



Text File

Introduced: 11/27/2024

Bill No: 2024-1273, Version: 2

Committee: Committee on Land Use and
Economic Development

Status: Passed Finally

Ordinance amending and supplementing the Pittsburgh Code of Ordinances at Title Ten: Building, Chapter 1004: International Property Maintenance Code Adoption, by adopting the 2021 edition of the International Property Maintenance Code ("IPMC") and with the amendments specified in Section 1004.05 of the City Code, as well as making certain amendments to the existing language of Chapter 1004 of the City Code.

WHEREAS, the City of Pittsburgh ("the City") has a significant interest in ensuring the health, safety, and welfare of persons and property within the City's jurisdiction;

WHEREAS, to protect the health, safety, and welfare of persons and property within the City's jurisdiction, the Department of Permits, Licenses, and Inspections "PLI" has been tasked with enforcing compliance with the IPMC;

WHEREAS, property conditions, including but not limited to weeds, grass, overgrowth, landslides, and other dangerous conditions, directly relate to and affect the health, safety, and welfare of persons who occupy the property, nearby properties, and residents, the general public, neighborhoods, and communities within the city;

BE IT RESOLVED that the Council of the City of Pittsburgh enacts as follows:

Section 1.

CHAPTER 1004: INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTION

§ 1004.01 ADOPTION AND PURPOSE.

An ordinance of the City of Pittsburgh adopting the 2021 edition of the International Property Maintenance Code, regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Pittsburgh; providing for the collection of fees therefor.

The City Council of the City of Pittsburgh does ordain as follows:

That a certain document, three (3) copies of which are on file in the office of the City Clerk of City of Pittsburgh and the Department of Permits, Licenses, and Inspections ("PLI"), being marked and designated as the International Property Maintenance Code, 2021 edition, including Appendix **Chapters A Boarding Standard and B Board of Appeals**, as published by the International Code Council including all published errata, be and is hereby adopted as the Property Maintenance Code of the City of Pittsburgh, in the State of Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office

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of the City of Pittsburgh are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 1004.02 of this ordinance.

(Ord. 9-2004, eff. 6-8-04; Ord. No. 12-2020, § 1, eff. 3-31-20)

§ 1004.02 CHANGES SPECIFIED.

The following sections are hereby revised:

Section 101.1: Insert "The City of Pittsburgh" for [NAME OF JURISDICTION]

Section 102.3: Amend to read as follows:

102.3 Application of other codes. Repairs, additions, or alterations to a structure, or *changes of occupancy*, shall be done in accordance with the procedures and provisions of the currently adopted *International Building Code*, *International Existing Building Code*, *International Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, Article XV Allegheny County Health Department Plumbing Code, and National Fire Protection Association (NFPA) 70 - National Electrical Code. Nothing in this code shall be construed to cancel, modify, or set aside any provision of Title Nine - Zoning Code of the Pittsburgh City Code.

Section 103.1: Insert "The Department of Permits, Licenses, and Inspection (referred to hereinafter as "PLI")" for [NAME OF DEPARTMENT]

Section 103.2: Amend to read as follows:

103.2 Appointment. The *code official* shall be appointed by the Mayor of the City of Pittsburgh.

Section 104.1: Amend to read as follows:

104.1 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the PLI Director, incorporated and published in the City of Pittsburgh Fee Schedule by the Director of Finance, and as approved by City Council.

Section 107.1: Amend to read as follows:

107.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of license and inspection review. The board shall be appointed per Section 701.15 of the Pittsburgh City Code. The board shall adopt rules of procedure for conducting its business and shall render all decisions per Section 701.15 of the Pittsburgh City Code.

Section 107.3: Amend to read as follows:

107.3 Qualifications. The board of license and inspection review shall consist of members who are qualified per Section 701.15 of the Pittsburgh City Code.

Section 108: Amend section title to read as follows:

108. Board of License and Inspection Review

Section 108.1 Amend to read as follows:

108.1 Membership of board. The board membership shall be per Section 701.15 of the Pittsburgh City Code.

Section 109.3: Amend to read as follows:

109.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be deemed guilty of a summary offense as determined by the local municipality, and the violation shall be

deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the *structure* in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

Section_109.4: Amend to read as follows:

109.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and subject to the provisions of Section 1001.10 of the Pittsburgh City Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 113: Add the following new Sections 113.5 through 113.9:

113.5 Permit for demolition: Demolishing or removing any building, *structure*, part thereof, or appurtenance shall require a demolition permit issued by PLI. The *code official* shall have the authority to require additional documentation to demonstrate adequate protection measures are provided during work and/or require that any barricade or other safeguard deemed necessary be erected and/or maintained in a safe condition for the duration of the work. If, after demolition of a building or *structure* or part thereof, any depression on the lot may be deemed to constitute a hazard to life or limb, the code official shall have the authority to require such depression to be filled or otherwise made safe or be barricaded in such a manner as to eliminate such hazard. If after work is complete any condition of the lot is determined by the *code official* to constitute a hazard, the *code official* shall have the authority to require appropriate measure be taken to eliminate such hazard. If the *code official* determines that, after issuance of a permit to demolish or remove a building, *structure*, part thereof or appurtenance thereto, it is found that the work of demolition or removal is not being performed in a safe manner, the *code official* shall have authority to issue a stop work order and/or revoke such permit. Any work performed after such issuance of a stop work order and/or permit revocation shall be a violation of this code and subject to applicable fines as otherwise permitted by this code.

All demolition work shall comply with PLI's current demolition specifications. The following PLI inspections are required for all demolition permits: pre-inspection, void inspection and final inspection. It is the permit holder's responsibility to schedule these inspections. Failure to receive these inspections or to commence and/or conceal work without inspector authorization may lead to revocation of the permit. No work shall commence prior to a pre-inspection. No backfill of a void shall be allowed prior to a passed void inspection. All required close-out documentation shall be submitted for the final inspection.

113.6 Notification by the code official: Upon receipt of an application for a demolition permit for any structure, the *code official* shall make public data and permits available to the public upon receipt of the submission of application for demolition.

113.7 Responsibilities of owner: As a condition for the issuance of a demolition permit, the *owner* or the *owner's* agent shall give written notice to the owners of adjoining properties and to the owners of any property whose utility services must be temporarily shut, removed or affected because of the proposed demolition work as attested in permit application. It is the responsibility of the *owner* or the *owner's* agent to treat the subject property for pests and rodents and to submit documentation of this treatment with their permit application. It is the responsibility of the permit holder to protect adjoining properties, *structures* and/or any persons using any public right of way, which includes but is not necessarily limited to both sidewalks and streets, abutting upon the property on which the building or structure is situated. Any safeguards required to ensure protection of these elements shall be in place prior to work commencing. Immediately upon issuance of a demolition permit, the owner or owner's agent must post a copy of the permit thereof in a conspicuous location that is safely viewable to the neighboring properties and from a public right-of-way at the demolition site. The *owner* or their agent is responsible for ensuring that work complies with all applicable provisions of the City Code, which includes but is not limited to obtaining any other necessary governmental permits.

113.8 Placard of INTENT TO DEMOLISH: Immediately after applying for a demolition permit, the *owner* or the *owner's* agent must post an INTENT TO DEMOLISH placard, provided by PLI, in a conspicuous location that is safely viewable to the neighboring properties and from a public right-of-way at the demolition site. If a demolition permit is issued, the *owner* or

owner's agent may remove the placard and replace it with the permit.

113.9 Service connections: Before a structure is demolished or removed, the *owner* or the *owner's* agent shall notify all utilities having service connections within the *structure* or property such as water, electric, gas, sewer and/or other connections and shall obtain a release from the utility(ies), stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. This release shall be submitted to the PLI Inspector as required in this Code and any applicable Rules and Regulations.

~~110.10~~ 113.10 Lot regulations: Whenever a structure is demolished or removed, in accordance with all applicable provisions of the City Code, the *premises* shall be maintained free from all unsafe or hazardous conditions by the proper maintenance of the lot, restoration of established grades, and the erection of the necessary retaining walls, fences, and any other safety features as otherwise required by this code.

Section 111: Add Section 111.10 to read as follows:

111.10 Failure to Comply. Upon failure of the *owner* or *owner's* authorized agent to remediate a *landslide* within the time specified in the order, the *code official* shall cause the remediation of the *landslide* on the *premises* through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource. The *code official's* right of entry per Section 105.3 of this code shall extend to all duly authorized City of Pittsburgh employee or private persons to perform testing, surveying, other site evaluations, and work necessary to remediate the *landslide* on the *premises*.

Section 111.4.2 Amend to read as follows:

111.4.2 Method of service. Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally.
2. A copy is sent by certified, first-class, or registered mail addressed to the owner at the last known address with the return receipt requested.
3. A copy is delivered in any other manner as prescribed by local law.
4. A copy is posted in a conspicuous place in or about the structure affected by such notice.

Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

Section 111.7 Amend to read as follows:

111.7 Placarding. The *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment, or removing the placard. Such notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall be placed on the condemned equipment. Any person who shall operate placarded equipment, and any *owner* or *owner's* authorized agent who shall let anyone operate placarded equipment shall be liable for the penalties provided by this code.

Section 111.7.1 Is not amended.

Section 111.8 Amend to read as follows:

111.8 Prohibited occupancy. The *code official* is hereby authorized and empowered to prohibit occupancy of a vacant *condemned structure*. Once *condemned* and placarded, the *code official* is hereby authorized and empowered to order any occupied *structure* be vacated. Upon the *code official* prohibiting occupancy or ordering an occupied structure be vacated, any person who shall occupy and any *owner* or *owner's* authorized agent who shall let anyone occupy a placarded *premises* shall be liable for the penalties provided by this code.

Section 111.1.1: Amend to read as follows:

111.1.1 Unsafe structures. An unsafe *structure* is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the *structure* by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because of an actual or imminent *landslide*, or such *structure* contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Section 111.9: Amend to read as follows:

111.9 Restoration or abatement. The structure or equipment determined to be unsafe by the code official is permitted to be restored to a safe condition. The *owner*, *owner's* authorized agent, *operator* or *occupant* of a structure, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, *landslide* remediation, or other *approved* corrective action. To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of the *International Existing Building Code*. Any *landslide* remediation shall comply with the requirements of Chapter 1003 Land Operations Control of the Pittsburgh City Code.

Section 112.1 Amend to read as follows:

112.1 Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or *structure* that endangers life, or when any *structure* or part of a *structure* has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any *structure* because of an actual or imminent *landslide*, explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such *structure* a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such *structure* except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Section 112.5 Amend to read as follows:

112.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the premises or the *owner's* authorized agent where the unsafe structure is or was located for the recovery of such costs. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* or *owner's* authorized agent where the unsafe *structure* is or was located for the recovery of such costs. The cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

Section 202: Amend the following definitions to read as follows:

CODE OFFICIAL. The PLI Director or other appointed official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Section 202: Add the following definitions:

CHANGE OF OCCUPANCY. Any of the following shall be considered as a change of occupancy where the current *International Building Code* requires a greater degree of safety, accessibility, structural strength, fire protection, means of egress, ventilation or sanitation than is existing in the current building or structure:

1. Any change in the occupancy classification of a building or structure.
2. Any change in the purpose of, or a change in the level of activity within, a building or structure.
3. A change in the use of a building or a portion of a building, within the same group classification, for which there is a change in application of the code requirements.

LANDSLIDE. The movement of a mass of rock, talus debris, or earth down a slope as determined by the *Code Official*. Such

movement includes but is not necessarily limited to falling, sliding, flowing, spreading, toppling, or any combination thereof.

GEOTECHNICAL REPORT. A written report prepared and sealed by a Pennsylvania licensed engineer with civil engineering experience evaluating slope stability, soil strength and bearing capacity, position and adequacy of load bearing soils, the effect of moisture variation on soil-bearing capacity, compressibility, liquefaction, expansiveness, and the structural stability of *structures* in accordance with generally accepted engineering practice. The report shall:

1. Clearly identify the investigation means including visual observations, subsurface exploration, equipment used, testing, and engineering calculations.
2. Classify soil materials in accordance with ASTM D2487.
3. Summarize, interpret, and analyze all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and groundwater information.
4. Identify and provide details for all work necessary to stabilize *premises* slope and soil stability, repair damage, stabilize *structures*, remediate the *landslide*, and prevent future *landslides*.
5. And provide details for all work necessary to stabilize *premises* slope and soil stability, repair damage, stabilize *structures*, remediate the *landslide*, and prevent future *landslides*.

PUBLIC NUISANCE. Drainage discharge that creates a hazard to pedestrians, damage to any structure on the *premises* or adjacent property or attracts insects.

Section 302: Add Section 302.10 to read as follows:

302.10 Unsafe Trees. When the *code official* finds a failed or collapsed tree is unsafe or dangerous to the life, health, property, or safety of the public or the *occupants* of the *structure*, the tree shall be removed or pruned to return it to a safe condition.

Section 302.2: Amend to read as follows:

302.2 Grading, soil stability, and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil, maintain soil stability, prevent a *landslide*. and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

Section 302.2: Section 302.2.1 to read as follows:

302.2.1 Landslide Remediation. If a *landslide* occurs on the *premises*, the *owner* or *owner's* agent is responsible for immediately securing *structures*, repairing damage, and remediating the *landslide* and stabilizing *premises* soil based on a *geotechnical report* per this code. The *owner* or *owner's* agent shall provide a complete copy of the *geotechnical report* to the *code official*. The *owner* or *owner's* agent shall obtain a land operations permit and any other permit necessary to comply with the requirements of this section.

Section 302.4: Insert "ten (10) inches" for [JURISDICTION TO INSERT HEIGHT IN INCHES]

Section 302.8: Amend to read as follows:

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative, uninspected, or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth with a valid certificate of occupancy.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a *structure* or similarly enclosed area designed and *approved* with a valid certificate of occupancy for

such purposes.

Section 304.1: Add Section 304.1.2 to read as follows:

304.1.2 Structural Inspections. The *owner* or *owner's* authorized agent shall engage a Pennsylvania-licensed engineer to inspect all *structures* except single-family dwellings, two-family dwellings, and townhouses every five (5) years and:

1. Maintain records of the engineer's structural inspection report and maintenance or repairs performed per the engineer's report.
2. Provide records per this section to the *code official* in the manner and method prescribed upon request or required by departmental rules.
3. Obtain necessary permits for work recommended by the engineer.
4. Notify the *code official* immediately of any dangerous or unsafe conditions.

Section 304.1: Add Section 304.1.2.1 to read as follows:

304.1.2.1 Engineer. The Pennsylvania-licensed engineer engaged by the *owner* or *owner's* authorized agent shall:

1. Inspect the exterior walls, decorative features, overhang extensions, stairways, decks, porches and balconies, chimneys and towers regulated by this section for damage, defects, and structural capacity to remain in service.
2. Prepare and seal a report documenting their inspection methods, evaluation per this section, and any necessary work to repair damage, defects, or ensure structural capacity to remain in service.
3. Notify the *code official* immediately of any dangerous or unsafe conditions.

Section 304.7 Amend to read as follows:

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a *public nuisance*.

Section 304.14: Insert "April 1st" for [DATE] and "October 31st" for [DATE].

Section 308: Add Section 308.4 to read as follows.

308.4 Failure to Comply. Upon failure of the *owner* or *owner's* authorized agent to dispose of rubbish or garbage within the time specified in the order, the *code official* shall cause the disposal of rubbish or garbage on the *premises* through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

Section 502.5: Amend to read as follows:

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Article XV Allegheny County Health Department Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

Section 505.1: Amend to read as follows:

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Article

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XV Allegheny County Health Department Plumbing Code.

Section 505.5.1: Amend to read as follows:

505.5.1 Abandonment of systems. Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the *owner* ceases use of the system, the system shall be abandoned in accordance with Article XV Allegheny County Health Department Plumbing Code.

Section 507.1 Amend to read as follows:

507.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a *public nuisance*.

Section 602.3: Insert: "October 1st" for [DATE] and "May 31st" for [DATE]

Section 602.4. Insert: "October 1st" for [DATE] and "May 31st" for [DATE]

Section 606.1: Amend to read as follows:

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with 34 Pennsylvania Code Chapter 405.

Section 703.2 Amend to read as follows:

703.2 Unsafe conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 111.1. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the code official shall act in accordance with Section 112.

§ 1004.03 VALIDITY AND SEPARABILITY.

That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Pittsburgh hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

§ 1004.04 EFFECTIVE DATE.

This law and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after its final passage and adoption.

§ 1004.05 COPYRIGHTS.

That City of Pittsburgh acknowledges and agrees that the International Code Council, Inc. ("ICC") owns registered copyrights in the 2021 edition of the ICC International Property Maintenance Code. ICC makes the 2021 edition of the International Property Maintenance Code and numerous other International Codes (I-Codes) available to view for free on its website at: codes.iccsafe.org. Without separate written permission from the copyright owner, no part of the 2021 edition of the International Property Maintenance Code may be reproduced, distributed or transmitted in any form or by any means, including without limitation, electronic, optical or mechanical means (by way of example, and not limitation, photocopying, or recording by and/or in an information retrieval system). For information on the use rights and permissions, please contact: Publications, 4051 Flossmoor Road, Country Club Hills, IL 60478. Phone 1-888-ICC-SAFE (422-7233).

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