

ORDINANCE NO. 050242
0-05-91

An ordinance of the City of Gainesville, Florida, amending section 6-3, City of Gainesville Code of Ordinances; updating section 6-3 by adopting the Administration Chapter of the 2004 Florida Building Code (2004); updating and making conforming changes to the existing local amendments to chapter 1 of the Florida Building Code (2004); relocating the text contained in sections 104.5, 104.5.1, 104.5.1.2, 104.5.1.4, 104.5.1.5, 104.6.2, 104.6.4, and 104.6.5 for conformity with the Florida Building Code (2004); stating factors for issuance of a certificate of occupancy as stated in the Florida Building Code (2004); creating specific time limits for completion of construction for both residential and commercial building permits; repealing obsolete language regarding building valuation data; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 6-3, City of Gainesville Code of Ordinances, is hereby amended to read as follows:

Sec. 6-3. Administration chapter adopted.

(a) Chapter 1, Administration, of the Florida Building Code, ~~2001~~ 2004 Edition, as developed by the Florida Building Commission is hereby adopted for use with the Florida Building Code and this Chapter 6 of the City of Gainesville Code of Ordinances, and from the date upon which

1 this section shall take effect, the provisions thereof, except as changed or altered in this article,
2 shall be controlling within the corporate limits of the city.

3 (b) The administration chapter adopted above is hereby amended (the succeeding section
4 numbers in this section refer to Chapter 1, Administration, as contained in the Florida Building
5 Code, ~~2001~~ 2004 Edition, unless otherwise indicated).

6 Section ~~101.3.3~~ 101.2.2 is hereby created and added to read as follows:

7 ~~101.3.3~~ 101.2.2 *Scope: Permitting and inspection.* The inspection or permitting of any building,
8 system or plan by the jurisdiction under the requirements of this code shall not be construed in
9 any court as a warranty of the physical condition of such building, system or plan or their
10 adequacy. Neither the jurisdiction nor any employee thereof shall be liable in tort for damages for
11 any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor
12 for any failure of any component of such, which may occur subsequent to such inspection or
13 permitting, unless the employee or jurisdiction is found to have acted in bad faith or with
14 malicious purpose in a manner exhibiting wanton and willful disregard of the safety, health and
15 welfare of the public.

16 Section ~~101.4.13~~ 102.8 is hereby created and added to read as follows:

17 ~~Section 101.4.13~~ 102.8 *Wind Line.* 1-75 is hereby established as the physical landmark of the
18 wind speed line for the City of Gainesville. All structures constructed East of the established line
19 shall be designed for 100 MPH. All structures constructed West of the line shall be designed for
20 110 MPH. Interpolation shall be allowed.

21 Section ~~102~~ 103 is hereby created and added to read as follows:

22 ~~Section 102~~ 103. *Building Inspection Department*

~~102.1~~ 103.1 *Establishment*. There is hereby established a department to be called the Building Inspection Department and the person in charge shall be known as the Building Official.

~~102.2~~ 103.2 *Records*. The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection as required by law.

Sections ~~103.1~~ 104.1 through ~~103.6~~ 104.6 are hereby created and added to read as follows:

~~103.1~~ 104.1 *General*. The building official is hereby authorized and directed to enforce the provisions of this code. The building 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, and shall not have the effect of waiving requirements specifically provided for in this code.

~~103.2~~ 104.2 *Right of entry*

~~103.2.1~~ 104.2.1 Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code.

If such building or premises are occupied, the building official shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or

control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

~~103.2.2~~ 104.2.2 When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

~~103.3~~ 104.3 *Stop work orders.* Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

~~103.4~~ 104.4 *Revocation of permits.* The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provisions of this code.

~~103.4.1~~ 104.4.1 *Misrepresentation of application.* The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

~~103.4.2~~ 104.4.2 Violation of code provisions. The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

~~103.5~~ 104.5 *Unsafe buildings or systems.* All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems.

All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Code of Ordinances.

~~103.6~~ 104.6 *Requirements not covered by code.* Any requirements necessary for the strength, stability or proper operation of any existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or other technical codes, shall be determined by the building official.

Section ~~104.1.1~~, 105.1, is hereby amended to read as follows:

~~104.1.1~~105.1 *When required.* Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy or occupant content of a building or structure, or any outside area being used as part of the building's designated occupancy (single or mixed) 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 the

technical codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work.

Section 105.2 is hereby amended to read as follows:

105.2 Work exempt from permit.

Exemptions 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. Permits shall not be required for the following

~~Exceptions:~~

1. Permits shall not be required for the following mechanical work.

1.1 Any portable heating appliance;

1.2 any portable ventilation equipment;

1.3 any portable cooling unit;

1.4 any steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

1.5 replacement of any part which does not alter its approval or make it unsafe;

1.6 any portable evaporative cooler;

1.7 any self-contained refrigeration system containing 10 lb (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less; and

1.8 the installation, replacement, removal, or metering of any load management control device.

2. Permits shall not be required for the following work.

2.1 Pre-engineered and pre-manufactured structures of 100 square feet or less only in single family residential and residential conservation zoning districts; and

2.2 Individual doll houses, play houses, animal or bird houses that are neither to be used for human habitation, i.e., a place of permanent or temporary residence, nor storage as a principal use.

Section ~~104.1.6~~, 105.3.2 is hereby amended to read as follows.

~~104.1.6~~ 105.3.2 Time Limitations. Except as otherwise provided, an application for a permit for any proposed work shall be deemed to have been abandoned, and shall expire by limitation and become null and void ~~6 months~~ 180 consecutive days after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 consecutive days each may be allowed by the building official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

Section 105.4.1 is hereby created and added to read as follows.

105.4.1 Permit limitations. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this code. Except as provided below, every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 consecutive days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 consecutive days after the time the work is commenced. Failure to obtain an approved inspection within 180 consecutive days of the previous approved inspection shall constitute suspension or abandonment. One or more extensions of time, for periods not more than 180 consecutive days each, may be allowed by the building official for the permit, provided the extension is requested in writing and justifiable

1 cause is demonstrated prior to the expiration date. The building official shall record the extension
2 of time granted.

3 Section 105.4.1.2 is hereby created and added to read as follows:

4 105.4.1.2 If a new permit is not obtained within 180 consecutive days from the date the initial
5 permit became null and void, was revoked, or abandoned, the building official is authorized to
6 require that any work which has been commenced or completed be removed from the building
7 site. Alternately, a new permit may be issued on application, providing the work in place and
8 required to complete the structure meets all applicable regulations in effect at the time the initial
9 permit became null and void, was revoked, or abandoned, and any regulations which may have
10 become effective between the date of expiration and the date of issuance of the new permit.

11 Section 105.4.1.3 is hereby created and added to read as follows:

12 105.4.1.3. Work shall be considered to be in active progress when the permit has received an
13 approved inspection within 180 consecutive days; however, in all cases a building permit issued
14 for a structure classified as residential, as described in chapter 3 of the Florida Building Code
15 (2004), shall be closed, all work completed, and a certificate of occupancy issued within two and
16 one-half years or 30 consecutive months from the date of initial issuance of the permit. In all
17 cases a building permit issued for a structure classified as other than residential, per chapter 3 of
18 the Florida Building Code (2004), shall be closed, all work completed, and a certificate of
19 occupancy issued within three years or 36 consecutive months from date of initial issuance of the
20 permit. In the event said buildings are not completed, the permit shall expire and be deemed null
21 and void, and no further work shall be permitted under said permit. This provision shall not be
22 applicable in case of civil commotion or strike or when the building work is halted due directly to
23 judicial injunction, order, or similar process.

1 Section 105.4.1.4 is hereby created and added to read as follows:

2 105.4.1.4 The fee for renewal, re-issuance and extension of a permit shall be set forth in

3 Appendix A to the City of Gainesville Code of Ordinances.

4 Section 105.4.1.5 is hereby created and added to read as follows:

5 105.4.1.5 Except as provided in this section, permits issued for the demolition of a structure shall

6 expire sixty (60) consecutive days from the date of issuance unless work has commenced on the

7 site. In the case of a permit issued for demolition of a structure that has a currently pending

8 notice of violation or order to repair or demolish the structure issued under Chapter 16 of the City

9 of Gainesville Code of Ordinances or an outstanding order of the Code Enforcement Board

10 requiring such, the permit shall expire 14 consecutive days from the date of issuance unless work

11 has commenced on the site. For a justifiable cause, one (1) extension of time for a period not

12 exceeding thirty (30) consecutive days may be allowed. Such request shall be submitted in

13 writing to the building official prior to the expiration of the demolition permit.

14 Section 105.12 is hereby created and added to read as follows.

15 105.12 Work starting before permit issuance. Any person who commences any work on a

16 building, structure, electrical, gas, mechanical or plumbing system before obtaining the building

17 official's approval or the necessary permits shall be subject to a penalty of 100 percent of the

18 usual permit fee in addition to the required permit fees or as provided by Appendix A of the City

19 of Gainesville Code of Ordinances. This provision shall not apply to emergency work when delay

20 would clearly have placed life or property in imminent danger. But in all such causes the required

21 permit(s) must be obtained within three (3) business days and any unreasonable delay in

22 obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee

23 shall not preclude or be deemed a substitute for prosecution for commencing work without first

1 obtaining a permit nor preclude the imposition of any other remedy or penalty provided by law.

2 The building official may grant extensions of time or waive fees when justifiable cause has been
3 demonstrated in writing.

4 Section 105.15 is hereby created and added to read as follows.

5 105.15 Schedule of Permit Fees. On all buildings, structures, electrical, plumbing, mechanical
6 and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at
7 the time of filing application, in accordance with the schedule as established by Appendix A to
8 the City of Gainesville Code of Ordinances.

9 Section ~~104.2.1.2~~ 106.1.2 is hereby created and added to read as follows:

10 ~~104.2.1.2~~ 106.1.2 Additional data. The building official shall be allowed to require details,
11 computations, stress diagrams, and other data necessary to describe the construction or
12 installation and basis of calculations.

13 Section ~~104.2.4~~ 106.1.3 is hereby ~~amended~~ created and added to read as follows:

14 ~~104.2.4~~ 106.1.3 Site drawings. Drawings shall show the location of the proposed building or
15 structure and of every existing building or structure on the site or lot. The building official shall
16 be permitted to require a boundary line survey prepared by a qualified surveyor.

17 Section ~~104.2.5~~ 106.3.3 is hereby created and added to read as follows.

18 ~~104.2.5~~ 106.3.3 Hazardous occupancies. The building official may require the following:

19 1. *General site plan.* A general site plan drawn at a legible scale which shall include, but not be
20 limited to, the location of all buildings, exterior storage facilities, permanent access ways,
21 evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas,
22 storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The

1 exterior storage areas shall be identified with the hazard classes and the maximum quantities per
2 hazard class of hazardous materials stored.

3 2. *Building floor plan.* A building floor plan drawn to a legible scale, which shall include, but
4 not be limited to, all hazardous materials storage facilities within the building and shall indicate
5 rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid
6 tight rooms, and evacuation routes.

7 Each hazardous materials storage facility shall be identified on the plan with the hazard classes
8 and quantity range per hazard class of the hazardous materials stored.

9 Section 104.5 is hereby amended to read as follows.

10 ~~104.5.1 Permit intent. A permit issued shall be construed to be a license to proceed with the~~
11 ~~work and not as authority to violate, cancel, alter or set aside any of the provisions of the~~
12 ~~technical codes, nor shall issuance of a permit prevent the building official from thereafter~~
13 ~~requiring a correction of errors in plans, construction, or violations of this code. Except as~~
14 ~~provided below, every permit issued shall become invalid unless the work authorized by such~~
15 ~~permit is commenced within 6 months after its issuance, or if the work authorized by such permit~~
16 ~~is suspended or abandoned for a period of 6 months after the time the work is commenced.~~
17 ~~Failure to obtain an approved inspection within 180 days of the previous approved inspection~~
18 ~~shall constitute suspension or abandonment. One or more extensions of time, for periods not~~
19 ~~more than 180 days each, may be allowed by the building official for the permit, provided the~~
20 ~~extension is requested in writing and justifiable cause is demonstrated prior to the expiration~~
21 ~~date. The building official shall record the extension of time granted.~~

22 Section 104.5.1.2 is hereby amended to read as follows:

1 ~~104.5.1.2 If a new permit is not obtained within 180 days from the date the initial permit became~~
2 ~~null and void, was revoked, or abandoned, the building official is authorized to require that any~~
3 ~~work which has been commenced or completed be removed from the building site. Alternately, a~~
4 ~~new permit may be issued on application, providing the work in place and required to complete~~
5 ~~the structure meets all applicable regulations in effect at the time the initial permit became null~~
6 ~~and void, was revoked, or abandoned, and any regulations which may have become effective~~
7 ~~between the date of expiration and the date of issuance of the new permit.~~

8 Section 104.5.1.4 is hereby amended to read as follows:

9 ~~104.5.1.4 The fee for renewal, re-issuance and extension of a permit shall be set forth in~~
10 ~~Appendix A to the City of Gainesville Code of Ordinances.~~

11 ~~104.5.1.5 Except as provided in this section, permits issued for the demolition of a structure shall~~
12 ~~expire sixty (60) days from the date of issuance. In the case of a permit issued for demolition of a~~
13 ~~structure that has a currently pending notice of violation or order to repair or demolish the~~
14 ~~structure issued under Section 16-25 or Section 16-26 of the City of Gainesville Code of~~
15 ~~Ordinances or an outstanding order of the Code Enforcement Board requiring such, the permit~~
16 ~~shall expire 14 days from the date of issuance. For a justifiable cause, one (1) extension of time~~
17 ~~for a period not exceeding thirty (30) days may be allowed. Such request shall be submitted in~~
18 ~~writing to the building official prior to the expiration of the demolition permit.~~

19 Section 104.6.2 is hereby amended to read as follows.

20 ~~104.6.2 Work commencing before permit issuance.~~ Any person who commences any work on a
21 building, structure, electrical, gas, mechanical or plumbing system before obtaining the building
22 official's approval or the necessary permits shall be subject to a penalty of 100 percent of the
23 usual permit fee in addition to the required permit fees or as provided by Appendix A of the City

1 of Gainesville Code of Ordinances. This provision shall not apply to emergency work when delay
2 would clearly have placed life or property in imminent danger. But in all such causes the required
3 permit(s) must be obtained within three (3) business days and any unreasonable delay in
4 obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee
5 shall not preclude or be deemed a substitute for prosecution for commencing work without first
6 obtaining a permit nor preclude the imposition of any other remedy or penalty provided by law.
7 The building official may grant extensions of time or waive fees when justifiable cause has been
8 demonstrated in writing.

9 Section 104.6.4 is hereby amended to read as follows:

10 ~~104.6.4 Schedule of Permit Fees.~~ On all buildings, structures, electrical, plumbing, mechanical
11 and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at
12 the time of filing application, in accordance with the schedule as established by Appendix A to
13 the City of Gainesville Code of Ordinances.

14 Section 104.6.5 is hereby created and added to read as follows:

15 ~~104.6.5 Building permit valuations.~~ If, in the opinion of the building official, the valuation of
16 building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be
17 underestimated on the application, permit shall be denied, unless the applicant can show detailed
18 estimates to meet the approval of the building official. Permit valuations shall include total cost,
19 such as electrical, gas, mechanical, plumbing equipment and other systems, including materials
20 and labor. The permit valuation may be calculated using the latest Building Valuation Data
21 published by the Southern Building Code Congress International or other applicable model code
22 organization, at the option of the building official.

23 Section 109.3 is amended by adding a new subsection entitled "Site Debris" to read as follows:
24

1 Site Debris

2 1. The contractor and/or owner of any active or inactive construction project shall be
3 responsible for the cleanup and removal of all construction debris or any other miscellaneous
4 discarded articles prior to receiving final inspection approval. Construction job sites must be kept
5 clean, such that accumulation of construction debris must not remain on the property for a period
6 of time exceeding 14 consecutive days.

7 2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

8 Sections ~~405.1~~ 109.7 through ~~405.3~~ 109.9 are hereby created and added to read as follows:

9 ~~405.1~~ 109.7 Existing building inspections. Before issuing a permit, the building official may
10 examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems
11 for which an application has been received for a permit to enlarge, alter, repair, move demolish,
12 install, or change the occupancy. The building official shall inspect all buildings, structures,
13 electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion
14 of the work for which a permit was issued. The building official shall make a record of every
15 such examination and inspection and of all violations of the technical codes.

16 ~~405.2~~ 109.8 Manufacturers and fabricators. When deemed necessary by the building official,
17 the building official shall make, or cause to be made, an inspection of materials or assemblies at
18 the point of manufacture or fabrication. A record shall be made of every such examination and
19 inspection and of all violations of the technical codes.

20 ~~405.3~~ 109.9 Inspection service. The building official may make, or cause to be made, the
21 inspections required by Section ~~405~~ 109. He or she may accept reports of department inspectors,
22 independent inspectors or of recognized inspection services, provided that after investigation
23 he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any

1 provision of this code shall not be based on such reports unless the same are recorded by the
2 building code inspector or the architect or engineer performing building code inspections in a
3 manner specified by the building official. The building official shall ensure that all persons
4 making such inspections shall be certified in accordance to Chapter 468, Florida Statutes.

5 ~~Section 105.6 is amended by adding a new subsection entitled "Site Debris" to read as follows:~~

6 ~~*Site Debris*~~

7 ~~1. The contractor and/or owner of any active or inactive construction project shall be~~
8 ~~responsible for the cleanup and removal of all construction debris or any other miscellaneous~~
9 ~~discarded articles prior to receiving final inspection approval. Construction job sites must be kept~~
10 ~~clean, such that accumulation of construction debris must not remain on the property for a period~~
11 ~~of time exceeding 14 days.~~

12 ~~2. All debris shall be kept in such a manner as to prevent it from being spread by any means.~~

13 ~~Section 106.1.2~~ 110.2 is hereby amended to read as follows.

14 ~~106.1.2~~ 110.2 *Issuing Certificate of Occupancy*. Upon completion of construction of a
15 building or structure and installation of electrical, gas, mechanical and plumbing systems in
16 accordance with the technical codes, reviewed plans and specifications, and after the final
17 inspection, and after verification that all other permits have received an approved final
18 inspection where applicable, the building official shall issue a Certificate of Occupancy
19 stating ~~the nature of the occupancy permitted, the number of persons for each floor when~~
20 ~~limited by law, and the allowable load per square foot for each floor in accordance with the~~
21 ~~provisions of this code~~

22 1. The building permit number.

1 2. The address of the structure.

2 3. The name and address of the owner.

3 4. A description of that portion of the structure for which the certificate is issued.

4 5. A statement that the described portion of the structure has been inspected for
5 compliance with the requirements of this code for the occupancy and division of
6 occupancy and the use for which the proposed occupancy is classified.

7 6. The name of the building official.

8 7. The edition of the code under which the permit was issued.

9 8. The use and occupancy, in accordance with the provisions of Chapter 3.

10 9. The type of construction as defined in Chapter 6.

11 10. The design occupant load.

12 11. If an automatic sprinkler system is provided, whether the sprinkler system is
13 required.

14 12. Any special stipulations and conditions of the building permit.

15 Section ~~107.1~~ 112.1 is hereby created and added to read as follows.

1 ~~107.1~~ 112.1 For products not covered under the statewide product evaluation and approval
2 system, the building official may require tests or test reports as proof of compliance. Required
3 tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory
4 or other approved agency.

5 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
6 this ordinance shall become and be made a part of the Code of Ordinances of the City of
7 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered
8 or relettered in order to accomplish such intentions.

9 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
10 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
11 affect the validity of the remaining portions of this ordinance.

12 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
13 such conflict hereby repealed.

14 **Section 5.** This ordinance shall become effective immediately upon final adoption.

1 **PASSED AND ADOPTED** this 12th day of December, 2005.

2
3
4 Peggy Hanrahan
5 PEGEEN HANRAHAN
6 MAYOR

7
8 ATTEST:

9 [Signature]
10
11 KURT M. LANNON
12 CLERK OF THE COMMISSION

Approved as to form and legality

13
14 [Signature]
15 MARION J. RADSON
CITY ATTORNEY

DEC 13 2005

14 This Ordinance passed on first reading this 28th day of November, 2005.

15 This Ordinance passed on second reading this 12th day of December, 2005.