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**City Council Meeting  
Council Chamber**

**January 5, 2023  
7:00 P.M.**

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**Zoom Link – Internet Audio/Video:**

<https://us02web.zoom.us/j/86259553772?pwd=WUtiUitKU3ZLRXZBbTR4NEVYZ3pMQT09>

**Dial-in Number: 312 626 6799**

**Meeting ID: 862 5955 3772**

**Passcode: 579235**

## **AGENDA**

1. Pledge of Allegiance and Opening Prayer
2. Roll Call
3. Business from the Floor
4. Consent Agenda
  - A. Regular Council Meeting Minutes from **December 15, 2022**
  - B. Payroll Warrant **#T00355 In the Amount of \$347,996.12**
  - C. General Warrant **#5825 In the Amount of \$412,087.98**
5. Ordinances:
  - A. **Bill #2846** An Ordinance Amending Chapter 500 (Buildings and Building Regulations) of the Arnold Code Ordinances by Relocating Provisions Contained in Chapter 520 (Occupancy Permits and Inspections) and Referencing Provisions Contained in Chapter 220 (General Nuisances) to the International Property Maintenance Code.
  - B. **Bill #2847** An Ordinance Amending Certain Provisions of Chapter 220 (General Nuisances) of the Arnold Code Ordinances as they Relate to Designated Nuisances and the Responsibility of Property Owners, Lessees, ETC.

6. Resolutions:

7. Motions:

A. A Motion to Approve Liquor License Applications

B. A Motion to Hold a Closed Session Immediately Following the City Council Meeting for the Purpose of Discussing Real Estate Pursuant to RSMo 610.021 (2)

8. Reports from Mayor and Council

9. Administrative Reports

10. Adjournment

Upon request, reasonable accommodations will be provided. Contact Tammi Casey, City Clerk, Arnold City Hall, 2101 Jeffco Boulevard, Arnold, Missouri 63010. Phone: 636-296-2100

Mayor Ron Counts called the meeting to order at 7:00 p.m.

The council meeting was also presented live via Zoom Video Conferencing.

The pledge of allegiance was recited. Councilman Tim Seidenstricker offered the prayer.

**ROLL CALL**

Those present per roll call taken by City Clerk Tammi Casey: Mayor Counts, Seidenstricker, Fleischmann, Cooley, Plunk, McArthur, Hood, Mullins, Fulbright (arrived on Zoom at 7:05), Richison, Bookless, Lehmann, Sweeney, Crutchley, Wagner, Kroupa and Chief Carroll.

**BUSINESS FROM THE FLOOR**

NONE

**CONSENT AGENDA**

- A. REGULAR COUNCIL MEETING MINUTES FROM DECEMBER 1, 2022**
- B. PAYROLL WARRANT #T00339 IN THE AMOUNT OF \$357,859.76**
- C. GENERAL WARRANT #5824 IN THE AMOUNT OF \$303,642.20**

**Butch Cooley made a motion and so moved to approve the consent agenda. Seconded by Brian McArthur. Roll call vote: Seidenstricker, yes; Fleischmann, yes; Cooley, yes; Plunk, yes; McArthur, yes; Hood, yes; Mullins, yes; Fulbright, (not yet arrived); 7 Yeas: Motion carried.**

**ORDINANCES**

**BILL NO 2844 – AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF ARTICLE XVIII (OFFENSES CONCERNING CAMPING AND STORAGE OF PERSONAL PROPERTY) OF CHAPTER 215 (OFFENSES) OF THE ARNOLD CODE OF ORDINANCES** was read twice by City Clerk Tammi Casey. Roll call vote: Seidenstricker, yes; Fleischmann, yes; Cooley, yes; Plunk, yes; McArthur, yes; Hood, yes; Mullins, yes; Fulbright, (not yet arrived); 7 Yeas: **Ordinance passed.**

**BILL NO 2845 – AN ORDINANCE IMPOSING A SALES TAX OF ONE PERCENT (1%) OF THE RECEIPTS FROM THE SALE AT RETAIL WITHIN THE CITY OF ARNOLD, MISSOURI, SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AND CALLING FOR SUBMISSION TO THE VOTERS OF ARNOLD, MISSOURI, AT AN ELECTION TO BE HELD ON APRIL 4, 2023, A PROPOSITION AUTHORIZING THE CITY COUNCIL OF ARNOLD TO IMPOSE AN ADDITIONAL SALES TAX OF ONE PERCENT (1%) FOR THE PURPOSE OF IMPROVING PUBLIC SAFETY** was read twice by City Clerk Tammi Casey. Roll call vote: Seidenstricker, yes; Fleischmann, yes; Cooley, yes; Plunk, yes; McArthur, yes; Hood, yes; Mullins, yes; Fulbright, yes; 8 Yeas: **Ordinance passed.**

## RESOLUTIONS

**RESOLUTION NO 22-64 – A RESOLUTION APPROVING A MODIFICATION OF THE TRANSPORTATION PROJECT DESCRIPTION, AS CONTAINED IN THE PETITION FOR THE CREATION OF THE ARNOLD RETAIL CORRIDOR TRANSPORTATION DEVELOPMENT DISTRICT, TO CONFORM WITH THE DESCRIPTION OF THE TRANSPORTATION PROJECT AS PREVIOUSLY APPROVED BY THE DISTRICT VOTERS**

**Tim Seidenstricker made a motion and so moved to pass Resolution No 22-64.** Seconded by Brian McArthur. Roll call vote: Seidenstricker, yes; Fleischmann, yes; Cooley, yes; Plunk, yes; McArthur, yes; Hood, yes; Mullins, yes; Fulbright, yes; 8 Yeas: **Resolution passed.**

## MOTIONS

### A. A MOTION TO APPROVE LIQUOR LICENSE APPLICATIONS

Tammi Casey informed council that there were no items to bring forward from the liquor committee tonight.

### B. A MOTION TO HOLD A CLOSED SESSION IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING FOR DISCUSSING A NEGOTIATED CONTRACT PURSUANT TO RSMo SECTION 610.021 (12)

**Butch Cooley made a motion and so moved to hold a closed session immediately following the city council meeting.** Seconded by Rodney Mullins. Roll call vote: Seidenstricker, yes; Fleischmann, yes; Cooley, yes; Plunk, yes; McArthur, yes; Hood, yes; Mullins, yes; Fulbright, yes; 8 Yeas: **Motion carried.**

## REPORTS FROM MAYOR AND COUNCIL

Mayor Counts stated that even with the cold weather and rain, the Winter Farmers Market was well attended last Saturday.

## ADMINISTRATIVE REPORTS

Bryan Richison – Encouraged council members to attend the employee Christmas luncheon, which will be held tomorrow at the Rec Center.

Chief Carroll – Informed council that last night was Arnold’s “Shop with a Hero” Christmas event at Walmart. Over \$15,000 was raised to provide presents for 150 area children.

3  
Regular Meeting  
December 15, 2022

Bill Lehmann – Stated the City’s investments ended on an upswing this year and he will have a full report for council in January outlining the details.

Mayor Counts announced a five-minute recess before going into Closed Session.


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Closed Session ended at 8:05 p.m.

A motion to adjourn the meeting was made by Gary Plunk. Seconded by Brian McArthur.

Voice vote: All Yeas.

Meeting adjourned at 8:05 p.m.

  
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City Clerk Tammi Casey, CMC/MRCC-S

**CITY OF ARNOLD, MISSOURI**

**ROLL CALL**

MEETING: COUNCIL MEETING

DATE: 12/15/2022

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**BILL NO - RESOLUTION - MOTION**

**COUNCIL MEMBERS:**

		ROLL CALL	CONSENT AGENDA	BILL NO 2844	BILL NO 2845	RESOLUTION NO 22-64	MOTION TO HOLD CLOSED SESSION
<b>MAYOR</b>	<u>RON COUNTS</u>	PRESENT					
<b>COUNCIL:</b>	<u>TIM SEIDENSTRICKER</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<u>EJ FLEISCHMANN</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<u>BUTCH COOLEY</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<u>GARY PLUNK</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<u>BRIAN MCARTHUR</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<u>MARK HOOD</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<u>RODNEY MULLINS</u>	PRESENT	YES	YES	YES	YES	YES
<b>COUNCIL:</b>	<u>JASON FULBRIGHT</u>	ARRIVED ON ZOOM 7:05	NOT YET ARRIVED	NOT YET ARRIVED	YES	YES	YES
<b>CITY ADMINISTRATOR</b>	BRYAN RICHISON	PRESENT	<b>PARKS DIR:</b>		DAVE CRUTCHLEY		PRESENT
<b>CITY CLERK</b>	TAMMI CASEY	PRESENT	<b>PUBLIC WORKS:</b>		JUDY WAGNER		PRESENT
<b>COM DEV</b>	DAVID BOOKLESS	PRESENT	<b>TREASURER:</b>		DAN KROUPA		PRESENT
<b>FINANCE DIRECTOR</b>	BILL LEHMANN	PRESENT	<b>POLICE DEPT.</b>		CHIEF CARROLL		PRESENT
<b>CITY ATTORNEY</b>	BOB SWEENEY	PRESENT					



## CITY COUNCIL DISCUSSION ITEM MEMORANDUM

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**MEETING DATE:** January 5, 2023

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**TITLE:** An amendment to Chapter 500 (Buildings and Building Regulations) relocating provisions contained in Chapter 520 (Occupancy Permits and Inspections) and referencing provisions contained in Chapter 220 (General Nuisances) to the International Property Maintenance Code.

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**DEPARTMENT:** Community Development

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**PROJECT MANAGER:** David B. Bookless, Community Development Director

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**ATTACHMENTS:** Draft Ordinance Amendment

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On July 21, 2022, the City Council adopted the 2021 ICC family of I-Codes (Building Codes). Staff proposes amending the Arnold Code of Ordinances, and by reference, the adopted International Property Maintenance Code (IPMC), as follows:

- Occupancy Inspection and Permitting provisions contained in the Arnold Code of Ordinances are being relocated to the IPMC, and some sections are being revised to clarify applicability, procedures, and that the property owner, their agent, and the occupant or tenant are responsible parties.
- General Nuisance provisions contained in the Arnold Code of Ordinances are being referenced and memorialized in the IPMC with some additional revisions to provide clarity with respect to violations, and that the property owner, their agent, and the occupant or tenant are responsible parties.

### **RECOMMENDATION**

Staff recommends the approval of the draft ordinance.

**AN ORDINANCE AMENDING CHAPTER 500 (BUILDINGS AND BUILDING REGULATIONS) OF THE ARNOLD CODE ORDINANCES BY RELOCATING PROVISIONS CONTAINED IN CHAPTER 520 (OCCUPANCY PERMITS AND INSPECTIONS) AND REFERENCING PROVISIONS CONTAINED IN CHAPTER 220 (GENERAL NUISANCES) TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE.**

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**WHEREAS**, Section 67.280, RSMo. authorizes the City of Arnold, Missouri (the "City") to adopt certain technical codes, as defined therein, by adopting an ordinance which incorporates by reference the provisions of any such code or portions thereof and any amendment thereto without setting forth the provisions of such code in full provided that one copy of such code to be so adopted shall be filed in the office of the city clerk and there kept available for public use, inspection, and examination for a period of ninety days prior to the adoption of the ordinance which incorporates such code, portion, or amendment by reference; and

**WHEREAS**, Section 77.500, RSMo. authorizes the City to regulate and control the construction of buildings, the construction and cleaning of fireplaces, chimneys, stoves and stovepipes, ovens, boilers, kettles, forges or any apparatus used in any building, manufactory or business which may be dangerous in causing or promoting fires, and may provide for the inspection of the same. The council may also provide, by ordinance, limits within which no building shall be constructed except of brick or stone or other incombustible materials, with fireproof roofs, and impose a penalty for the violation of such ordinance, and may cause buildings commenced, put up or removed into such limit, in violation of such ordinance, to be removed or abated; and

**WHEREAS**, the City has from time to time adopted certain minimum regulations governing the design, construction, alteration, enlargement, repair, demolition, removal, maintenance, and use of all buildings and structures; and

**WHEREAS**, the City Council, after due deliberation and review, wishes to amend the 2021 International Property Maintenance Code (IMPC) by relocating provisions contained in the Municipal Code of Ordinances thereto by reference; and

**WHEREAS**, a copy of the code referenced and adopted below, has been filed in the office of the city clerk and kept available for public use, inspection, and examination for a period of at least ninety (90) days prior to the adoption of this ordinance and the City of Arnold gave such notice of availability for public use, inspection, and examination on October 6, 2022; and following the adoption of this ordinance, such code shall be similarly filed and kept available in the office of the city clerk;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:**

**SECTION 1:** In the event of conflicts between any provision of this Ordinance and the provisions of any previously adopted and approved Ordinance, the provisions of this Ordinance shall govern.



**SECTION 2:** Section 500.030.C., *International Property Maintenance Code*, of Title V (Building and Construction) of the City of Arnold Code of Ordinances is hereby amended, so as to add the following provisions to the same:

“5. Other changes:

**Revise *Chapter 1 Scope and Administration* to add new section as follows:**

*Section 114 Permit To Occupy*

*Section 114.1 Occupancy Permit Required.*

It shall be unlawful for any person, owner, agent, or tenant thereof, both jointly and severally, to, in whole or in part, purchase, transfer, mortgage, lease, or acquire, occupy or use, manage, or to permit occupancy or use of the premises for any purpose, including the movement of furniture, equipment or other personal property into said premise, until a permit to occupy has been issued by the code official stating that the premises, including all real and personal property there located, and all uses thereon complies with the provisions of this technical code and the provisions of the Arnold Municipal Code of Ordinances. Manufactured home parks and individual manufactured homes shall comply with the requirements of this section.

*Section 114.2 Application.*

To obtain an Occupancy Permit, the applicant shall comply with the application process proscribed by the code official. It shall be unlawful for any person to knowingly make any false statement on an application for an occupancy permit as to the name of the person, firm, company or institution which will own, manage, or occupy the premises. For non-residential occupancy, it shall be unlawful for any person to knowingly make any false statement as to the type of use, the type or quantity of materials that will be stored on the premises or the floor area of the portion of the premises that will be occupied

*Section 114.3 Rejection of Application.*

If the application does not comply with the requirements of all pertinent laws, the code official shall reject such application. The code official may reject any application that failed inspection, where required fees have not been paid, or where the applicant has failed to satisfy the code official in some way relevant to obtaining an occupancy permit.

*Section 114.4 Action on an application.*

No action shall be taken to issue a permit until there is an inspection of the premises, including the interior and exterior of all property, both real and personal, located thereon, and a property maintenance inspection report less than ninety (90) days old on file with the City.

*Section 114.5 Temporary Occupancy Permit.*

The code official may permit temporary occupancy when there are no conditions on the premises which threaten the health or safety of an occupant or the general public, and the code official is satisfied that the premises will be brought into compliance with the requirements of this code within a ninety (90) day period. No temporary permit shall be issued until a cash escrow has been established with the City. Temporary occupancy permits may be extended for one additional 90-day period, when in the opinion of the code official practical difficulties prevent complete compliance within the first 90-day period. The escrow amount shall be determined by the Building Commissioner.

*Section 114.5.1 Failure to Comply.*

In the event the work to be done is not completed on time in accordance with the conditions of the temporary occupancy permit, the code official shall cause completion of the remaining work to be done. Any work so completed shall be paid for with money from the cash escrow established to guarantee completion of the work. Any unspent escrow funds after completion of the work to be done shall be disbursed to the responsible party and the occupancy permit shall be issued.

*Section 114.5.2. Release of Escrow.*

In the event the work to be done is completed on time in accordance with the conditions of the temporary occupancy permit, the code official shall authorize release of all escrowed funds upon written request.

*Section 114.6 Suspension of Permit.*

Any permit issued shall become invalid if the occupancy is not commenced within ninety (90) days after issuance of the permit or if the occupancy is terminated.

*Section 114.7 Revocation of Permit.*

The code official may revoke a permit in case of any false statement or misrepresentation of facts in the application on which a permit was based, or in the event a structure or part thereof is condemned pursuant to this code.

**Revise Section 202 Definitions to add the following:**

**PUBLIC NUISANCE.** Includes any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
3. Any premises that has unsanitary sewage or plumbing facilities;
4. Any premises designated as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or it is manifestly unsafe, or unsecured so as to endanger life, limb or property;
6. Any premises from which the plumbing, heating, electric, or facilities required by this code have been removed or disconnected, destroyed, rendered in effective, or the required precautions against trespasser have not been provided;
7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
8. Any structure, manufactured/mobile home, vehicle, or trailer that is in a state of dilapidation, deterioration or decay: faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or structural failure; and dangerous to anyone on or near the premises.
9. Any motor vehicle or trailer, or portion thereof, that is not parked on a paved parking area or driveway.
10. Any vehicle or trailer used for the storage of trash, rubbish, junk, or yard waste.
11. Premises, structures or equipment found by the code official to be unsafe, unfit for human occupancy or unlawful by any Arnold Code or Ordinance.
12. General Nuisances, Weeds and Other Noxious Matter, and Junk and Junk Dealers, as enumerated in Chapter 220 of the Arnold Code of Ordinances.
13. The outdoor storage of construction devices, equipment, and materials except as follows:

- a. When such outdoor storage is related to a specific, lawful, construction project, provided such storage is of a temporary nature and is removed after the specific construction project is completed, or work on the project has ceased for any reason for a period of six months; and further provided that such storage is limited to a period of one year, unless the time is extended by the code official. Requests for an extension shall be made in writing. The Code Official's decision on the matter shall be final.

**Revise *Section 302.4 Weeds* by renaming the section “*302.4 Vegetation*” and adding the following to the end of the section:**

Premises and exterior property shall be maintained with grass, vegetation or other approved ground cover on all exposed land surfaces to prevent the blowing or scattering of dust onto adjacent property, public or private.

Premises and exterior property shall be maintained free of hazards to include:

1. Dead Trees and Tree Branches: All dead trees, which are hazardous to the public, shall be prohibited. All trees shall be maintained free of dead limbs.
2. Hazard to vehicular or pedestrian traffic: All vegetation, which poses a hazard to vehicular or pedestrian traffic, shall be promptly cut and removed to eliminate the hazard within a distance of twenty (20) feet from the roadway right-of-way, road easement, or driving surface, whichever distance is greater.
3. Fire hydrants, utilities, and other structures. All vegetation, which obstructs or prevents the visibility or operation of fire hydrants, utilities, and other structure, shall be prohibited.

**Revise *Section 302 Exterior Property Areas* to add new section as follows**

*Section 302.10 Public Nuisances.*

It shall be unlawful for any person, owner, agent, or tenant thereof, both jointly and severally, to permit, cause, keep, maintain or create any public nuisance as defined in this Code or Chapter 220 of the Arnold Code of Ordinances.

**Revise *502.1 Dwelling Units* to add a second paragraph to read:**

Every dwelling unit with more than seven (7) occupants shall contain additional plumbing fixtures at the rate of one (1) additional water closet and one (1) additional lavatory for each additional four (4) occupants or fraction thereof.”

**SECTION 3:** Title V Chapter 520 (Occupancy Permits and Inspections) of the City of Arnold Code of Ordinances, inclusive, is hereby repealed. *[Regulations pertaining thereto are relocated to the International Property Maintenance Code as amended herein]*

**SECTION 4:** Saving clause. That nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any right acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 5:** If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

**SECTION 6:** All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

**SECTION 7:** This ordinance shall be in full force and effect from and after its passage and approval.

**READ TWO TIMES, PASSED AND APPROVED ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

\_\_\_\_\_  
Presiding Officer of the Council

\_\_\_\_\_  
Mayor Ron Counts

**ATTEST:**

\_\_\_\_\_  
City Clerk Tammi Casey

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney Robert Sweeney



## CITY COUNCIL AGENDA ITEM STAFF REPORT

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<b>MEETING DATE:</b>	January 5, 2023
<b>TITLE:</b>	Chapter 220 General Nuisances - Text Amendment
<b>DEPARTMENT:</b>	Community Development
<b>PROJECT MANAGER:</b>	David B. Bookless, Community Development Director
<b>REQUESTED ACTION:</b>	Ordinance approval
<b>ATTACHMENTS:</b>	Draft Ordinance

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**EXECUTIVE SUMMARY:**

A City-initiated request to amend Chapter 220 General Nuisances to clarify designated nuisances and the responsibility of property owners, lessees, etc.

**REVIEW & ANALYSIS:**

The proposed revisions clarify that the abandonment or neglect of property, as further described in the existing section of the Code, that is detrimental to the use and enjoyment of nearby properties, is a designated nuisance; and that the property owner, occupant, tenant, or anyone exercising control of a property is jointly and severally responsible for any nuisance on the property.

**RECOMMENDATION:**

Staff recommends approval of the draft ordinance attached hereto.

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 220 (GENERAL NUISANCES) OF THE ARNOLD CODE ORDINANCES AS THEY RELATE TO DESIGNATED NUISANCES AND THE RESPONSIBILITY OF PROPERTY OWNERS, LESSEES, ETC.**

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**WHEREAS**, the Arnold City Council desires to amend Chapter 220 (General Nuisances) of the City of Arnold Code of Ordinances as provided herein;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARNOLD, MISSOURI, AS FOLLOWS:**

**SECTION 1:** Section 220.030, *Nuisances Designated*, paragraph “A”, subparagraph “11” is hereby amended by its deletion and replacement as follows:

“11. The abandonment, neglect or disregard of any premises, whether intentional or unintentional, so as to permit the premises to become unclean with an accumulation of litter or waste thereon, or to permit the premises to become unsightly, unsanitary, obnoxious, or detrimental to the use and enjoyment of nearby properties, or a blight to the vicinity, or offensive to the senses of users of the public way abutting the premises; and so to continue for a period longer than ten (10) days.”

**SECTION 2:** Section 220.040, *Responsibility Of Owners, Lessees, Etc.*, is hereby amended by its deletion and replacement as follows:

**“Section 220.040 Responsibility Of Owners, Lessees, Etc.**  
Whenever a nuisance is determined to exist, the person creating the nuisance, the owner or owners of the property, lessees or other persons having control of such property, both jointly and severally, may be deemed responsible.”

**SECTION 3:** Section 220.240, *Definitions*, is hereby amended by the addition of the following:

**“CUSTODIAN OF THE NUISANCE**  
Any occupant, agent, servant, representative or employee of any owner or lessee of any property, where the nuisance is located, who exercises any control or authority of the premises on behalf of the owner or lessee.”

**SECTION 4:** Saving clause. That nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any right acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 5:** If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

**SECTION 6:** All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

**SECTION 7:** This ordinance shall be in full force and effect from and after its passage and approval.

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\_\_\_\_\_  
Presiding Officer of the Council

\_\_\_\_\_  
Mayor Ron Counts

**ATTEST:**

\_\_\_\_\_  
City Clerk Tammi Casey

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney Robert Sweeney