



TOWN OF FAIRFAX

STAFF REPORT

September 4, 2013

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*

SUBJECT: Introduction and first reading of Ordinance No. 772 Amending the Municipal Code by Adding Section 8.08.130 (Establishing Mandatory Commercial Recycling Within the Town of Fairfax)

RECOMMENDATION

- 1) Introduce and read by title only ordinance No. 772 an Ordinance of the Town Council of Fairfax amending the municipal code by adding section 8.08.130 (establish mandatory commercial recycling within the Town of Fairfax)
- 2) Waive further reading of the ordinance

DISCUSSION

State law requires that businesses by January 1, 2012 take actions to recycle or otherwise divert solid waste from disposal (i.e., transport to landfills). In August 2013, the Council reviewed a proposed ordinance which was based on a model ordinance prepared by the Marin County Hazardous Waste and Solid Waste Management Joint Powers Authority and recommended by the Council's Zero Waste Committee. The ordinance also reflected numerous suggestions made by Marin Sanitary Services (MSS) to improve the ordinance.

At the August meeting, Council requested staff report back on 3 issues related to the ordinance:

- 1) Outreach and Education- While MSS conducts its own outreach and education activities, staff will be recommending at a future meeting that the Town contract with Sustainable Fairfax to conduct the Town's outreach and education efforts regarding the ordinance.
- 2) Enforcement- At a future meeting, staff will recommend a process for Council consideration. The process will most likely include numerous attempts by MSS to gain compliance. Failing that, the Town will make attempts and, if unsuccessful, will consider administrative citations to gain compliance.
- 3) Liability- Section 8.08.130-12 *Other Actions and Remedies* has been revised to be broader in its application.

The ordinance applies to any commercial or public entity that generates more than four cubic yards of commercial solid waste per week. The definition also includes multifamily residential dwellings of four units or more, regardless of the amount of commercial solid waste generated. The ordinance covers both recyclable and organic materials. MSS indicates that only three

customers who qualify under the ordinance are currently not participating in a recycling program.

FISCAL IMPACT

The cost to provide public outreach and education which is yet to be determined.

Attachments: Ordinance No. 772

Town of Fairfax
Ordinance No. 772

**AN ORDINANCE OF THE TOWN COUNCIL OF FAIRFAX AMENDING THE
MUNICIPAL CODE BY ADDING SECTION 8.08.130 (ESTABLISH MANDATORY
COMMERCIAL RECYCLING WITHIN THE TOWN OF FAIRFAX)**

SECTION 1 (ENACTMENT):

The Town Council of the Town of Fairfax does ordain this ORDINANCE No.770 in full, amending the Fairfax Municipal Code by adding a new Section to the Fairfax Municipal Code which shall read as follows:

**SECTION 8.08.130 REQUIRING MANDATORY COMMERCIAL RECYCLING WITHIN
THE TOWN OF FARIFAX**

8.08.130-1 FINDINGS

- A. The Town finds that the State of California through its California Waste Management Act of 1989, Assembly Bill 939 (AB 939 passed and signed into law in 1989) and Alternative Compliance Act of 2008 (SB 1016 passed and signed into law in 2008), requires that each local jurisdiction in the state divert 50% of discarded materials from landfill garbage disposal on a per capita basis.
- B. The Town finds that every city and county in California, including the Town, could face fines up to \$10,000 a day for not meeting the above mandated goal.
- C. The Town finds that the State of California through its California Global Warming Solutions Act of 2006 (AB 32 passed and signed into law in 2006), requires that commercial generators statewide participate in recycling programs.
- D. The Town continues to make progress in maintaining the disposal reduction requirements of the state recycling law, but additional efforts, particularly in the recycling of paper, cardboard, glass, and other recyclable materials generated by businesses, will assist the Town in maintaining and exceeding the goal of diverting waste from landfill disposal. The Town desires to implement a program to encourage the Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) goal to increase the diversion of materials from landfill and transformation facilities achieving an 80% diversion goal by 2012 and Zero Waste by 2025, ensure that resources are used to their highest potential, reduce upstream waste and reduce Marin's ecological footprint.
- E. The Town finds that organic or compostable waste that is buried in the anaerobic conditions of landfills creates methane gas and leachate that may impact air and water quality. Reductions or capture of methane is critical as methane gas from the decomposition of waste is a source of renewable energy, but if not collected and controlled is at least twenty-one times as potent as carbon dioxide in contributing to climate change.
- F. The Town finds that reductions in greenhouse gas emissions from solid waste management can be realized by recovering traditional recyclable materials from the waste stream to use in the manufacturing of products from these materials. Traditional

recyclable materials have significant intrinsic energy value that displaces fossil fuel energy requirements when introduced back into the manufacturing cycle. Additionally, by remanufacturing products using recycled materials, additional reductions in greenhouse gas emissions are realized through reduced fossil fuel demands in transportation and avoided methane emissions at landfills.

- G. The Town finds that efforts by the Town and the private sector to encourage voluntary diversion of commercial and special event recyclables materials have not achieved desired levels of diversion.
- H. The Town finds that mandatory commercial recycling programs in other cities and counties in California, similar to the one implemented by this Article, have proven successful.
- I. The Town agrees to be subject to the terms of this ordinance for all of the Town's non-residential facilities and properties, including parks and Town buildings, as well as Town sponsored or partnered special events.

8.08.130-2 DEFINITIONS

- A. "Authorized Recycler" means any person or business entity which lawfully collects, accepts, transports or otherwise processes recyclable materials from Generators for a fee or profit through a proper permit, business license or other regulatory structure or authorization issued by the Town.
- B. "Commercial Facility" means all retail, professional, office, wholesale and industrial facilities, and other commercial enterprises offering goods or services to the public and Multi-Family Dwelling Units located within the boundaries of the Town.
- C. "Director" means the Town Manager, including his or her designee.
- D. "Franchised Hauler" means a hauler holding a franchise, contract, license or permit issued by the Town which authorizes the exclusive or non-exclusive right to provide solid waste handling services within all or part of the jurisdictional boundaries of the Town.
- E. "Generator" means an owner or Responsible Party for a Commercial Facility or business, including non-residential property, which generates recyclable or compostable materials as a result of its business, Commercial Facility or property activity. Generator may also include tenants, property managers for facilities with leased space, employees and contractors of Generator, as well as a Responsible Party for Special Events. Generator also includes the Town, its facilities, its non-residential properties and Special Events, its sponsors or co-sponsors.
- F. "Multi-Family Dwelling Units" means four (4) or more residential dwelling units located on a single parcel of land and any mobile home park located in the Town utilizing a common garbage bin for the accumulation and set-out of garbage.
- G. "Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meeting the quality standard necessary to be used in the market place. Recycling does not include transformation as defined in Public Resources Code §40201.

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- H. "Responsible Party" means the individual or entity responsible for the Generator's management of solid waste and/or recycling at the Generator's Commercial Facility, business, non-residential property, or Special Event.
 - I. "Source Separate" means the process of removing recyclable materials from solid waste at the place of discard generation, prior to collection, into separate containers that are separately designated from recyclables, compostables, or garbage for the purposes of recycling.
 - J. "Special Event" means a community, public, commercial, recreational or social event which may serve food or drink and which may require a permit from the Town. Special Events may include the temporary or periodic use of a public street, publicly owned site or facility, or public park and which is expected to have 1,000 or more persons in attendance.

8.08.130-3 SOURCE SEPARATION REQUIREMENTS

- A. Each Generator shall be responsible for ensuring and demonstrating its compliance with the requirements of this ordinance. Each Generator shall:
 - i. Source Separate Recyclable Materials from Solid Waste; and
 - ii. Subscribe to a basic level of Recycling service that includes, at a minimum, the collection of Recyclable Materials; and
 - iii. Enter into a written service agreement with a Franchised Hauler or Authorized Recycler; or
 - iv. Complete and retain on-site a Self Hauling form certifying that all Self Hauling activities will be completed in accordance with this ordinance or any other applicable law or regulation. A copy of such form shall be available to the Town Director upon request.
- B. Each Generator shall use containers to collect and store Recyclable Materials and shall designate areas to collect and/or store recyclable materials.
- C. Each Generator shall prominently post and maintain one or more signs in maintenance or work areas or common areas where recyclable materials are collected and/or stored that specify the materials to be Source Separated in addition to collection procedures for such materials.
- D. Each Generator shall notify and instruct employees in writing of applicable Source Separation requirements, including outreach and training on what materials are required to be Source Separate and how to Source Separate such material. A copy of such instruction or training materials shall be provided to the Director or designee upon request.
- E. All recyclable materials shall be placed for collection in covered collection containers conforming to the following requirements. No container shall be loaded beyond its capacity. It shall be the Generator's responsibility to keep the containers used for the storage and collection of recyclable material generated on the premises in a clean and sanitary condition. No material or containers shall be kept or handled in such a manner as to become a nuisance. No putrescible materials shall be commingled with recyclables. No recyclable material shall be allowed to become odoriferous or a producer of vermin. Lids on containers shall remain closed at all times while stored or

placed for collection. The Director is specifically authorized to promulgate rules and regulations regarding any and all recyclable material containers including as related to the recyclable materials to be placed therein, the placement and maximum weight of high-density materials for collection and the proper use of containers.

- F. Each Generator shall ensure that recyclable materials generated at the Generator's site will be taken only to a recycling or composting facility or make other arrangements to ensure that the materials are recycled or composted and not delivered to a landfill for disposal. Generator shall not dispose of, or arrange for disposal of recyclable materials by placement in a landfill except in an emergency situation, or when no viable markets or recycling facilities are available, as determined by the Director. Further, all Generators are encouraged to consider recycling additional materials, whether or not they have been specifically designated by the Director.
- G. The recycling service agreement and other recycling documents shall be available for inspection by the Director or designee, at the principal location of the Generator's Business, Commercial Facility, Special Event, or non-residential property during normal business hours.
- H. No franchised hauler or authorized recycler shall be held liable for the failure of its customers to comply with such regulations, unless specified in the franchise, contract or permit issued by the Town.

8.08.130-4 FRANCHISED HAULERS AND AUTHORIZED RECYCLERS

- A. No person shall provide services as a hauler of recyclables within the boundaries of the Town without either being: (1) a Franchised Hauler with the Town, or (2) an Authorized Recycler.
- B. Franchised Haulers and Authorized Recyclers shall offer collection service and automatic lift containers, bins or roll-off bins for recyclable materials sufficient to accommodate the quantity and types of recyclable materials to all of its customers and shall provide recycling services as described in Section 8.08.130-5.
- C. Franchised Haulers and Authorized Recyclers shall identify automatic lift containers, bins or roll off bins for recyclable materials with its name, recognizable corporate or company logo, and phone number of the Franchised Hauler or Authorized Recycler that is legible from a distance of fifty (50) feet.
- D. Franchised Haulers and Authorized Recyclers shall equip and provide automatic lift containers, bins and roll-off bins for recyclable materials, with locks and/or other suitable features, where feasible, to prevent scavenging. They shall conduct all activities in accordance with applicable laws, Town codes and regulations and best management practices. Vehicles and equipment and containers shall be kept in a clean and well-maintained condition.
- E. Franchised Haulers and Authorized Recyclers shall not take a customer's recyclable materials to a landfill or other site for disposal. Such materials shall be taken to a recycling facility or Franchised Haulers and Authorized Recyclers shall make other arrangements for recycling the materials instead of disposal. The Franchised Haulers and Authorized Recyclers shall make other arrangements for recycling the materials instead of disposal. The Franchised Haulers and Authorized Recyclers shall maintain a copy of a service agreement and/or receipts documenting that the Generator's

recyclable materials have been properly delivered, as well as any documentation evidencing an event of force majeure which prevented the proper delivery of recyclable materials. Such documents shall be available for inspection by the Director at the place of business during normal business hours and maintained for not less than three years.

8.08.130-5 RECYCLING SERVICES

- A. The Recycling services provided by Franchised Haulers and Authorized Recyclers shall include, at a minimum, all of the following:
- i. Collection of recyclable materials at a minimum of two times per month, or more as specified by contract, license or permit;
 - ii. Collection of recyclable materials as identified by Director;
 - iii. Utilization of recycling receptacles which comply with Town standards;
 - iv. Appropriate signage on all recycling receptacles, containers, chutes and/or enclosures which allows users to clearly and easily identify which containers to use for recyclables, compostables, or garbage and be color-coded.
 - v. Occupant Education. For Multi-family facilities, the Responsible Party shall provide information about recycling services as follows:
 1. Types of recyclable materials accepted, the location of recycling containers, and the occupant's responsibility to recycle pursuant to this Section. This information shall be distributed to all occupants annually;
 2. All new occupants shall be given information and instructions upon occupancy; and
 3. All occupants shall be given new information and instructions upon any change in recycling service.

8.08.130-6 EXEMPTIONS

- A. The following shall be exempt from the requirements of this Section:
- i. The State of California, a special district or other local public agency other than the Town, as defined, or any employee thereof, when collecting or transporting recyclable materials produced by operation or system of the entities described above.
 - ii. Municipal corporations and governmental agencies other than Town using their own vehicles and employees engaged in the collection, transportation or disposal of recyclable materials within the boundaries of the Town.
- B. Generator shall be exempt from the requirements in this Section if the Business, Commercial Facility or non-residential property generates four (4) cubic yards or less of Solid Waste per week. This exemption does not apply to Special Events unless the Generator demonstrates to the Administrator that the event will produce less than the threshold amount.
- C. Generator may not be required to Source Separate recyclable materials if the Generator demonstrates to the Director that there is no collection service or other system available for such materials.

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- D. Generator may be exempt from the requirement of this Section if the Generator demonstrates to the Director that there are no recyclable materials being generated by any activities in the Generator's Business, Commercial Facility, or non-residential property.
- E. Space and Zone.
- i. Generator may be exempted from the requirements of this Section by the Director, if it is determined, through a site visit required by the Generator, that either:
 1. There is inadequate storage space for automatic lift containers, bins or roll-off bins for recyclable materials on site and that it is infeasible for the Generator to share automatic lift containers, bins or roll-off bins for recyclable materials with a Generator or an adjoining property; or
 2. Compliance with this Section will result in a violation of zoning codes or Town regulations for minimum parking spaces.
 - ii. If, after reviewing the site, the Director determines that it is feasible for recycling containers to be placed either on-site or shared with an adjoining business or property, then the Generator will not be exempted from these requirements and will be responsible for full compliance with this Section.
- F. Generators may be exempted from the requirements of this Section when no viable markets or recycling facilities are available, as determined by the Director.
- G. If the Generator seeks an exemption, an application for such exemption shall be submitted on a form prescribed by the Director. After reviewing the exemption request, and after an on-site review, if applicable, the Director shall either approve or disapprove the exemption request.

8.08.130-7 SELF HAUL

- A. Nothing in this ordinance shall preclude any person from self-hauling recyclable materials generated by that person to a recycling facility. A Generator may transport recyclable materials generated at its business or property to a recycling facility (rather than hiring a Franchised Hauler or Authorized Recycler) only if the Generator completes its activity by utilizing a vehicle owned by either the Generator or Generator's employee. This self-haul exemption does not include contracting for or hiring a third party to transport the recyclable materials. A self-hauler must retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this Section or any other applicable law or regulation. The self-hauling form shall be made available to the Director or designee upon request. At a minimum, the Generator shall provide the following information on the self-hauling form:
- i. The name, address and telephone number of the Generator's representative that will be signing the self-hauling form.
 - ii. A list of the types of recyclable materials that are being transported.
 - iii. For each type of recyclable material, the amount that is being taken from the Generator's business or property to a recycling facility on a quarterly basis.
 - iv. The name and address of the recycling facility.

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- v. A written statement, signed by the Generator or representative, certifying that the Generator is in compliance with the requirements of this Section 8.08.130-7.
 - B. The Director may restrict or prohibit self-hauling by a Generator if the Director determines, after providing notice and an opportunity for a hearing, that the Generator's self-hauling activities violate the provisions of this Section or any other applicable law or regulation.
 - C. Sale or Donation. Nothing in this ordinance shall preclude any Generator from selling or exchanging at fair market value, for reuse or recycling, Source Separated recyclable materials generated from that business, commercial facility or property; or from donating to another entity for reuse or recycling; Source Separated recyclable materials generated from that business, commercial facility or property.

8.08.130-8 SPECIAL EVENT RECYCLING

- A. For a Special Event, in addition to any other conditions the Town requires as part of the Special Event permit, the Responsible Party shall provide recycling receptacles throughout the event location to make Source Separation of recyclables, compostables, or garbage convenient for the employees, volunteers, contractors, and customers of the food vendors and attendees of the event.
- B. The minimum number of recycling receptacles shall equal or exceed the number of solid waste receptacles. The solid waste and recycling receptacles shall be placed as close together as possible throughout the event location in order to provide equally convenient access to users.
- C. All of the receptacles must have appropriate signage and be color coded to identify the type of refuse to be deposited and meet any additional design criteria established by the Town by regulation.
- D. Food vendors must have at least one separate container each for recyclables, compostables, and trash for use by customers and visitors. Multiple food vendors that provide disposable food service ware and share a common eating area may share an appropriate number, size, and placement of containers for recyclables, compostables, and garbage for convenient use by customers or visitors or have common access to such a container which shall be located within a reasonable proximity of the vendors.
- E. The types of recyclable materials suitable for deposit into each receptacle shall include, at a minimum; plastic bottles and jars, paper, cardboard, glass, newspaper, metal containers, and cans. Each recycling receptacle shall be clearly identified as a recycling receptacle and shall display a list of types of recyclable materials, which may be deposited into the recycling receptacle.
- F. The Responsible Person shall ensure that the recyclable materials deposited into the recycling receptacles are delivered to a recycling facility. The recycling facility may be located at a landfill, but recyclable materials shall not be delivered to a landfill for disposal.

8.08.130-9 OWNERSHIP/SCAVENGING OF RECYCLABLE MATERIALS

- A. All recyclable materials placed in automatic lift containers, bins or roll-off bins for recyclable materials provided by any Franchised Hauler or Authorized Recycler sufficient to accommodate the quantity and types of materials generated by businesses, or non-

residential properties, shall be considered owned by and be the responsibility of either the Franchised Hauler or Authorized Recycler. Without permission of either the Franchised Hauler or Authorized Recycler, no person shall collect recyclable materials placed in such automatic lift containers, bins or roll-off bins by customers or Generators.

- B. All recyclable materials placed in recyclable materials containers provided or owned by the Generator, shall be considered owned by and be the responsibility of that Generator until the material is placed at a Franchised Hauler's or Authorized Recycler's designated point of collection or in containers described in paragraph A.
- C. No person other than the person or Business under contract with the Generator of the recyclable materials to collect the recyclable materials, shall remove or otherwise interfere with recyclable materials which have been placed at a designated recycling or recycling materials collection location. Except as authorized under Section 8.08.130-6, it shall be unlawful for any person to engage in the business of collecting, removing or transporting, or otherwise organize or direct the collection, removal or transportation of recyclable materials without being a Franchised Hauler or Authorized Recycler.

8.08.130-10 REPORTING

- A. Franchised Haulers and Authorized Recyclers shall provide quarterly reports on the dates described below to the Director identifying, at a minimum, the following information, including Special Events:
 - i. The total number of customers or commercial accounts they have in the Town, the name and address of the facility serviced, and the name of the Responsible Party for Solid Waste and recyclable materials management;
 - ii. The frequency of recyclable materials collection service provided to the business, commercial facility or property;
 - iii. The recyclable materials collected per week by volume in cubic yards and tons, measured by the size of applicable containers of and removed by them within the Town during the previous year;
 - iv. The location of the recycling facility to which the recyclable materials were taken during the previous quarter; and
 - v. Information about non-compliance by Generators.
 - vi. The quarterly reporting periods shall be as follows:

Reporting Period	Due Date
January 1 - March 30	May 1
April 1 – June 30	August 1
July 1 – September 30	November 1
October 1 – December 31	February 1
- B. If the quarterly report is not filed by the due dates above, the report shall be deemed delinquent after fifteen (15) days, and the Franchised Hauler or Authorized Recycler shall pay to the Town a delinquent report charge in the amount of \$100. If the report remains delinquent for more than thirty (30) days, the amount shall be increased to \$200. The Director may, at his/her sole discretion, waive the delinquent charge and/or change the quarterly reporting period to a longer time frame (e.g., bi-annual).

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- C. The Franchised Hauler's or Authorized Recycler's failure to file the reports required by this Section shall, at the option of the Agency, constitute cause for termination or suspension of its franchise or other permit status.

8.08.130-11 IMPLEMENTATION AND ENFORCEMENT

- A. The Director is authorized to administer and enforce the provisions of this Section, beginning with Section 8.08.130-1 and following. The Director or anyone designated by the Director to be an enforcement officer may exercise such enforcement powers. To the extent permitted by law, the Director may inspect any collection container, collection vehicle load, or receiving facility for collected garbage or recyclables.
- B. Unless otherwise expressly provided by the Town's Code, any person adversely and directly affected by any determination made or action taken by the Director pursuant to the provisions of this Section may file an administrative appeal. If no appeal is filed within the time prescribed and consistent with the Town's procedures in the Town's Codes, the determination or action of the Director shall be final.
- C. Incremental Notification and Enforcement
- i. If the Franchise hauler or Authorized Recycler first finds incorrect materials in a collection container, they shall notify the Generator by written notice attached to the Recycling container and shall provide a copy of the notice to the Director.
 - ii. If the Franchise Hauler or Authorized Recycler finds incorrect materials in a collection container a second time, they shall notify the Generator by a written "Second Notice" attached to the recycling container and shall provide a copy of this Second Notice to the Director for possible follow up and enforcement.
 - iii. After the Franchised Hauler or Authorized Recycler has already left two or more tags for that Customer and that type of container, the Franchised Hauler or Authorized Recycler may refuse to empty the container if contamination occurs a third time, subject to California Code of Regulations Title 14, Section 17331, or as determined by the Director. If the container is not emptied, the Franchised Hauler or Authorized Recycler must leave a tag and send a written notice to the Generator, identifying the incorrect materials and describing what action must be taken for the materials to be collected; provided, however, that a Franchised Hauler or Authorized Recycler may not refuse on this basis to empty containers from Multi-family or Commercial properties with multiple tenants and joint account collection service due to excessive contamination, but any manage contaminated loads as solid waste and charge the Generators accordingly.
 - iv. The Franchised Hauler or Authorized Recycler shall, in addition to the above, upon request, provide to the Director a list of the names and addresses of those customers or Responsible Parties who have received tags or notices or whose containers have not been emptied due to non-compliance with this Section, or copies of the tags or notices. The Franchised Hauler or Authorized Recycler shall also provide to the Director, upon request, a list of the names, addresses, and service levels of the customers and any additional information required by the Director.

8.08.130-12 OTHER ACTIONS AND REMEDIES

A. No other powers affected.

This Section (Section 8.08.130-1 and following) does not do any of the following:

- i. Otherwise affect the authority of the Director, or designee to take any other action authorized by any other provision of law.
- ii. Restrict the power of a Town attorney, district attorney or the Attorney General to bring in the name of the people of California, any criminal proceeding otherwise authorized by law.
- iii. Prevent the Director or designee from cooperating with, or participating in, a proceeding specified in 8.08.130-11 B above.
- iv. Affect in any way existing contractual arrangements including franchises permits or licenses previously granted or entered into between the Franchised Hauler or Authorized Recycler and Town.

B. Cumulative Remedies

Any remedy provided under this section is cumulative to any other remedy provided in equity or at law. Nothing in this article shall be deemed to limit the right of the Town or its authorized collection agent(s) to bring a civil action; nor shall a conviction for such violation exempt any person from a civil action brought by the Town or its authorized collection agent(s). The fees and penalties imposed under this article shall constitute a civil debt and liability owing to the Town from the persons, firms or corporations using or chargeable for such services and shall be collectible in the manner provided by law.

C. Liability

Nothing in this article shall be deemed to impose any liability upon the Agency or upon any of its officers or employees.

8.08.130-13 FORMS, REGULATIONS AND GUIDELINES

- A. After public notice and a public hearing, the Director may adopt necessary forms, rules, regulations, and guidelines which may be necessary or desirable to aid in the administration or enforcement of the provisions of this article, including all necessary policies and procedures for the issuance of the permits, administration of this article, collection of fees and bonds and/or indemnities, or proof(s) of insurance.
- B. The Town will provide information on its website regarding what materials are accepted as recyclables, compostables and garbage under this Section.

SECTION 2 (SEVERABILITY):

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article 8.08.130, or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article 8.08.130 or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article 8.08.130 irrespective of that fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared

unconstitutional or invalid or effective. To this end the provision of this Article are declared to be severable.

SECTION 3 (EFFECTIVE DATE):

This Article 8.08.130 shall take effect thirty (30) days after its passage.

SECTION 4 (POSTING):

Copies of the foregoing ordinance shall, within fifteen (15) days after its final passage and adoption, be posted in three public places in the Town of Fairfax, to wit:

- a) Bulletin Board, Fairfax Town Offices, Town Hall;
- b) Bulletin Board, Fairfax Post Office; and
- c) Bulletin Board, Fairfax Women's Club Building,

which said places are hereby designated for that purpose.

THE FOREGOING ORDINANCE was introduced at a meeting of the Fairfax Town Council on the ___ day of ___, 2013, and was adopted at a regular meeting of the Town Council on the ___ day of ___, 2013 by the following vote:

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor: _____

Town Clerk: _____