



REVISED AGENDA - VICTORIA CITY COUNCIL

Thursday, November 19, 2020

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

To be held immediately following the Committee of the Whole Meeting

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

Due to the COVID-19 Pandemic, public access to City Hall is not permitted. This meeting may be viewed on the City's webcast at www.victoria.ca

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- A. CONVENE COUNCIL MEETING
- B. APPROVAL OF AGENDA
- C. READING OF MINUTES
- D. PROCLAMATIONS
- E. REPORTS OF COMMITTEE

E.1. Committee of the Whole

- E.1.a. Report from the November 12, 2020 COTW Meeting

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E.1.a.b. Q3 VicPD Report

E.1.a.c. 1114 Rockland Avenue: Rezoning Application No. 00711 and Development Permit with Variances Application No. 00140 (Fairfield)

E.1.a.d. Council Member Motion: Seniors Action Plan

- *E.1.b. Report from the November 10, 2020 Special COTW Meeting

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- *E.1.b.a. 2021 Draft Financial Plan – Department Presentations

*E.1.b.a.a. Real Estate

*E.1.b.a.b. Parks, Recreation, and Facilities

F. BYLAWS

F.1. Bylaw for Rental Property Standards of Maintenance Bylaw

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A report recommending:

- **Adoption of:**
 - Rental Property Standards of Maintenance Bylaw No. 20-091

The purpose of the bylaw is to establish minimum standards of maintenance for rental units and residential properties in Victoria for the health, safety and protection of tenants and existing rental stock; the protection and enhancement of the well-being of the community; and better regulation of residential rental business.

G. CLOSED MEETING

MOTION TO CLOSE THE NOVEMBER 12, 2020 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the Community Charter for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the Community Charter, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- Section 90(1)(c) labour relations or other employee relations.

H. APPROVAL OF CLOSED AGENDA

I. READING OF CLOSED MINUTES

J. UNFINISHED BUSINESS

K. CORRESPONDENCE

L. NEW BUSINESS

L.1. Employee Relations - Community Charter Section 90(1)(c)

L.2. Employee Relations - Community Charter Section 90(1)(c)

L.3. Employee Relations - Community Charter Section 90(1)(c)

M. CONSIDERATION TO RISE & REPORT

N. ADJOURNMENT

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD NOVEMBER 12, 2020

For the Council meeting of November 19, 2020, the Committee recommends the following:

G.2 Regional Evacuation Planning Grant

1. That Council approve the \$75,000 joint grant application submitted by staff on November 5th, 2020 to the Union of BC Municipalities (UBCM) Community Emergency Preparedness Fund (CEPF) for Regional Evacuation Planning. The partners in the joint grant application include the Township of Esquimalt (\$25,000), the District of Oak Bay (\$25,000), and the City of Victoria (\$25,000).
2. That Council authorize the Mayor and City Clerk to execute any agreements related to a successful grant application.

D.1 Q3 VicPD Report

That Council received the report from Victoria Police for information.

F.1 1114 Rockland Avenue: Rezoning Application No. 00711 and Development Permit with Variances Application No. 00140 (Fairfield)

Rezoning Application No. 00711

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00711 for 1114 Rockland Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Secure an amenity contribution in the amount of \$144,021.20 towards the Victoria Housing Reserve Fund (70%) and Local Amenities Fund (30%), to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Secure two one-bedroom units to be sold at a minimum of 10% below market rate (below-market ownership units) in perpetuity, to the satisfaction of the Director of Sustainable Planning and Community Development.
3. Preparation and execution of legal agreements for the following:
 - a. to ensure that future strata bylaws cannot restrict the rental of units to non-owners (with the exception of two below-market ownership units), to the satisfaction of the Director of Sustainable Planning and Community Development.
 - b. to secure the following transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works:
 - i. one care share membership per dwelling unit;

- ii. one hundred dollars in car share usage credits per membership;
- iii. 20 long term bicycle parking stalls in addition to the requirements under Schedule C of the Zoning Regulation Bylaw;
- iv. a bicycle maintenance area; and
- v. a BC Transit bus pass subsidy of at least \$22,500 for future residents.

Development Permit with Variances Application No. 00140

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00711, if it is approved, consider the following motion:

That Council authorize the issuance of Development Permit with Variance Application No. 00140 for 1114 Rockland Avenue, in accordance with:

1. Plans date stamped June 29, 2020.
2. Revisions to the plans to shift the location of the sidewalk to the property line and adjust the landscaping along the street frontage to the satisfaction of the Director of Sustainable Planning and Community Development.
3. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the vehicle parking from 17 stalls to 12 stalls;
 - ii. reduce the west side setback from 3 metres to 2 metres;
 - iii. reduce the east side setback from 3 metres to 0.35 metres (lobby only)
4. The Development Permit lapsing two years from the date of this resolution.

I.2 Council Member Motion: Seniors Action Plan

That Council:

1. Adopt the City of Victoria Seniors' Action Plan 2020
2. Refer the plan for Council's consideration in the 2021 Financial Planning process
3. Direct staff to apply for the UBCM Age-Friendly grant to create a list of actions that overlap between the Seniors' Action Plan, the Accessibility Framework and other city programs, and create an age-friendly implementation plan.
4. Approve the formation of a Seniors' Advisory Committee and direct staff to report back with draft Terms of Reference and resource requirements for this committee, and additionally on resources required to work with partner Seniors' Serving agencies in convening an annual Seniors' Summit.

SPECIAL COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD NOVEMBER 10, 2020
2021 FINANCIAL PLAN

For the Council Meeting November 19, 2020, Committee recommends the following:

2021 Draft Financial Plan – Department Presentations

F.1.1.5 Real Estate

That Council direct staff to provide an annual update by the end of Q2 2021 on Parks and Greenways Acquisitions, informed by the equity framework.

That Council direct staff to provide an annual update by the end of Q2 2021 on Housing Acquisitions.

F.1.1.7 Parks, Recreation, and Facilities

That Council request staff to report back with information regarding the potential for paid parking along a portion of Dallas Road with exemption for accessible parking spaces.

That Council direct staff to report back before the end of 2020 on the options and implications for security services.

RENTAL PROPERTY STANDARDS OF MAINTENANCE BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to establish minimum standards of maintenance for rental units and residential properties in Victoria for the health, safety and protection of tenants and existing rental stock; the protection and enhancement of the well-being of the community; and better regulation of residential rental businesses.

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Under its statutory powers, including section 8(3)(g) and (h) and section 8(6) of the *Community Charter* and section 32(1)(a) of the *Residential Tenancy Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

PART 1 – INTERPRETATION AND APPLICATION**Title**

1. This Bylaw may be cited as the “Rental Property Standards of Maintenance Bylaw”.

Definitions

2. (1) In this Bylaw, the following words and terms have the meanings set out in the *Residential Tenancy Act*: landlord, rental unit, residential property, tenancy agreement, tenant.

- (2) In this Bylaw:

“bathroom”

means a room consisting of not less than one toilet, one wash basin and one bathtub or shower;

“Building Code”

means the British Columbia Building Code, as amended from time to time;

“community kitchen”

means a room not part of a dwelling unit or housekeeping unit and designed or intended for the use of the preparation of food;

“dwelling unit”

means one or more habitable rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and a bathroom are provided for the exclusive use of such person or persons;

“facility for cooking”

includes any equipment, device or appliance used to heat or cook food, or any combination thereof, and includes the arrangement of service lines which provide the energy source being used or intended to be used to service such facility;

“good order”

means suitable for intended use and functioning as intended and designed;

“housekeeping unit”

means one or more habitable rooms containing therein facilities for cooking and a sink but no other sanitary facilities;

“person”

includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;

“sanitary facilities”

includes any toilet and toilet tank, urinal, bathtub, shower or hand basin;

“sleeping unit”

means one or more habitable rooms equipped to be used for sleeping and sitting purposes only.

Application

3. This Bylaw applies to all rental units and residential properties that are regulated by the *Residential Tenancy Act*.

PART 2 – MAINTENANCE STANDARDS

Owner's Duties and Obligations

4. An owner of residential property shall maintain it in accordance with the standards prescribed in this Bylaw, and shall not use, permit the use of, rent or offer to rent any rental unit that does not conform to the minimum maintenance standards prescribed in this Bylaw.

Plumbing and Water

5. (1) All plumbing, including plumbing fixtures, drains, vents, water pipes, toilets and toilet tanks, and connecting lines to the water and sewer system, in the residential property shall be maintained in good order.
- (2) Every hand basin, bathtub, shower, and sink in the rental units shall have an adequate supply of hot and cold running water and every toilet and toilet sink in the residential property shall have an adequate supply of running water.

- (3) Hot water supplied to the rental units must be at a minimum temperature of 45°C (113°F) and a maximum of 60°C (140°F).
- (4) Water provided to a rental unit must be fit to drink.
- (5) A person providing a rental unit in a residential property for rent must, within a reasonable period of time, repair or replace any structures or surfaces within the residential property that are damaged by water due to plumbing leaks, water ingress, or any other cause.

Gas and Electrical Appliances and Systems

- 6. (1) All gas and electrical systems and appliances in a residential property shall be maintained in good order.
- (2) All systems of appliance venting in a residential property shall be maintained in good order.

Heating Systems

- 7. (1) Every rental unit shall be provided with adequate heating facilities that are maintained in good order.
- (2) Heating facilities provided in a rental unit shall be capable of maintaining a minimum indoor air temperature in the rental unit of at least 21°C (70°F).
- (3) The heating equipment shall be turned on in order to maintain the required temperature defined in subsection (2) upon the request of any occupant of a rental unit.
- (4) Portable room heaters or cooking facilities must not be used as a primary source of heat in a rental unit.

Electrical Systems and Lighting

- 8. (1) Electrical wiring and lighting equipment, including circuits, fuses, circuit breakers, electrical equipment and electrical heating systems, shall be maintained in good order in a residential property.
- (2) Adequate levels of artificial lighting shall be maintained in good order in each room of a rental unit, and in all common areas of a residential property.

Maintenance of Services and Utilities

- 9. (1) No person providing a rental unit in a residential property, or anyone acting on that person's behalf, shall disconnect or cause to be disconnected any service or utility providing light, heat, air conditioning, refrigeration, water or cooking facilities for any rental unit occupied by a tenant, except for such reasonable period of time as may be required for the purpose of repairing, replacing, or altering the service or utility, and then only during the reasonable minimum time that the action is necessary.

- (2) Any person disconnecting or causing to be disconnected any service or utility pursuant to subsection (1) for the purposes of routine maintenance must provide notice of the disconnection and its estimated duration to all affected tenants no less than 24 hours prior.
- (3) Any person responsible for any service or utility rates shall be deemed to have caused the disconnection, shutting off, removal or discontinuance of the service or utility if the person fails to pay the rates and, as a result of the non-payment, the service or utility is no longer provided, and that same person is responsible for reinstating the service or utility and for any fees associated with doing so.

Appliances and Other Facilities

- 10. A person providing a rental unit in a residential property for rent must ensure that all appliances and other facilities and services supplied by the landlord are maintained in good order.

Cooking Facilities

- 11. (1) No one shall prepare food or permit the preparation of food in a sleeping unit.
- (2) All sleeping units shall have access to a community kitchen within the residential property that is:
 - (a) equipped with a facility for cooking, mechanical refrigeration in the proportion of 0.0566 cubic meters (2 cubic feet) for each occupant, and a sink installed in a counter having a backsplash and drain board made of materials impervious to water;
 - (b) accessible from a common entrance; and
 - (c) maintained in good order and in a clean condition.
- (3) All housekeeping units and dwelling units shall have a kitchen area that is:
 - (a) equipped with a facility for cooking, mechanical refrigeration, and a sink installed in a counter having a backsplash and drain board made of materials impervious to water; and
 - (b) maintained in good order and in a clean condition.

Sanitary Facilities

- 12. (1) For sleeping units and housekeeping units:
 - (a) every unit shall have access to a hand basin, toilet, and bathtub or shower that are in good order within the residential property;

- (b) at least one hand basin and one toilet shall be provided and maintained in good order for every 5 sleeping units or housekeeping units in a residential property;
 - (c) at least one bathtub or shower shall be provided and maintained in good order for every 10 sleeping units or residential units in a residential property; and
 - (d) the hand basins, toilets, bathtubs and showers provided pursuant to paragraphs (b) and (c) shall be provided in a room or rooms that are accessible from a common area within the building.
- (2) At least one bathtub or shower, toilet, and hand basin shall be provided and maintained in good order within each dwelling unit.
 - (3) The floors and enclosures around showers in a residential property shall be finished with a smooth finish that is impervious to moisture.
 - (4) All walls and ceilings in rooms containing sanitary facilities within a residential property shall be finished with a smooth, washable surface.
 - (5) All rooms containing sanitary facilities within a residential property shall:
 - (a) have a door that can be securely closed at any entrance, and
 - (b) be maintained in good order, free of mould and in a clean condition.

Laundry Facilities

- 13. (1) Subject to subsection (4), every residential property containing one or more sleeping units or housekeeping units shall provide and maintain for the use of tenants a minimum of one washer and dryer contained within a laundry room.
- (2) Every laundry room within a residential property shall be maintained in a clean and sanitary condition and all sinks provided in a laundry room shall be connected to hot and cold running water and properly connected to the drainage system.
- (3) Subject to subsection (4), every dwelling unit shall contain a laundry room equipped with provisions for a washer and dryer to be installed.
- (4) A laundry room need not be provided in a dwelling unit or a residential property if the owner provides evidence demonstrating that:
 - (a) it is not possible to provide a laundry room without evicting a tenant; or
 - (b) it is not possible to provide a laundry room without undertaking significant and costly plumbing upgrades.

Garbage, Debris Storage and Disposal

14. For every residential property:
- (1) all garbage and refuse shall be stored in proper receptacles and removed in accordance with the requirements of all applicable City bylaws;
 - (2) garbage bags containing garbage shall be stored only within an enclosed garage or in a covered garbage receptacle;
 - (3) a garbage storage facility or a sufficient number of suitable receptacles shall be provided that are readily accessible to all occupants and sufficient to contain all garbage, debris and waste;
 - (4) every receptacle for garbage shall be water tight, provided with a tight-fitting cover, rodent and pest proof and maintained in a clean and tidy state;
 - (5) every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be washed and cleaned as often as is necessary to maintain a clean and odour free condition; and
 - (6) the site dedicated to the temporary storage and disposal of garbage and refuse shall be kept in a litter-free and odour-free condition, and maintained in a manner that will not attract rodents or pests, create a health or other hazard, or obstruct an emergency route.

Structural Integrity

15. Every building that is part of the residential property, and its structural components, including roofs, stairs, railings, porches, deck joists, rafters, beams, columns, foundations, floors, walls and ceilings, shall be maintained in good order.

Foundations

16. In every residential property, foundation walls and other supporting members shall be maintained in good order.

Exterior Walls

17. For every residential property:
- (1) exterior walls and their components shall provide adequate protection from the weather and shall be maintained
 - (a) in good order,
 - (b) free from loose or unsecured objects and materials, and
 - (c) in a manner to prevent or retard deterioration due to weather or infestations;

- (2) canopies, marquees, awnings, screens, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained in good order, safely and properly anchored and protected against deterioration and decay;
- (3) exterior wall facings, projections, cornices and decorative features shall be maintained in good order and safely and properly anchored; and
- (4) mechanical ventilating systems and their supporting members shall be maintained in good order.

Doors, Windows and Ventilation

- 18. (1) Openings in exterior walls of a residential property, other than doors and windows, shall be effectively protected to prevent the entry of rodents, insects or pests.
- (2) All exterior doors and windows in a rental unit shall be maintained in good order, weather tight, and capable of being securely closed and locked.
- (3) All doors to the rental unit shall be maintained in good order, weather tight, and capable of being securely closed and locked by the tenant.
- (4) All doors within a rental unit shall be maintained in good order.
- (5) Every rental unit shall be provided with a means of ventilation.
- (6) All systems of ventilation within a rental unit, mechanical or natural, shall be maintained in good order.
- (7) All rooms within a residential property with sanitary facilities shall be provided with a window or ventilation system which shall be maintained in good order.
- (8) Unless a satisfactory alternative means of ventilation is provided, every habitable room in a rental unit must have at least one window that can be easily opened.

Roofing

- 19. The roof, including the flashing, fascia, soffit, and cornice, shall be maintained in a weather-tight condition so as to prevent leakage of water into the rental units and common areas of a residential property.

Stairs, Balconies, Porches and Landings

- 20. Stairways, balconies, porches, and landings within every residential property shall be maintained
 - (1) in a safe and clean condition;
 - (2) in good order, and

- (3) free from holes, cracks, excessive wear and warping, and hazardous obstructions.

Basements

- 21. Within every residential property:
 - (1) basement floor drains shall be maintained in good order; and
 - (2) floors in a basement shall be kept dry and free from major cracks, breaks or similar conditions that would create an accident hazard or allow the entrance of water into the basement.

Floors

- 22. Within every residential property:
 - (1) floors shall be maintained in a clean condition, reasonably smooth and level and free of loose, warped or decayed boards, depressions, protrusions, mould, deterioration or other defects which may create health, fire or accident hazards;
 - (2) where floors are covered, the covering shall be maintained in a safe condition; and
 - (3) shower room, toilet room and bathroom floors shall be covered with smooth moisture resistant floor finishes, and in such condition as to permit easy cleaning.

Walls and Ceilings

- 23. Interior walls and ceilings of a residential property shall be maintained in a clean, mould-free condition, in good order and free from holes, or loose or broken plaster that may create health, fire or accident hazards.

Maintenance of Fire Safety Systems and Exits

- 24. Within every residential property:
 - (1) walls, floors and roof construction, including fire protective closures, sprinkler systems, fire alarm and detection systems and other means of fire protection, shall be maintained in good order;
 - (2) each rental unit shall have a working smoke detector in accordance with the British Columbia Fire Code Building Code, the Building Code, and City bylaws;
 - (3) each means of egress shall be maintained in good order and shall be free of obstructions;
 - (4) hallways, stairwells, and exterior areas shall be adequately illuminated to allow for safe passage at all times; and

- (5) securely fastened handrails shall be provided throughout the residential property in accordance with the Building Code.

Elevators

25. (1) Every elevator in a residential property shall be maintained in a safe, clean, and operational condition at all times.
- (2) An elevator in a residential property must not be out of service for more than one month unless the closure cannot reasonably be avoided.
- (3) If an elevator is scheduled for service that will require it to be unavailable for use for more than 2 hours, the owner of the residential property must provide notice to all tenants at least two days prior to the scheduled service.
- (4) If an elevator is to be out of service or remains inoperative for more than one month, until the elevator returns to operation, the owner of the residential property must provide information to all tenants on the efforts that are being made to repair or replace the elevator and the expected date of the elevator's return to operation
- (a) within no less than 35 days of the elevator being out of service, and
- (b) thereafter, on a weekly basis.
- (5) If the only elevator in the residential property is scheduled to be out of service or remains inoperative for more than 2 hours due to breakdown, in addition to the other requirements of this section, the owner of the residential property must:
- (a) notify each tenant in writing as soon as possible of the closure, asking tenants to make their needs as a result of the closure known,
- (b) if the elevator remains unavailable, develop a plan in coordination with tenants for accommodating the needs of tenants who require use of the elevator, and within 48 hours of the closure communicate that plan to tenants and implement it, and
- (c) while the elevator remains unavailable, provide all tenants with regular updates on the efforts that are being made to repair or replace the elevator, the expected time of the elevator's return to operation, and any changes to the plan referred to in paragraph (b).
- (6) Notwithstanding subsections (1) and (2), if an elevator breaks down and the elevator is not required by the Building Code, the owner of the residential property may leave the elevator out of service and cease complying with the requirements of subsections (4) and (5), provided that the owner provides tenants requiring use of an elevator with:
- (a) notification in writing as soon as possible, and

- (b) reasonable accommodations, which may include financial assistance with moving expenses, compensation, or other arrangements for the benefit of such tenants.

Parking or Storage Garages

26. No machinery, boats, vehicles, trailers or parts of the aforementioned items that are in a wrecked, discarded, dismantled, inoperative or abandoned condition, or rubbish or discarded furniture shall be kept or allowed to remain in a parking garage or parking area of a residential property.

Pest Control

27. (1) A person providing a rental unit in a residential property for rent must take all reasonable steps to avoid infestation of the residential property or any rental unit with rodents and pests, and, if such infestation has occurred, must take reasonable steps to eliminate the infestation.
- (2) A tenant occupying a rental unit must cooperate with the landlord in keeping the residential property free of rodent and pest infestation and take any reasonable measures to eliminate the infestation, including adequate sanitation measures, timely removal of waste, and where applicable, the movement and treatment of personal belongings.
- (3) When taking steps to eliminate the infestation, landlords must accommodate reasonable alternative treatment options for the infestation based on the needs of the tenant.

Mould

28. (1) A person providing a rental unit in a residential property for rent must take all reasonable steps to prevent mould in the residential property.
- (2) If a tenant reports mould to the landlord, the landlord must respond in a timely way and take all reasonable steps to eliminate the mould from all structures and surfaces of a residential property.

Repairs

29. When undertaking any repairs on a residential property, a person providing a rental unit in residential property for rent must utilize a professional with the certification and training suitable for performing the repairs, if the tenant has so requested.

PART 3 – MISCELLANEOUS

Severability

30. If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, it shall be severed from the Bylaw and the balance of the Bylaw, or its

application in the circumstances, shall not be affected and shall continue to be in full force and effect.

Commencement

31. This Bylaw comes into force on January 31, 2021.

READ A FIRST TIME the **17th** day of **September** 2020

READ A SECOND TIME the **17th** day of **September** 2020

READ A THIRD TIME the **17th** day of **September** 2020

RESCIND THIRD READING the **5th** day of **November** 2020

AMENDED the **5th** day of **November** 2020

REREAD A THIRD TIME the **5th** day of **November** 2020

ADOPTED on the day of 2020

CITY CLERK

MAYOR