

**AN ORDINANCE OF THE CITY OF EUREKA ADOPTING CHAPTER 150,
SECTIONS 150.030.001 THROUGH 150.030.036 OF THE EUREKA MUNICIPAL
CODE RELATING TO A RENTAL HOUSING IMPROVEMENT PROGRAM,
AND AMENDING RELATED PROVISIONS IN SECTIONS 155.052, 155.053,
156.069, 156.070, AND 110.59**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

Section 1: Title 15, Chapter 150, Sections 150.030.001 through Section 150.030.036 are hereby adopted to read as follows:

RENTAL HOUSING IMPROVEMENT PROGRAM
(EMC sections 150.030.001 – 150.030.036)

§ 150.030.001 FINDINGS AND PURPOSE

It is found and declared that there exist in the City of Eureka improperly maintained, substandard and unsanitary residential rental properties, the conditions of which are detrimental to the health, safety, welfare, and well-being of their occupants and community. These conditions are also adverse to the interests of law-abiding rental property owners that properly maintain their properties, as well as the community at large. These conditions have a serious adverse impact on the community in many ways: they depress adjacent property values; undermine the physical, social and economic stability of sound and properly maintained properties in the neighborhood, their supporting neighborhood facilities and institutions; necessitates disproportionate expenditures of public funds for monitoring and enforcement; impair the efficient and economical exercise of governmental powers and functions; and generally undermine the quality of life for all affected residential areas and neighborhoods and the community as a whole.

Existing building, housing, zoning, fire, nuisance, health and safety codes provide the City with various authorities to require the abatement of the above-described adverse conditions. Without the adoption of a funding mechanism to routinize inspections and fund staff enforcement activities, however, these enforcement authorities are insufficient by themselves to abate these conditions.

It is in the public interest of the people of Eureka therefore, to adopt and implement this Rental Housing Program, which provides for regular inspections of rental housing, enforcement and abatement of violations found in that inspection process, and a fee structure for funding same.

This sub-chapter is adopted to augment and aid in the implementation of all existing state an local authorities granted to the City under existing law, and to the degree any

provision overlaps with or is inconsistent with applicable state or local law, the provision that is more restrictive and protective of the purposes stated herein shall control.

§ 150.030.002 DEFINITIONS

Except as distinguished below, all definitions set out in the Eureka Municipal Code sections applicable to health, safety, building, nuisance, and zoning requirements applicable to rental housing, including but not limited to sections 150.067, 150.096, 150.152, 150.156, 150.161, 150.162, 155.006, and 156.006, are incorporated herein by reference, for purposes of the implementation of this sub-chapter.

LANDLORD. The landowner or landowners, jointly and individually, as reflected in the current County Tax Assessor's roles for the property in question.

RESIDENTIAL RENTAL PROPERTY OR UNIT. All dwelling units, or portions thereof, for which the owner is compensated for the right for another to occupy the property or unit for living or dwelling purposes for more than 30 consecutive or non-consecutive days in any 6 month period.

TRANSIENTLY OCCUPIED. Any accommodations in hotels, motels, inns or tourist houses that are occupied for 30 days or less by any individual or group in any rolling six-month period.

§ 150.030.003 SCOPE

The provisions of the Rental Housing Program shall apply to all residential rental properties, as defined in section 150.030.002, the land, buildings, and structures appurtenant thereto. The provisions shall not apply to:

(A) Owner occupied housing, where no room, sub-unit, or portion of the structure or premises is rented or leased to another for living or dwelling purposes.

(B) Transiently occupied accommodations in hotels, motels, inns, or tourist homes that are occupied for 30 days or less by any individual or group in any rolling six-month period.

(C) An owner-occupied dwelling unit in a condominium or a nonprofit stock cooperative.

(D) Housing accommodations in any hospital or medical care facility.

(E) Housing accommodations which a government unit, agency or authority both owns and operates, or which are specifically exempted from municipal regulation by state or federal law. This exception shall not apply once the governmental ownership and operation is discontinued and related eligibility for exemption from municipal jurisdiction ceases.

(F) Dwelling units in mobile home parks, and recreational vehicles as defined in California Civil Code section 799.24 in recreational vehicle parks.

§ 150.030.004 ADMINISTRATION

In addition to all authorities granted elsewhere in this Code and in state law, the City Manager is granted the specific authority to administer and enforce all of the provisions of this Code, California Health and Safety Code Sections 17920.3, 17961, 17980 through 17992; California Code of Regulations, Title 25, Division 1, Chapter I, Subchapter 1, Article 6; and all other applicable related provisions of the Eureka Municipal Code relating to housing.

§ 150.030.005 AUTHORIZED ENFORCEMENT OFFICER

The City Manager is hereby designated an authorized representative of the Building Department for the purpose of enforcing and implementing this sub-chapter.

§ 150.030.006 GOVERNING BOARD

The City Manager is hereby designated as the enforcement agent for the City of Eureka, and the Council is designated the governing board of the enforcement agency for the purposes of California Code of Regulations, Title 25, Part 1, Division 1, Subchapter 1, Article 6.

§ 150.030.007 AUTHORIZED REPRESENTATIVE

Whenever a power is granted to or a duty imposed upon the City Manager, the power may be exercised or the duty performed by a duly authorized representative of the City Manager for purposes of this sub-chapter.

§ 150.030.008 SERVICE OF NOTICES AND ORDERS TO OWNER OR LANDLORD

Any notices or orders required to be served on the owner or landlord under this chapter may be served at the last known address of the person cited as that address appears in the last equalized assessment roll; or on any resident manager or authorized agent known to the City; or at the latest address provided to the City by the owner or landlord.

§ 150.030.009 AUTHORITY TO ISSUE CITATIONS

The City Manager shall be authorized to issue citations for violations of this Code. This authority is in addition to all other enforcement authorities granted elsewhere in local, state and federal law.

INSPECTIONS

§ 150.030.010 GENERAL INSPECTION REQUIREMENT

All residential rental properties not exempt from this sub-chapter will be subject to regular inspection by the City Manager.

§ 150.030.011 FEES FOR INSPECTION

Owners of all properties subject to inspection shall pay a regulatory fee per rental unit per year. The fee will be used to finance the cost of inspection and enforcement of applicable housing and health and safety laws. This fee shall be known as the “Rental Housing Program Fee.”

The Rental Housing Program Fee shall be set by the City Council annually, at a rate reasonably calculated to cover, but not to exceed, the amount necessary to implement this sub-chapter and the related building, zoning, housing, fire, nuisance, health and safety codes enforced thereunder.

§ 150.030.012 FREQUENCY OF INSPECTION

(A) Every property subject to this Code shall be inspected:

- (1) At least once at the earliest practicable date after the inception of this program, and
- (2) Upon each conveyance of the rental property to new ownership, an inspection shall be conducted within 60 days after close of escrow.

(B) Follow-up or periodic inspections shall be conducted:

- (1) Based on the conditions found in an inspection (sections 150.030.014, and 150.030.016), or
- (2) Based on a complaint regarding potential code violations or neighborhood impacts, and
- (3) As otherwise provided for under law.

(C) If, upon inspection, a property is found to have no existing or substantial risk of code violations, no further inspections shall be required until the property changes ownership or evidence of non-compliance comes to the City’s attention through complaints or staff observations.

§ 150.030.013 NOTICES AND ORDERS

If, upon inspection, the City Manager discovers one or more violations of this Code, the City Manager shall cause to be issued any and all notices and orders applicable under state and/or local building, zoning, fire, health or safety codes and regulations. To the extent the City Manager deems feasible and consistent with state law, the City Manager may utilize the procedures outlined in Chapter 11 of the Uniform Housing Code.

§ 150.030.014 REINSPECTION

The City Manager shall re-inspect after the time specified in the notice and order has passed to determine whether the violation has been corrected. If it has not been fully corrected to the full satisfaction of the City, then the City Manager may initiate any enforcement action appropriate under state or local law.

§ 150.030.015 RIGHT OF ENTRY

Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter or other applicable law, or whenever the City Manager has reasonable cause to believe that there exists in any residential rental property any violation of the provisions of this sub-chapter or other applicable building, zoning, housing, fire, nuisance, health, safety, or related laws or regulations, the City Manager is hereby authorized to enter the premises at any reasonable time and to inspect it and perform any duty imposed upon the City Manager or authorized representative by this chapter or other applicable law.

This authority shall be subject to the following limitations:

- (A) If the premises are occupied, the City Manager shall first present proper credentials to the occupant and request entry explaining his reasons; and
- (B) If the premises are unoccupied, the City Manager shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry, explaining the reasons.
- (C) The City Manager shall give 48 hours advance written notice to the owner and to the tenants of the date and time of an inspection. The City Manager may provide written notice to the tenants by mail or by the posting of the official notice in the public area of the premises. Prior notice to inspect shall not be required if the inspection is to determine whether a violation of applicable code exists which poses a threat to public health or safety.

If entry is refused or cannot be obtained, the City Manager shall have recourse to every remedy provided by law to secure lawful entry and inspect the premises, including but not limited to securing an inspection warrant pursuant to California Code of Civil Procedure Sections 1822.50 through 1822.57. The City Manager or authorized

representative shall provide notice that a warrant has been issued to both the owner and the occupant at least 24 hours before the warrant is executed, unless the judge finds that immediate execution is reasonably necessary in the circumstances shown.

Notwithstanding the foregoing, if the City Manager has reasonable cause to believe that the conditions on the property are so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the public health or safety, the City Manager shall have the right to immediately enter and inspect the premises and may use any reasonable means required to effect the entry and make an inspection, whether the premises is occupied or unoccupied and whether or not permission to inspect has been obtained. If the premises are occupied, the City Manager shall first present proper credentials to the occupant and demand entry, explaining the reasons and the purpose of the inspection.

§ 150.030.016 INSPECTION CRITERIA.

As provided by this Chapter, the City Manager may determine when a building or dwelling unit shall be inspected based on a finding of substantial risk of violations of this chapter, based the following criteria:

- (A) The current condition of the premises, including the number, nature and severity of violations found.
- (B) The history of the property in the previous three years, including whether it has been the subject of previous or ongoing enforcement action involving health or safety issues.
- (C) The record in the past three years of those persons or entities who own, manage or control the premises with respect to health or safety violations at the premises or other properties, including whether they have been subject to any enforcement action.
- (D) Whether the property has delinquent fees relating to code enforcement violations.
- (E) Whether the property has been declared tax defaulted for delinquent property taxes.
- (F) Whether the property has delinquent utility bills in excess of 3 months.
- (G) Whether the property is unoccupied and not being properly maintained due to either an absentee owner, foreclosure status, or similar circumstances.
- (H) Any other criteria determined by the City Manager to be indicative of the existence of health or safety violations.

§ 150.030.017. WRITTEN NOTICE TO OCCUPANTS.

After an inspection is conducted, the City Manager shall provide written notice to the occupant in each unit inspected pursuant to this chapter which, at a minimum, states that an inspection occurred and provides the address and telephone number where the occupant can get further information about the inspection. This notice may be provided by leaving it in the unit, by posting it at the premises, or by mailing it to the occupant.

VIOLATIONS

§ 150.030.018. REMOVAL OF POSTED NOTICES OR ORDERS.

It shall be unlawful for any person to remove, alter, deface, tamper with or alter the visibility of any notice or order posted at the premises pursuant to this Code until a minimum of 21 days have passed in which the notice was continuously posted, or until the conditions described in the notice have been fully abated, whichever is later. If any posting is removed or tampered with, it shall be the responsibility of the owner or the owner's agent to promptly replace the notice or order.

§ 150.030.019. ORDERS.

Whenever the City Manager determines by inspection that any existing property, subject to this chapter, or portion thereof, is in violation of this provisions of this sub-chapter or other applicable building, zoning, housing, fire, nuisance, health, safety, or related laws or regulations, the City Manager shall order the violation corrected.

The order shall be provided to the owner in plain language stating the violation(s) found and the applicable codes with which the property is not in compliance. The order shall inform the owner that failure to correct the violation may result in additional inspection fees pursuant to this chapter, fines or penalties, criminal prosecution or any other enforcement action.

The order shall be served on the owner by first class mail. A copy of the order shall be provided to each affected residential unit in the manner prescribed by Subdivision (a) of California Health and Safety Code Section 17980.6.

TIME TO COMPLY

§ 150.030.020. GENERAL.

Except as provided otherwise in this chapter or other applicable local or state law that may be more restrictive, the order shall give the owner not more than 30 days to correct the violation. If the inspections or re-inspections do not occur within the time frames stated in this division, it does not remove the obligation of the owner or person in charge or control of the premises to comply with any orders or notices.

§ 150.030.021. REINSPECTIONS.

Except as provided otherwise in this chapter, the City Manager shall re-inspect the property, building or dwelling unit, as appropriate, within 5 days or as soon thereafter as possible, but no later than 15 days, of the compliance date specified in the order; and again within 5 days or as soon thereafter as possible, but no later than 15 days, of any extended compliance dates agreed to by the City in writing. The City Manager's inability or failure to perform a reinspection within these prescribed timeframes shall not serve to extend any deadlines or excuse or waive any obligations imposed on the owner of the residential rental property under any order or law.

§ 150.030.022. EXTENSIONS.

If the violation has not been corrected by the compliance date but significant progress has been completed, the inspector may grant a single extension of time, in writing, not to exceed 30 days. If upon subsequent reinspection the violation has not been corrected but significant additional progress has been completed since the previous inspection, the inspector's supervisor may grant a single additional extension of time, in writing, not to exceed 30 days. Any other or further extensions of time may be granted only by the City Manager. The extensions permitted by this section are not automatic and may only be granted for good cause based on evidence in the record (e.g., photographs of work done and documents supporting any assertions that contracts for additional work have been engaged). In determining whether to grant any extension, the City Manager shall also consider any ongoing potential risk to health and safety, ongoing impacts to the neighbors, and the history of the owner in regards to previous violations, if any.

§ 150.030.023. CONDITIONS POSING SERIOUS RISK.

If the condition poses a serious risk to the health or safety of the occupants or the public, the inspector shall order the condition to be abated in not more than 14 days. No extensions of time shall be granted except by approval of the City Manager himself or herself, in writing. This authority is in addition to any and all authorities available to the City under local and state law for the abatement of substandard, hazardous, or immediately dangerous structures or conditions, including but not limited to the authorities provided under the Eureka Municipal Code governing unsafe structures (EMC §§ 150.140 – 150.999.)

§ 150.030.024. CONDITIONS POSING IMMINENT THREAT.

Where the City Manager determines that the condition poses a present, imminent, extreme and immediate hazard or danger to life or limb, health or safety, he or she shall order abatement of the conditions within 48 hours. No extensions of time shall be granted except as provided by regulation. Within 24 hours after the time to abate, the City Manager shall conduct a re-inspection of the building or dwelling unit to determine compliance with the order. If the condition has not been abated, the City Manager shall have the authority to make the necessary repairs, at the owner's expense, to ensure

immediate repair of dangerous, life threatening conditions. This authority is in addition to any and all authorities available to the City under local and state law for the abatement of substandard, hazardous, or immediately dangerous structures or conditions, including but not limited to the authorities provided under the Eureka Municipal Code governing unsafe structures (EMC §§ 150.140 – 150.999.)

§ 150.030.025. ENFORCEMENT

Whenever a violation has not been corrected by the time specified for compliance, the City Manager shall proceed to initiate any and all appropriate enforcement remedies and penalties triggered by the violation under provisions of this sub-chapter or other applicable building, zoning, housing, fire, nuisance, health, safety, or related laws or regulations state and/or local law.

TENANTS AND NEIGHBORS

§ 150.030.026. EVICTIONS.

The landlord may not evict a tenant in retribution for notifying the City of violations of code requirements or substandard conditions, unless the tenant is the cause, or a substantial contributing cause, of those conditions. The landlord may evict tenants as necessary if the vacation of the property is not for the purpose of retribution and is necessary to conduct the necessary repairs. If, however, the dominant intent of a landlord in seeking to recover possession of a rental unit is retaliation for the tenant's or the City Manager's exercise of rights or duties under this chapter, and if the tenant is not in default as to the payment of rent, then the landlord may not recover possession of a rental unit in any action or proceeding or cause the tenant to quit voluntarily.

If a landlord brings an action to recover possession of the dwelling until within 180 days of the City's issuance of any Notice of Violation, Order to Comply, or other Order or legal action taken by the City under this Chapter, the landlord is required to provide written notice to the City Manager concurrent with the notice to the tenant. In such circumstances, the City Manager will inquire into the case to ensure that the eviction is not retaliatory for actual or perceived tenant complaints having led to code enforcement. If the evidence available to the City Manager indicates that the tenant did not cause the conditions leading to the code enforcement action, the City Manager may, at his or her discretion, offer any related evidence to the court in the eviction proceeding germane to that proceeding. The intent of this section is to protect innocent tenants from retaliatory evictions and to encourage tenants to notify the City of substandard conditions without fear of retribution.

§ 150.030.027. RETALIATORY ACTS BY LANDLORD.

The landlord may not take punitive actions against the tenants, including but not limited to: increasing the rent or adding or increasing fees or deposits for the existing tenants of any dwelling unit that is the subject of the order from the date of the order to a period of

one year after the City Manager determines that the landlord has complied with the order. The determination shall include the date of the landlord's compliance for purposes of calculating the one year period.

§ 150.030.028. CIVIL ACTIONS; TENANTS

Any tenant that suffers punitive action by a landlord in violation of sections 150.030.026 or 150.030.027 above is declared to be damaged thereby.

(A) Any such tenant may institute a civil action against the landlord. Damages shall include the actual damages, costs, attorney's fees and a civil penalty of up to \$500 in addition thereto.

(B) Nothing in this provision shall be construed to limit any other right or remedy otherwise available in law or equity to the affected tenant, nor shall this provision in any way limit the city's right to enforcement under any other provision of this code, nor shall it create a duty or obligation on the part of the city.

§ 150.030.029 CIVIL ACTIONS; PRIVATE PARTIES

Any neighbor or member of the community that experiences adverse effects associated with excess emergency response calls to any residential unit regulated by this chapter is declared to be damaged thereby.

(A) For purposes of this section, "excess emergency response calls" are four or more calls in any 12 month period requiring response by any fire or police agency in the City limits.

(B) Any such affected party may institute a civil action against the landlord. Damages shall include the actual damages, costs, attorney's fees and a civil penalty of up to \$500 in addition thereto.

(C) Nothing in this provision shall be construed to limit any other right or remedy otherwise available in law or equity to any affected person, nor shall this provision in any way limit the city's right to enforcement under any other provision of this code, nor shall it create a duty or obligation on the part of the city.

COST RECOVERY

SEC. 150.030.029. ADDITIONAL INSPECTION FEES.

If an order to comply is issued and the violation continues to exist after the date to comply has passed or upon reinspection, the City Manager is hereby authorized to impose an additional inspection fee pursuant to Section 150.030.005. Fees may be charged for the third inspection and any subsequent inspection until compliance is attained. The fees

may be imposed administratively without a hearing but may be appealed pursuant to sections 10.47 through 10.59.

SEC. 150.030.030. ADMINISTRATIVE COSTS.

The costs, including preparation, inspections, appearances at hearings, the cost of administration and supervision of any work required to abate substandard buildings or violations cited in a notice and order, and all attendant costs for this code enforcement action shall be assessed upon the property owner, including staff and attorneys' fees, at an accrued hourly rate to be set by the City Manager, if the City Manager or authorized representative determines that the owner has not completed the required corrective action for all code violations cited in the notice or order within the time period specified in the notice or order or any extensions granted.

PENALTIES

SEC. 150.030.031. INSPECTION FEES, LATE FEES AND PENALTIES.

A late charge equal to two times the fee or cost and a collection fee equal to 50 percent of the original fee or cost shall be imposed if any fees or costs imposed by this division, including fees for inspections pursuant to Eureka Municipal Code Section 150.030.005, are not paid within 30 days of mailing of the billing or the service of notice of the fee or cost, or within 30 days of mailing of any decision on appeal pursuant to Eureka Municipal Code Sections 10.47 through 10.59. Any owner who fails to pay the assessed fee or cost, late charge or collection fee shall also pay interest. Interest shall be calculated at the percentage rate as set by the City Council, on the amount of the fee or cost, late charge and collection fee imposed, from the 60th day after the date of mailing of this notice until the date of payment. Any partial payments of the fee or cost, late charge, collection fee or interest received shall be applied first to interest, then late charge and collection fee, and lastly to the fee or cost. The City shall have the right to bring legal action in any court to enforce the order and collect the amount of these fees or costs. Any fee, cost, late charge or collection fee imposed herein may be appealed by grievant the pursuant to Eureka Municipal Code Sections 10.47 through 10.59.

SEC. 150.030.032. LIEN.

In addition to any other remedy provided by law, the City of Eureka may collect any judgment, fee, cost, or charge, including any permit fees, fines, late charges, or interest, incurred in relation to the provisions of this chapter as provided in Eureka Municipal Code Section 10.58.

NOTICES – SUBSTANDARD CONDITIONS.

SEC. 150.030.035. NOTICING.

If the building or dwelling unit has been declared substandard pursuant to California Health and Safety Code Section 17920.3 and/or the Eureka Municipal Code section 150.162, the City Building Official shall post on the building or dwelling unit, in a conspicuous place near the entrance, a warning placard or sign informing the occupants of the fact that the premises have significant health or safety violations and notice shall be provided to each affected residential unit in the manner prescribed by Subdivision (a) of California Health and Safety Code Section 17980.6. The notice need not contain the precise wording of this section.

SEC. 150.030.036. FRANCHISE TAX BOARD NOTIFICATION

If the building or dwelling unit has been declared substandard pursuant to California Health and Safety Code Section 17920.3, and/or the Eureka Municipal Code section 150.162, and after written notice of the violation, specifying the applicability of this section, has not been brought to a condition of compliance within six months after the date of the notice or the time prescribed in the notice, whichever period is later, then the City Manager shall notify the Franchise Tax Board of the noncompliance and shall record a copy of the notice with the office of the County Recorder following the procedures set forth in California Revenue and Taxation Code Section 17274(c).

Within 30 days after the property has been brought to a condition of compliance, the City Manager shall send a notice of compliance to the Franchise Tax Board, with a copy of the notice also sent to the County Recorder.

Section 2: Title 15, Chapter 155, sections 155.052, 156.069, 156.070, and 110.059 are hereby amended as follows:

§ 155.052 RS-6,000 ONE-FAMILY RESIDENTIAL DISTRICTS.

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this chapter:

* * *

(13) “Bed and breakfast inn” in which not more than ~~45~~ 6 paying guests may be lodged or boarded, provided that the site of such inn shall not be less than one acre in area; and

§ 155.053 RM MULTI-FAMILY RESIDENTIAL DISTRICTS.

* * *

(E) *Permitted uses.* The following uses shall be permitted in the RM-2,500 and RM-1,000 Districts:

* * *

(3) Lodging houses and bed and breakfast inns in which not more than ~~45~~ 6 paying guests may be lodged or boarded.

§ 156.069 RS — ONE-FAMILY RESIDENTIAL DISTRICTS.

* * *

(D) *Conditional uses.* The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of §§ 155.280 through 155.299 of this title:

* * *

(13) Bed and breakfast inns in which not more than ~~45~~ 6 paying transient guests may be lodged or boarded, provided that the site of such inn shall not be less than one acre in area; and,

§ 156.070 RM — MULTI-FAMILY RESIDENTIAL DISTRICTS.

* * *

(B) *Permitted uses.* The following uses shall be permitted in the RM-2,500 and RM-1,000 Districts:

* * *

(3) Lodging houses in which not more than ~~45~~ 6 paying guests may be lodged or boarded;

§ 110.59 HOTELS, MOTELS, APARTMENT HOUSES, BED AND BREAKFAST INNS AND ROOMING HOUSES.

Every person conducting, carrying on, or managing a business of a hotel, motel, apartment house, bed and breakfast inn, or rooming lodging house, each with four units or more, shall pay an annual license tax pursuant to § 110.50 of this subchapter.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of _____, 2004 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

Mike Jones, Mayor Pro Tem

The above ordinance was submitted to me on the _____ day of _____, 2009, and I hereby approve the same.

Virginia Bass, Mayor

Attest:

Kathleen L. Franco Simmons, City Clerk

Approved as to Administration:

Approved as to form:

David W. Tyson, City Manager

Sheryl Schaffner, City Attorney