

SUSTITUTE BILL No 5812

ORDINANCE No 5694

AN ORDINANCE ENACTING NEW ARTICLE XI, SWIMMING POOL AND SPA CODE, OF CHAPTER 500 OF THE CITY CODE OF ORDINANCES OF THE CITY OF CREVE COEUR.

WHEREAS, the city regulates construction practices and standards by means of technical codes to protect the health, safety, and welfare of its citizens, and

WHEREAS, such codes must be updated from time to time, and

WHEREAS, at least one copy of the 2015 International Swimming Pool and Spa Code, which is hereby to be adopted by reference, has been filed with the City Clerk's office and made available for public use, inspection and examination for a period of at least 90 days prior to adoption of this ordinance pursuant to Section 67.280 RSMo and notice thereof has been publicly posted, and

WHEREAS, a copy of this ordinance has been available for public inspection in the City Clerk's office and it has been read two times by the City Council as required by the City's Charter prior to adoption.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri as follows:

SECTION 1: ARTICLE XI, SWIMMING POOL AND SPA CODE of Chapter 500 of the City Code of Ordinances is hereby enacted to be known as "THE SWIMMING POOL AND SPA CODE". Said ARTICLE to read as follows:

ARTICLE XI. SWIMMING POOL AND SPA CODE

SECTION 500.1160 ADOPTED: A certain document, one copy of which is on file in the office of the City Clerk, such copy being marked and designated as the "INTERNATIONAL SWIMMING POOL AND SPA CODE, 2015", FIRST EDITION, as published by the International Code Council, Inc., is hereby adopted as the Swimming Pool and Spa Code of the City of Creve Coeur, Missouri, for regulating and governing the construction, alteration, movement, enlargement, replacement, renovation, repair, equipment, maintenance and demolition of aquatic recreation facilities, pools and spas as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the INTERNATIONAL SWIMMING POOL AND SPA CODE, 2015, FIRST EDITION, are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions, and changes, prescribed in this Article.

SECTION 500.1170 JURISDICTIONAL TITLES: Throughout the INTERNATIONAL SWIMMING POOL AND SPA CODE, 2015, FIRST EDITION, wherever the terms "name of jurisdiction" or "local jurisdiction" appear, it shall be deemed to mean "City of Creve Coeur, Missouri". Likewise, wherever the terms "department of building inspection" or "department of building safety" appear, it shall be deemed to mean "Creve Coeur Building Division". Wherever the term "code" appears, it shall mean the INTERNATIONAL SWIMMING POOL AND SPA CODE, 2015, FIRST EDITION as hereby amended.

SECTION 500.1180 AMENDMENTS TO CHAPTER 1 OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE:

- CHAPTER 1 - SCOPE AND ADMINISTRATION:

Chapter 1 of the International Swimming Pool and Spa Code, 2015, First Edition, is amended as set forth herein. Each section, subsection, or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted, or amended to read as set forth below. Each provision set out below without a corresponding section, subsection or clause number in the code is hereby enacted and added thereto.

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101.1 Title. Insert "City of Creve Coeur".

104.6.1 Interference with building official: No person shall hinder, obstruct, resist, fail to provide entry at reasonable times, or otherwise interfere with the code official in the performance of his official duties.

104.12 Rule-making authority. The building official shall have authority, as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code, to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural requirements or proper operation of existing or proposed systems specifically provided for in this code or of violating accepted engineering practice involving public safety.

105.5.3 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 90 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced, or after one year from the date of issuance if the permit has not otherwise expired. The building official is authorized to grant, in writing, one or more extensions of time, for periods not to exceed 30 days each. An extension shall be requested in writing and justifiable cause must be demonstrated.

105.5.3.1 Expiration of demolition permits. Demolition work shall be completed within thirty (30) days after the date of issuance of the demolition permit. The building official may, after receiving a written request from the applicant, grant one or more thirty day extensions to this permit if the applicant presents evidence of justifiable cause.

105.6.1 Work commencing before permit issuance. Where any work for which a permit is required by this code is started, or proceeded with, prior to obtaining said permit, the normal applicable fee shall be doubled and a penalty fee of up to \$500.00 may be charged by the building official. The payment of said doubled fee or penalty shall not relieve any persons from fully complying with the requirements of this code or from other penalties prescribed herein.

105.6.2 Schedule of fees. The fees for plan examinations, issuing permits, making inspections, working overtime, issuing certificates of occupancy, establishing escrow funds and other administrative enforcement activities performed by the building department shall be paid in accordance with the fees established in Appendix B, Community Development and Public Works Fee Schedule, of the City Code of Ordinances.

105.6.2.1 Building Code Board of Appeals filing fee. A filing fee of \$150.00 shall be paid upon the submittal of the written appeal in order for a quorum of the Building Code Board of Appeals to be notified to convene for the purpose of hearing an appeal of a decision of the building official as set forth in Section 108. The filing fee shall be refunded to the applicant if the Board reverses the decision of the building official.

105.6.3 Fee refunds. In the case of revocation of a permit no refund shall be granted. Any excess fee for a project that has not been commenced shall be returned to the permit holder upon written request received no later than twelve (12) months after the date the permit was issued and the permit shall be cancelled. All plan examination fees, permit processing fees, inspection fees and penalties that have been imposed upon the permit holder under the requirements of this code shall be deducted from the refund or paid by the permit holder prior to any refund being granted.

105.7 Placement of permit and inspection placard. The building permit or copy shall be kept on the site of the work until the completion of the project. An inspection placard shall be posted on the job site in accordance with Section 106.1.1 of this code.

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105.8 Compliance with permit. All work shall conform to the approved application and the approved construction documents for which the permit has been issued and any approved amendments to the approved application or the approved construction documents.

105.9 Compliance with codes and ordinances. Neither the granting of a permit, nor the approval of the construction documents, nor inspections made by the building official, or his authorized representative, during the erection of the building, structure, or any alteration or addition thereto, shall in any way relieve the owner or tenant of such building, structure, or property from complying with the requirements of this code, the Creve Coeur Zoning Code or any other governing law or ordinance.

106.1.1 Inspection Placard. Work requiring a permit shall not commence until the permittee or his/her agent posts an inspection placard at the job site for recording inspections. Failure to maintain this inspection placard will not relieve the permittee of responsibility as provided by this code. When work has progressed to a point of having windows, or when the job is an alteration or addition, the placard shall be attached to the available glass in view for recording the balance of inspections required by the code. Absence of the inspection placard shall result in the imposition of a penalty fee as set forth in Section 105.6.2.

106.4.1 Electrical rough-in inspection. An electrical rough-in inspection shall be made to verify that all pool equipment, diving boards, ladders, light fixtures, reinforcement, etc. have been properly bonded and/or grounded in accordance with the St. Louis County Electrical Code. None of this electrical work shall be concealed until this inspection has been made and approved by the St. Louis County electrical inspector.

106.4.2 Excavation inspection. An excavation inspection shall be made to verify the correct location of the swimming pool; that soil conditions are acceptable; that the reinforcing steel has been cleaned and tied in place and the circulation piping has been installed. No concrete shall be placed until this inspection has been approved by the city inspector.

106.4.3 Pool deck inspection. A pool deck inspection shall be made to verify the thickness of the rock base and concrete slab, and that the reinforcement steel has been installed. No concrete shall be placed until this inspection has been approved by the city inspector.

106.4.4 Pool heater gas piping inspection. This inspection shall be made to verify the type and depth of the pool heater gas piping. This piping shall not be concealed until this inspection has been approved by the city inspector.

106.4.5 Rough grading inspection. A rough grading inspection shall be made after the site has been graded to the elevations and contours shown on the city-approved plans. No ground cover shall be planted or placed until this inspection has been approved by the city inspector.

106.4.6 Electrical final inspection. Upon completion of all electrical work, an electrical final inspection shall be made and approved by the St. Louis County electrical inspector.

106.4.7 Final grading inspection. A final grading inspection shall be made by the city inspector after ground cover has been established and erosion of soil will no longer occur from the site.

106.4.8 Final building inspection. A final building inspection shall be made by the city inspector after all other required inspections have been approved by the appropriate inspectors.

106.5.1 Duty to request a final inspection and obtain final approval: Upon completion of the work described in the permit application and on the approved construction documents, the permit holder shall request a final inspection and obtain final approval. Failure of the permit holder to make a timely request for a final inspection and obtain final approval shall constitute a violation of

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the swimming pool and spa code, shall subject the permit holder to penalties as set forth in Section 107.4, and shall result in forfeiture to the City of any funds deposited in escrow in connection with the permit if the failure continues after 30 days written notice sent by certified mail to the last known address of the permit holder, in order to offset at least some of the costs incurred by the City as a result of such continuing failure. The building official shall be responsible for sending such notices, including to all permit holders that have failed to make a timely request for a final inspection as of the effective date of these provisions. Unless the permit holder applies in signed writing for segregated investment of its escrow deposit at the time of permit application, an escrow deposit may be invested by the City with other municipal funds and any income derived there from may be used for general revenue purposes at any time. If the permit holder applies by timely signed writing for segregated investment of its escrow deposit, the City shall segregate such funds and invest them in the same manner as allowed for municipal funds, to the extent practicable given the amount of the escrow; however, no return is assured and the City shall have no liability whatsoever other than to pay any income actually derived from such investment in the event of return of such escrow deposit. In the event of a forfeiture of an escrow deposit, any income from segregated investment shall also be forfeited.

107.4 Violation, penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any requirements thereof, shall be guilty of an ordinance violation, punishable by a fine of not more than \$400. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

107.5.1 Mud, debris or an excessive amount of surface water on streets and adjacent properties. After a verbal warning to the owner or contractor, the building official shall have the authority to issue a stop work order to any project which is causing mud, debris or an excessive amount of surface water to be transferred to any street or adjacent property.

107.5.2 Housekeeping. All construction site rubbish, trash and/or debris shall be stored in a refuse dumpster or other approved refuse container placed out of the city's right-of-way and on the property where construction activity is occurring. The entire construction site shall be kept in a safe and sanitary condition and free of accumulations of rubbish, trash and/or debris. Failure to do so shall result in the building official issuing a stop work order until said rubbish, trash and/or debris is disposed of to the satisfaction of the building official.

107.5.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as set forth in Section R113.4.

**SECTION 108
MEANS OF APPEAL**

108.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there is and shall remain a Building Code Board of Appeals. The board shall adopt rules of procedure for conducting its business.

108.2 Limitations on authority. Any person shall have a right to appeal a decision of the building official to the Building Code Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction should be allowed to be used. The board shall have no authority to waive requirements of this code.

108.3 Time limitation and filing procedure. All appeals shall be filed in writing with the building official. A written appeal may not be filed more than thirty (30) days after the affected individuals are notified of the building official's decision.

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108.3.1 Filing fee. An application for appeal shall not be filed without full payment of the filing fee as set forth in Section 105.6.2.1. Said filing fee shall be refunded to the applicant if the Board reverses the decision of the building official.

108.4 Membership of board. The Building Code Board of Appeals shall consist of five regular members, who shall be residents of the City of Creve Coeur, appointed pursuant to Section 4.4(i) of the City Charter for three-year staggered terms. To the extent possible, based on applications submitted to the City, members of the Building Code Board of Appeals should be representative of the following professions or disciplines: registered architects, builder or superintendent of building construction with ten years of experience, structural engineer, code enforcement professional, mechanical engineer, electrical engineer, civil engineer, fire protection engineer, mechanical contractor, electrical contractor, plumbing contractor, fire protection contractor, or other disciplines associated with the building trades or design professions.

108.4.1 Chair. The Chair of the Building Code Board of Appeals shall be elected annually by members of the Building Code Board of Appeals.

108.4.2 Secretary. The City Administrator shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the city administrator.

108.4.3 Compensation of members. Members of the Building Code Board of Appeals shall not be compensated for service but shall be reimbursed for actual expenses pursuant to established City policy.

108.4.4 Code of Ethics for members. All members shall be subject to the city's Code of Ethics.

108.5 Notice of meeting. The Building Code Board of Appeals shall meet upon notice from the chair, within 5 calendar days of the filing of a written appeal with the building official, or at stated periodic meetings.

108.6 Open hearing. All hearings before the Building Code Board of Appeals shall be open to the public. Proper public notice shall be given. The appellant, the appellant's representative, the building official, and any person whose interests are affected shall be given the opportunity to be heard.

108.6.1 Procedure. The Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

108.7 Quorum. Three members of the Building Code Board of Appeals shall constitute a quorum for the purpose of hearing appeals.

108.8 Board decision. The Building Code Board of Appeals shall only reverse or modify the decision of the building official by a majority vote of the quorum present and voting. Otherwise, the decision of the building official shall be deemed to be upheld.

108.1.1 Notification of decision. The secretary of the board shall notify the appellant and the building official of the decision in writing.

108.1.2 Administration. The building official shall take immediate action in accordance with the decision of the board.

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108.9 Court review: Any aggrieved person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision of the Building Code Board of Appeals in the office of the City Administrator.

SECTION 500.1190 AMENDMENTS TO CHAPTER 2 OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE:

– CHAPTER 2 – DEFINITIONS:

Chapter 2 of the International Swimming Pool and Spa Code, 2015, First Edition, is amended as set forth below. Each section, subsection, or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted, or amended to read as set forth below. Each provision set out below without a corresponding section, subsection, or clause number in the code is hereby enacted and added thereto.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Residential Code, International Fire Code, St. Louis County Mechanical Code, St. Louis County Electrical Code, St. Louis County Plumbing Code, International Energy Conservation Code or International Property Maintenance Code, such terms shall have the meanings ascribed to them as in those codes.

SECTION 500.1200 AMENDMENTS TO CHAPTER 3 OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE:

– CHAPTER 3 – GENERAL COMPLIANCE:

Chapter 3 of the International Swimming Pool and Spa Code, 2015, First Edition, is amended as set forth below. Each section, subsection, or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted, or amended to read as set forth below. Each provision set forth below without a corresponding section, subsection, or clause number in the code is hereby enacted and added thereto.

302.1 Electrical. Electrical requirements for aquatic facilities shall be in accordance with the St. Louis County Electrical Code.

302.5 Backflow protection. Water supplies for pools and spas shall be protected against backflow in accordance with the St. Louis County Plumbing Code.

302.6 Waste-water discharge. Where waste water from pools and spas, backwash from filters and water from deck drains discharge to the building drainage system, such installation shall be in accordance with the St. Louis County Plumbing Code.

305.2.4 Mesh fence as a barrier. Delete this section in its entirety.

305.1.1 Location of the barrier for residential swimming pools and spas. The barrier for residential swimming pools and spas shall be located directly around the swimming pool and spa in such a manner so as to separate the swimming pool and spa area from any children’s play area.

305.5 Onground residential pool structure as a barrier. An onground residential pool wall structure or a barrier mounted on top of an onground residential pool wall structure shall serve as a barrier where all of the following conditions are present:

1. No changes made.
2. No changes made.
3. Ladders or steps used as a means of access to the pool are surrounded by a barrier that meets the requirements of Section 305.
4. Delete this condition.
- 5 Re-number condition 5 to 4.

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306.9.1 Hose bibbs. Hose bibbs shall be provided for rinsing down the entire deck and shall be installed in accordance with the St. Louis County Plumbing Code.

307.4.1 Installation. Equipment for pools and spas shall be supported by a concrete pad, wood deck or other approved method to prevent damage from misalignment and settling and located so as to allow access for inspection, servicing, removal and repair of component parts.

316.4.1 Barrier around pool heaters. Pool heaters shall be surrounded by a barrier to prevent accidental contact by children. Said barrier shall be constructed in accordance with Section 305.

318.2 Protection of potable water supply. Potable water supply systems shall be designed, installed and maintained in accordance with the St. Louis County Plumbing Code.

320.1 Backwash water or draining water. Backwash water and draining water shall be discharged in accordance with the St. Louis County Plumbing Code.

Exception: Residential swimming pools shall be equipped to be completely emptied of water and the equipment shall be equipped to be properly flushed. Any discharged or flushed water shall be disposed of onto an adjacent street, into storm sewers or in an approved manner that will not create a nuisance to adjoining property.

321.4 Residential pool and deck illumination. Where lighting is installed for, and in, residential pools and permanent residential spas, such lighting shall be installed in accordance with the St. Louis County Electrical Code.

SECTION 500.1210 AMENDMENTS TO CHAPTER 4 OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE:

– CHAPTER 4 – PUBLIC SWIMMING POOLS:

Chapter 4 of the International Swimming Pool and Spa Code, 2015, First Edition, is amended as set forth below. Each section, subsection, or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted, or amended to read as set forth below. Each provision set out below without a corresponding section, subsection, or clause number in the code is hereby enacted and added thereto.

402.2 Manufactured and fabricated diving equipment. Manufactured and fabricated diving equipment shall be in accordance with this Chapter and Section 808 and shall be designed for swimming pool use.

405.1 Wading pools. Class F wading pools shall be separate pools with an independent circulation system, shall be physically separated from other classes of pools by a minimum distance of 15 feet or by a barrier constructed in accordance with Section 305 and shall be constructed in accordance with Sections 405.2 through 405.6.

410.1 Dressing and sanitary facilities. Dressing and sanitary facilities shall be provided for all Classes of pools as required by the International Building Code and the St. Louis County Plumbing Code.

SECTION 500.1220 AMENDMENTS TO CHAPTER 5 OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE:

– CHAPTER 5 – PUBLIC SPAS AND PUBLIC EXERCISE SPAS:

Chapter 5 of the International Swimming Pool and Spa Code, 2015, First Edition, is adopted without modification.

SECTION 500.1230 AMENDMENTS TO CHAPTER 6 OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE:

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– CHAPTER 6 – AQUATIC RECREATION FACILITIES:

Chapter 6 of the International Swimming Pool and Spa Code, 2015, First Edition, is adopted without modification.

SECTION 500.1240 AMENDMENTS TO CHAPTER 7 OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE:

– CHAPTER 7 – ONGROUND STORABLE RESIDENTIAL SWIMMING POOLS:

Chapter 7 of the International Swimming Pool and Spa Code, 2015, First Edition, is adopted without modification.

SECTION 500.1250 AMENDMENTS TO CHAPTER 8 OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE:

– CHAPTER 8 – PERMANENT INGROUND RESIDENTIAL SWIMMING POOLS:

Chapter 8 of the International Swimming Pool and Spa Code, 2015, First Edition, is amended as set forth below. Each section, subsection, or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted, or amended to read as set forth below. Each provision set out below without a corresponding section, subsection, or clause number in the code is hereby enacted and added thereto.

801.2 General. In addition to the requirements of this Chapter, permanent inground residential swimming pools shall comply with the requirements of Chapter 3.

SECTION 500.1260 AMENDMENTS TO CHAPTER 9 OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE:

– CHAPTER 9 – PERMANENT RESIDENTIAL SPAS AND PERMANENT RESIDENTIAL EXERCISE SPAS:

Chapter 9 of the International Swimming Pool and Spa Code, 2015, First Edition, is adopted without modification.

SECTION 500.1270 AMENDMENTS TO CHAPTER 10 OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE:

– CHAPTER 10 – PORTABLE RESIDENTIAL SPAS AND PORTABLE RESIDENTIAL EXERCISE SPAS:

Chapter 10 of the International Swimming Pool and Spa Code, 2015, First Edition, is adopted without modification.

SECTION 500.1280 AMENDMENTS TO CHAPTER 11 OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE.

-- CHAPTER 11 – REFERENCED STANDARDS:

Chapter 11 of the International Swimming Pool and Spa Code, 2015, First Edition, is amended as set forth below. Each section, subsection, or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted, and amended to read as set forth below. Each provision set out below without a corresponding section, subsection, or clause number in the code is hereby enacted and added thereto.

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ICC – International Code Council

500 New Jersey Ave., NW
6th Floor
Washington, DC 20001

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Standard reference number	Title	Referenced in code section number
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DELETE: IPC – 15	International Plumbing Code	
ADD: Plumbing Code –	St. Louis County Plumbing Code	No changes made.

NFPA – National Fire Protection Association
 1 Batterymarch Park
 Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
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DELETE: 70-14	National Electrical Code	
ADD: Electrical Code –	St. Louis County Electrical Code	No changes made.

SECTION 2: SAVING CLAUSE: Nothing in this ordinance or in the Swimming Pool Code hereby adopted, shall be construed to affect any suit or proceeding currently pending in any court as of the effective date hereof, or any rights previously acquired or liability previously incurred, or any cause or causes of action existing under any ordinance hereby repealed, as cited herein.

SECTION 3: SEVERABILITY: If any section, subsection, provision, sentence, clause, or phrase of this ordinance or of the ICC International Swimming Pool and Spa Code, 2015, First Edition, is, for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or of said code, and the City of Creve Coeur City Council hereby declares that it would have passed the same, even though such portion so held to be unconstitutional had not been included therein.

SECTION 4: EFFECTIVE DATE: This ordinance shall become effective May 1, 2020, pursuant to section 3.11(g) of the City Charter.

Adopted by the City Council this 13th day of April, 2020.

DocuSigned by:
Council President Lawrence
 2A6740E51A514B4...
 Ellen Lawrence, President of the City Council

Approved this 13th day of April, 2020.

DocuSigned by:
Mayor Glantz
 A365D853F744465...
 Barry Glantz, Mayor

ATTEST: DocuSigned by:
deborah ryan
 3BF7E95BA23D47C...
 Deborah Ryan, City Clerk