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Foote ___
Lindsay ___
Priester ___
Stamps ___

PLANNING COMMITTEE MEETING
Monday, February 4, 2019
2:30 P.M.
AGENDA

1. **ORDINANCE ESTABLISHING CHAPTER 35 ARTICLE IV OF THE CODE OF ORDINANCES, CITY OF JACKSON, MISSISSIPPI, GOVERNING SMALL CELL WIRELESS FACILITIES AND RELATED TECHNOLOGIES IN CITY RIGHT-OF-WAY AND FOR RELATED PURPOSES. (MILLER, LUMUMBA)**

2. **DISCUSSION: AIRBNB REGULATIONS (LINDSAY)**

3. **DISCUSSION: STREET RENAMING PROCESS (LINDSAY)**

REPORTS FROM MEMBERS, MAYOR OR DEPARTMENT DIRECTORS

ANNOUNCEMENTS

ADJOURNMENT

OFFICE OF THE CITY ATTORNEY
MAY 15 2019

ORDINANCE ESTABLISHING CHAPTER 35 ARTICLE IV OF THE CODE OF ORDINANCES, CITY OF JACKSON, MISSISSIPPI, GOVERNING SMALL CELL WIRELESS FACILITIES AND RELATED TECHNOLOGIES IN CITY RIGHT-OF-WAY AND FOR RELATED PURPOSES

WHEREAS, the City of Jackson desires to promote the responsible establishment and growth of small cell wireless facilities and related infrastructure and technologies to serve as a benefit for all Jacksonians; and

WHEREAS, in September 2018, the Federal Communication Commission (FCC) passed an order based upon the Telecommunications Act of 1996 to require local governments to allow small cell facilities on public rights-of-way within reasonable limits set in said order; and

WHEREAS, the proposed regulations as set forth in the body of this ordinance allows for the City to promote responsible design, height, and location requirements, provide for the establishment of reasonable fees for construction permit and occupancy license, and establishes in part a funding mechanism necessary for the City to join the Mississippi 811 service.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI, THAT:

SECTION 1. Article IV of Chapter 35 of the Code of Ordinances, City of Jackson, Mississippi, is hereby established to read as follows:

ARTICLE IV. - SMALL WIRELESS FACILITIES.

Sec. 35-60. - Definitions.

The terms below have the following meanings for purposes of this ordinance.

"Abandonment" or "Abandon(s)" means that, following the placement of Small Wireless Facilities or Support Structures in the City pursuant to a permit issued to an Applicant, any of the following has occurred:

- (a) for any reason the Facilities cease to be used to transmit signals, data or messages or otherwise be used for their intended purposes for a period of six (6) months or more;
- (b) the City revokes the permit for placement and use of those Facilities due to nonpayment of applicable fees, the failure of the Applicant to comply with conditions in the permit or in this ordinance concerning them, or other valid reason; or
- (c) the Applicant fails to perform any of its responsibilities, obligations and requirements in this ordinance or in a permit that relate to the installation, construction, maintenance, use or operation of the Facilities, Accessory Equipment or Support Structures, and that

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BY: MILLER, WILLIAMS, R. LEE, LUMUMBA

breach remains uncured for a period of six (6) months after the City provides written notice of the breach to the Applicant.

"Accessory Equipment" means any equipment other than an antenna that is used in conjunction with Small Wireless Facilities arrangements. This equipment may be attached to or detached from a Small Wireless Facility Support Structure, and includes, but, is not limited to, cabinets, optical converters, power amplifiers, radios, DWDM and CWDM multiplexers, microcells, radio units, fiber optic and coaxial cables, wires, meters, pedestals, power switches, and related equipment on a Support Structure. The term does not include (a) the structure or improvements on, under, or within which the equipment is collocated; (b) wireline backhaul facilities; (c) coaxial or fiber optic cable; or (d) coaxial or fiber optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna.

"Antenna" means communications equipment that transmits and receives electromagnetic radio signals, is attached to a Small Wireless Facility Support Structure and is used to communicate wireless service.

"Applicant", whether singular or plural, means a Wireless Service Provider or Wireless Infrastructure provider that is authorized by a Wireless Service Provider to apply for or receive a permit to install, construct, manage, modify or maintain a Small Wireless Facilities and related Accessory Equipment or Support Structure in the City.

"Application" means a formal request submitted to the City for a permit to install, construct, modify, or maintain a Small Wireless Facility and related Accessory Equipment, or Support Structure.

"City" means the City of Jackson, Mississippi.

"City Council" means the City Council of the City of Jackson, Mississippi.

"Cantenna" means the placement of an antenna in a can shaped structure for amplification or concealment purposes.

"Collocation" means the placement or installation of a new Small Wireless Facility on an existing pole or other Support Structure that is owned, controlled or leased by a utility, the City, or other person or entity.

"Director" as the Director of Public Works or his or her designee, which is responsible for the administration of this ordinance.

"Permit" means written authorization, in electronic or hard copy format, to install, at a specified location(s) in the public Right of Way, a Small Wireless Facilities and related Accessory Equipment or Support Structure in the City.

“Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including a governmental entity

"Private Property" means real property located in the City that does not lie within the Right of Way.

"Right-of-Way", whether singular or plural, means the surface and space in, upon, above, along, across, over and below any public streets, avenues, highways, roads, courts, lanes, alleys, boulevards, ways, sidewalks, and bicycle lanes, as the same now or may hereafter exist, that are within the City's corporate boundaries and under the jurisdiction of the City.

"Small Wireless Facility" or "Facilities", whether singular or plural, means a facility including antenna and Accessory Equipment that meets the design standards established by this ordinance. A small wireless facility may be attached to an existing or new Support Structure where permitted.

"Support Structure", whether singular or plural, means a freestanding structure located in Right of Way designed or used to support, or capable of supporting, one or more Small Wireless Facility, including, but not limited to, utility poles, street light poles, or traffic signal structures .

"Stealth Technology" means a method(s) of concealing or minimizing the visual impact of a Small Wireless Facilities and Support Structure by incorporating features or design elements which either totally or partially conceal such Facilities or equipment. The use of these design elements is intended to produce the result of having said Facilities and associated structures blend into the surrounding environment and/or disguise, shield, hide or create the appearance that the Facilities are an architectural component of the support structure.

"Wireless Infrastructure Provider" or "WIP" means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless facilities or wireless support structures, but that is not a wireless services provider.

"Wireless Service Provider" or "WSP" means any person that provides wireless service to the public.

Sec. 35-61 - Permit Required to Place Small Wireless Facilities and New Support Structures in Right-of-way.

An Applicant must obtain a permit from the City before placing, installing, constructing, or operating any Small Wireless Facilities on any Support Structure, or installing or constructing any new Support Structures, within the Right of Way, or substantially modifying the position or characteristics of any such existing Facility thereon.

Sec. 35-62 – Administrative Approval

The Public Works Director (the "Director"), or authorized designee will review and administratively process any request for a permit, and will determine based on the criteria described within this article, whether it should be issued for the location and in the manner requested by the Applicant. Except as otherwise set forth in this article, this permitting process will be administrative and not require the approval of any City Council or City official other than the Director.

Sec. 35-63 – Burden on applicant

The Applicant must demonstrate that the placement of the proposed Small Wireless Facilities or Support Structure is the minimal physical installation which will achieve the goal of enhancing the provision of wireless services.

Sec. 35-64 – Collocation Requirements

To the extent reasonable, all Facilities that are placed in the City shall be attached to a pre-existing Support Structure that is owned, controlled or leased by a utility, franchisee, the City or other entity. If the Applicant demonstrates that no collocation opportunities exist in the area where a documented technological need for a Facility exists, the Applicant may request that a new pole or other Support Structure be installed in that area for purposes of constructing the Facilities.

Sec. 35-65 – Requirements for New Support Structures

Before any new Support Structure is permitted, each of the following must occur:

1. The Applicant must provide the City written evidence that no reasonable collocation opportunity exists. This evidence shall include, but not be limited to, affidavits, correspondence, or other written information that demonstrates that the Applicant has taken all commercially reasonable actions to achieve collocation in the requested location or area, that the Applicant has pursued, but been denied, access to all potential collocation sites in the subject area (and the reasons for any such denial(s)), and otherwise show that the Applicant is unable to collocate on an existing Support Structure; and
2. The Director must recommend the specific placement of a new Support Structure in the Right of Way; and,
3. The applicant must agree that any newly constructed Support Structures shall be built in such manner as to readily accommodate collocation by no less than one (1) similar entity with a facility and accessory equipment of equal or greater size unless otherwise allowed by the Director.

Sec. 35-66 – Design Guidelines

The following design guidelines will be evaluated for each application for proposed Small Wireless Facilities, Support Structures, and Accessory Equipment:

1. All Small Wireless Facilities and accessory equipment shall be designed to minimize visual impact on the surrounding properties and public streets.
2. All Small Wireless Facilities and accessory equipment shall be designed to be compatible with the character and aesthetics of the immediate area.
3. All Small Wireless Facilities and accessory equipment are to be consistent with the historic nature and characteristics of a requested location. When proposed facilities are in designated historic districts or are designated landmarks, the application must be approved by the Jackson Historic Preservation Commission.
4. All Small Wireless Facilities and accessory equipment shall be designed to not interfere with vehicular traffic, pedestrian or bicycle passage, and other use of the Right of Way by the public whether existing or planned for the future.
5. Any proposed new Support Structure shall be designed to minimize clutter within the Right of Way.
6. All existing Support Structures must be determined to be structurally capable of safely supporting the requested Small Wireless Facilities and accessory equipment by a Mississippi licensed Professional Engineer.
7. Support Structures that have multiple uses including temporary or seasonal uses shall not be used unless the Applicant accommodates the multiple uses of such Support Structure.

Sec. 35-67 – Design Standards

The following design standards apply to all proposed Small Wireless Facilities, Support Structures, and Accessory Equipment

1. All wires and other hardware shall be located internal to the support structure or be contained in conduits, shrouds, or cantennas.
2. All conduit, shrouds, cantennas, and other hardware shall match the color of the Support Structure on which it is installed.
3. All new or replaced Support Structures shall be of neutral color and shall match the color and material of adjacent structures.
4. All Facilities including all related equipment and appurtenances must employ stealth techniques to conceal the appearance of the Facility.

5. The maximum height of a Facility mounted to an existing support structure shall be no more than ten percent taller than the Support Structure on which the facility is located and shall not exceed fifty (50) feet in height including antennas unless otherwise approved by the director.
6. The maximum height of a new Support Structures shall be no more than ten percent taller than other adjacent existing structures and shall not exceed fifty (50) feet in height including antennas unless otherwise approved by the director.
7. All Accessory Equipment shall be buried or shall be placed at least twelve (12) feet above the ground.
8. The combined total volume of above-ground antenna and accessory equipment comprising a Facility shall be no more than twenty-eight (28) cubic feet.
9. Antenna arrays shall be flush mounted within six (6) inches of the Support Structure, or be contained in a cantenna that is a continuation of the diameter of the Support Structure.
10. No additional guy or support wires shall be used in connection with a Facility unless the Facility is to be attached to an existing structure that incorporated guy wires prior to application.
11. All proposed Facilities shall be no closer than five-hundred (500) linear feet from any other similar Facility unless collocating on the same support structure. The Director shall have the authority to allow proposed Facilities to be less than five-hundred (500) linear feet based on a determination of specific technological need or physical or other line of sight obstruction.
12. The Facility including the Accessory Equipment shall not be illuminated unless required by applicable laws and regulations.
13. Display of logos, branding, or the like on the Facilities in any way that may reasonably be construed as advertising shall be prohibited;
14. The proposed installation shall not interfere with the visual sight triangle as determined by the City Traffic Engineer.
15. The Right of Way must be restored to its preexisting condition following any installation.
16. No Structure or Facilities shall in any way interfere with the telecommunications capabilities of public safety personnel.

17. All facilities proposed to be located on City-owned traffic signal or street light poles on Right-of-Way shall include a structural analysis of the pole to confirm that the pole can structurally handle the additional loads. If the pole cannot handle such a load, the Applicant will be required to replace the City-owned pole with another pole approved by the Director. The City shall retain ownership of the old pole and the new pole.
18. To help reduce pole and sidewalk clutter, the Applicant agrees to allow the City to attach street signs and use the Applicant's pole for other public purposes, as the City determines necessary, provided such use by the City does not substantially interfere with the provision of Wireless Services using the Facilities. The City will provide reasonable advance notice to the Applicant of any such use.
19. The City's decorative and/or architecturally significant street light poles are inappropriate for use as a Support Structure.
20. All facilities proposed to be placed within designated historic districts shall also be approved by the Jackson Historic Preservation Commission prior to the start of construction.

Sec. 35-68 – Underground Requirements

Accessory Equipment shall be placed underground in areas where electrical and telecommunications utilities are currently placed underground provided such requirements shall not prohibit the replacement of existing structures.

Sec. 35-69 - Site Restoration

The Right of Way must be restored to its preexisting condition following any installation. Upon completion of the new work, the contractor shall restore the street and/or alley pavement, all concrete walks, driveway aprons, and other concrete, and all trees, lawns and/or sod strips with topsoil and sod.

Sec. 35-70 - Application.

An application shall not be deemed complete until the Applicant has submitted all documents, information, and forms required in this ordinance, in such form as the Director may prescribe, that pertain to the location, construction, or configuration of the Facilities or Support Structures at the requested location(s).

The application process for locations within City Right of Way follow herein. Applications for locations on private property, to include additions to existing Structures on private property, are required to be pursued with the City's Zoning Division, subject additionally to the City's Zoning Ordinance and construction permitting processes.

Sec. 35-71 – Required Submittal Information

The following information must be submitted as part of an Application:

1. A general description of the equipment, the technology (including, for example spectrum usage and transmitter power), and the services to be provided by the Facilities;
2. Drawings stamped by an engineer licensed in the State of Mississippi depicting the type of Facilities, Support Structure, and means and points at which such Facilities and associated Accessory Equipment will be attached to a Support Structure, and a loading analysis statement.
3. Drawings including a site survey drawn to scale showing City water/sewer/drainage and any other items on site necessary for City review.
4. Map(s) designating with specificity the location(s) of the requested Facilities and all other existing or proposed locations by the Applicant within 1,000 feet;
5. The geographic coordinates of all antenna and other proposed Facilities;
6. If the Facilities will be located on a Support Structure on the Right of Way that is owned by any entity other than the City or the Applicant, a copy of any license, lease, agreement or other documentation evidencing that the owner of that Support Structure authorizes the Facilities to be attached to that Support Structure.
7. If the Applicant requests permission to place Facilities on a new Support Structure, include the documentation required by this Article to justify a new Support Structure.
8. Photo-simulated post-construction renderings depicting the proposed Facilities and equipment, including any/all equipment cabinets, ancillary structures, coloration, and landscaping.

Sec. 35-72 – Installation Requirements

Prior to installing the Facilities or Support Structures, the Applicant shall provide the City a certificate(s) of insurance evidencing that it has obtained and will maintain the following types of insurance in connection with its operations on or use of the Right of Way:

1. Commercial General Liability coverage insuring the risk of claims for damages to persons or property arising from or related to the installation, construction, maintenance, operation or any use of Facility or Support Structure placed within the Right of Way by the Applicant (or any of their contractors) with minimum limits of \$1,000,000 per occurrence and \$2,000,000 aggregate; and
2. Workers Compensation Insurance as required by statute. The required General Liability coverage shall include the City as an additional insured, and may be provided through a

combination of a primary and umbrella excess policies. All required insurance policies shall be furnished by insurers who are eligible to transact business in the State of Mississippi and are rated at least A-VII by AM Best. Following initial installation, if any changes in coverage occur, the Applicant shall furnish the City a new Certificate indicating that the above-noted coverage remains and will remain in effect. In lieu of the insurance requirements above, an Applicant may provide a certificate of self-insurance sufficient to satisfy the above amounts.

Sec. 35-73 – Permit Validity, Expiration

Permits shall allow construction of new facilities or the placement of collocated equipment shall be good for six (6) months following issuance of the permit. If construction or installation are not completed in that amount of time, the permit will terminate and the Applicant will be required to remove any partially installed equipment. The City may take Applications for the same or nearby locations and hold them in standby until it is known whether or not full installation/construction on an active permit is completed. If/when construction or installation is underway, but delayed due to unforeseen circumstances, the city may consider a request for one six (6) month extension to a permit. Permit fees shall be non-refundable.

Sec. 35-74 – Compliance with other laws and regulations

All Facilities and associated Support Structures shall be installed, erected, maintained and operated in compliance with applicable federal and state laws and regulations, including, but not limited to, regulations of the FCC.

If those Facilities or Support Structures should fail at any time to comply with applicable laws and regulations, the Applicant, at either of their expense, shall cause those Support Structures to be brought into compliance with said laws and regulations within fifteen (15) days of the date of any written notice to them from the Director. Failure to bring Facilities or Support Structures into compliance shall result in permit revocation.

Sec. 35-75 – Maintenance

The Facilities and associated Support Structures must at all times be maintained in good and safe condition. If the support structures are found to be defective the Applicant shall at its own expense replace, restore, or strengthen said support structure to a sound condition. The Applicant shall upon receiving notice from the city make repairs or replacement to restore good and safe condition within 45 days.

Sec. 35-76 – Indemnity

Each Applicant that applies for a permit to place Facilities and Support Structures on the Right of Way and installs and utilizes those Facilities and Support Structures shall defend, indemnify and hold the City and its employees or officials, harmless from all demands, losses, expenses (including attorney's fees and court costs), claims for personal injury or property damage, judgments or liabilities of any type that may be asserted or claimed against the City (or its

employees or officials) by any third person, firm or entity that arise out of or relate in any manner to the following:

1. The installation, construction, maintenance, use or operation of the permitted Facilities, Accessory Equipment or any Support Structure on or about the Right of Way;
2. The City's act of granting a permit;
3. The failure of the Applicant to perform any of their respective responsibilities, obligations and permit requirements in this ordinance. Notwithstanding the foregoing, the Applicant shall not be obligated to indemnify the City for City claims resulting from the sole negligence or willful acts of the City (or its representatives).

Sec. 35-77 – Franchise Agreements for Other Uses of Right of Way.

No provision of this ordinance is intended to permit, regulate or authorize the placement by an Applicant of fiber optic lines, coaxial cable, switches, pedestals or networking equipment of any type that is used to transport telecommunication signals, data or messages between Support Structures or for any other purpose within the Right of Way. In the event any such Applicant desires to place telecommunications equipment or Facilities within the Right of Way and such facilities are not Small Wireless Facilities nor Accessory Equipment, other sections of the Code may apply, and the City may require a franchise or similar agreement to authorize, govern and apply to such other use of the Right of Way.

Sec. 35-78 – Application Fees

The Applicant for a permit to place Facilities and associated Support Structures within the Right of Way shall pay the following fees:

1. Collocated Attachment Application Fee- \$500 per each collocated attachment
2. New Support Structure Application Fee - \$1,000 per each structure proposed

Applications and permits may include up to five (15) collocated attachment locations on a single Application at a rate of \$500.00 for the first facility and \$250.00 for each additional facility.

Applications and permits may include up to five (5) new Support Structure locations on a single Application at a rate of \$1000.00 for the first structure and \$500.00 for each additional support structure.

Each location in a combined application shall be required to receive a unique permit per location.

Sec. 35-79 – Annual License Fee

To recover the City's expenses relating to the management and protection of the Right of Way, the administration of permits, and other City costs relating to the permit described in the Article, the Applicant shall pay as an Annual license fee to the City, through the duration of this permit, \$500.00 for each small wireless facility.

In the first year of the permit, the Applicant's license fee shall be due upon completion of a structure or installation and payable within thirty (30) days therefrom. During the first year the License Fee shall be \$500.00 for facilities completed and/or installed between January 1 and June 30 and shall be \$250.00 for facilities completed and/or installed between July 1 and December 31. Thereafter, the Applicant's Annual License Fee shall be due and payable to the City annually on or before December 31 for the following calendar year.

Failure to make full payment within sixty (60) days of the applicable payment date shall be grounds to revoke the permit and remove the facilities.

Sec. 35-80 – Fees to be deposited in fund; use.

Permit and license fees generated by this article shall be deposited in a special fund dedicated for use in participating in the Mississippi 811 Service, it being understood that these may not be the sole source of funds used for such purposes.

Sec. 35-81 - Abandonment of Facilities

If an Applicant abandons any Facility or an associated Support Structure (collectively "Facilities" for purposes of this Section) the City may require the Applicant, at their expense, to remove and reclaim the abandoned Facilities within six (6) months from the date of written notice of abandonment given by the City to them and to reasonably restore the condition of the property at which the Facilities are located to that existing before the Facilities were installed. If the Applicant fails to remove and reclaim its abandoned Facilities within such six (6) month period and the Facilities are located on the Right-of-Way, the City shall have the rights to:

1. Remove them and charge the expense of any such removal operation to the account of the Applicant;
2. Charge any expense incurred by the City to restore the Right-of-Way to the account of the Applicant; and
3. At the City's discretion, either resell the abandoned Facilities to a third party, or dispose and salvage them; provided that the net proceeds of any resale of abandoned Facilities by the City to a third party shall be credited to the account of the Applicant that used those Facilities before the abandonment.

Sec. 35-82 - Non-Applicability.

The placement of an antenna(s), facilities, or equipment related to the following types of wireless communication services are exempt from regulation under this ordinance:

1. Amateur radio service that is licensed by the FCC, if the facilities related thereto are not used or licensed for any commercial purpose; and
2. Facilities used by any federal, state or local government or agency to provide safety or emergency services.
3. The provisions in this Chapter are supplemental to, and not intended to alter, affect or modify any other provisions in the City of Jackson Code that may be applicable to the placement or use of macro telecommunications towers.

Sec. 35-83- Posting of Permits.

At all times while work or construction is in progress, a copy of the permit must be located at or near the work or construction site and shall, on request, be shown to the Director or his or her permit administrator or any public safety or code officer.

Sec. 35-84 - Suspension or Revocation of Permit.

If work under an issued permit fails to conform to the conditions of the permit, the requirements of this Ordinance, or existing Ordinances of the City of Jackson, the permit may be revoked or suspended. If the permit is suspended, work shall be stopped until such time as the permittee gives assurance to the Director the permittee's ability and intention to complete the work in accordance with the conditions of the permit, and this Ordinance, and the other Ordinances of the City. Any notice of revocation or suspension shall be delivered in writing to the permittee, its designee or, a representative of the permittee. The notice shall state the reasons for such action.

Sec. 35-85 - Liability of the City.

Neither the City nor any officer or employee thereof shall be held responsible for any damages caused by any work or construction in any street, alley, sidewalk, right-of-way, or other public place made by any person under the authority of a permit issued pursuant to the provisions of this Ordinance. The permittee shall be solely liable for any damage or loss occasioned by any act or omission occurring in connection with such work or construction, and shall fully indemnify, hold harmless and defend City, its officers, officials, and employees from and against any and all suits, actions, judgments, losses, costs, demands, claims, expenses (including attorney's fees), damages, and liabilities of every kind to which the City and its officers, officials, and employees may be subjected for injury of any type, death or property damage arising from or connected with any such act or omission. The City shall promptly notify a permittee, at the address(es) set forth in the permit, of any claim or suit served upon the City and alleging negligent or wrongful conduct by the permittee in connection with work or construction that is the subject of a permit.

Sec. 35-86 - Violations and Penalties.

Any person violating any of the provisions of this Article shall be guilty of a misdemeanor. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Article is committed. Upon conviction of any such violation, said violator(s) shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each such violation.

No person who has violated any provision of this Article shall be issued another permit hereunder, nor shall any contractor or agent apply for or be issued such a permit on such person's behalf, until the underlying circumstance that caused the violation is corrected or a plan for correction is approved by the Director, or their authorized representative(s), which approval shall not be unreasonably withheld, and any fine for such violation is paid.

Sec. 35-87 - Other Ordinances; Severability.

(1) Where there is a conflict between this chapter and any other ordinance adopted by the City of Jackson, the more restrictive provision shall prevail.

(2) If any sentence, paragraph, subdivision, clause, phrase, or section of this Article or the application thereof to any person or circumstances be adjudged or held to be unconstitutional, illegal, invalid, or unenforceable by a court of competent jurisdiction, such finding or such invalidity shall not serve as an invalidation or affect the validity or enforceability of any other section or provision of this Article and to this end, the provisions of this Article are declared to be severable. Such an invalid sentence, paragraph, subdivision, clause, phrase, or section shall also not affect the validity of the Code of Ordinances as a whole.

SECTION 2. This ordinance shall be in force and effect thirty (30) days after passage and after publication of the same by the City.

