in ownership or change of occupancy of a building or dwelling unit.

8.02.130 Registration of Multi-Family Buildings for Rent

All owners or operators of residential buildings that are rented or are available for rent, and that consist of three or more dwelling units, shall be required to register each dwelling unit of such building within 90 days of the effective date of this Code. After the effective date of this Code, it shall be unlawful for any person to rent a building or dwelling unit unless they have complied with the provisions of this Code.

8.02.140 Administrative Adjudication of Certain Ordinance Violations

If an owner of a building or dwelling unit, or the person or persons responsible therefore, fails to respond to any notice of a violation of any provision of this Code or any rule or regulation adopted pursuant thereto by proceeding with the abatement of such violation, then and in such event, the City may seek enforcement by any remedies available to it and without the exclusion of any other available remedies.

8.02.150 Condemnation of Buildings

The designation of a building as dangerous or unfit for human habitation and the procedure for the demolition and placarding of such unfit buildings shall be in accordance with the provisions of Divisions 30 and 31.1 of the Illinois Municipal Code (65 ILCS 5/11-30-1 et seq. and 65 ILCS 5/11/31.1-1 et seq.), as applicable, or any other remedy provided by law.

8.02.160 Additional Remedies Preserved

A. All additional remedies granted to the City by the state statutes are hereby preserved and unimpaired by enactment of this Code and the following state statutes are hereby expressly incorporated by reference into and made a part of this Code:

1. Section 11-13-15 of the Illinois Municipal Code, (65 ILCS 5/11-13-15), as amended, concerning proceedings to prevent violation.
2. Section 11-13-17 of the Illinois Municipal Code (65 ILCS 5/11-13-17), as amended, concerning substandard structures- eminent domain.
3. Section 11-31-2 of the Illinois Municipal Code (65 ILCS 5/11-31-2), as amended, concerning injunction-receivership lien.
4. Section 11-31.1-1 through 11-31.1-12.1 of the Illinois Municipal Code (65 ILCS 5/11-31.1), as amended, concerning hearing officer procedures and civil liability for excess number of rentals.
5. Section 221a and 222b of An Act to Revise the Law in Relation to Criminal Jurisprudence, (740 ILCS 55/221a, 55/221b), as amended, concerning dumping of garbage.

8.02.170 Duties of Public Utilities

Every person that supplies or provides Utility Services as defined in this Code shall not commence such service or initiate providing such service to any building, dwelling unit, person, or party, unless the person or party intending to occupy the same, has presented to the Utility Services supplier or provider a Certificate of Occupancy for that location wherein the signature of the appropriate City official is affixed thereto with its seal imprinted thereon. This Section shall not apply to any occupancy wherein the occupant is seeking restoration of utility service subsequent to a discontinuance or disconnection of same due to maintenance, repairs or nonpayment of the Utility Service, or where the occupant is seeking additional services at the same building or dwelling unit.

8.02.180 Rehabilitation Certificate of Occupancy

Upon application to the City, a Rehabilitation Certificate of Occupancy for a maximum of 120 days may be granted for the limited purpose of allowing Utility Services to the premises while the buildings or dwelling units thereon are brought in full compliance with this Code and prior to the issuance of a Certificate of Occupancy pursuant to this Code. Upon application to the City, a Rehabilitation Certificate of Occupancy may be extended thereafter in periods of 60 days increments without any additional filing fees, up to a total of 12 months per Rehabilitation

Certificate of Occupancy.

No building or dwelling unit may be occupied by a person under a Rehabilitation Certificate of Occupancy.

8.02.190 Retaliatory Evictions by Owner

No owner or lessor shall evict or cause to evict or terminate the tenancy of a renter or lessee as retaliation because that renter or lessee complains to the City or the circuit court of the county against the owner charging the owner with violation of this Code or with violation of any warranty of habitability accruing to the renter or lessee from the owner.

8.02.200 Access by Owner or Operator

The occupant(s) of every building or dwelling unit shall give the owner or operator, or his agent or employee, free access thereto at any reasonable time in order to allow him to make any inspection, alteration, maintenance, or repair necessary to effect compliance with this Code.

8.02.210 Forms, rules and regulations

The City Manager is authorized to adopt such forms and policies as may be necessary for the proper enforcement of this Code, provided that such forms and policies shall not be in conflict with this Code.

8.02.220 Appeals

Any person affected by a decision of the City or a notice or order issued under this Code shall have the right of appeal to the Building Board of Appeals as established by Section 112 and Appendix B of the City's International Building Code.

8.02.230 Penalties for Violation

Any person who shall violate any of the provisions of this Code or shall fail to comply with any lawful order issued pursuant to any section of this Code, upon conviction therefore, shall be punished in accordance with the general penalty for violations of ordinances of the City. Each day that such violation or failure to comply continues after issuance of notice by the City shall constitute a separate offense.”

Section 2. In the event any section, part of provision of this Ordinance or Chapter shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance, other than the part held unconstitutional or invalid.

Section 3. All ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

Section 4. This Ordinance is effective upon its passage by the City Council, approval by the Mayor, and publication according to law.

Passed and approved this ____ day of _____, 2010.

Ayes: _____

Nays: _____

Absent: _____

Approved: _____

APPROVED:

John Miller, Mayor

ATTEST: _____

Cheryl Brombolich, City Clerk

RECORDED: _____, 2010.