

# Agenda Report

July 1, 2013 City Council Meeting

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July 1, 2013

Item No. 9

## **ISSUE: Code Changes Regulating Pawnshops & Payday Lending Facilities**

An ordinance amending Chapter 124, Pawnbrokers of the City of Windsor Heights Code of Ordinances, Chapter 168-2, permitted uses by zoning district, and Chapter 171 Section Five, Commercial uses of the City of Windsor Heights code of ordinances regarding payday lenders and pawn businesses.

### **BACKGROUND:**

At the January 23, 2013 Planning and Zoning meeting, the board was presented with a conditional use permit request (CUP01-13) for a Pawn Shop to be located at 801 73<sup>rd</sup> Street in the A-frame building. The Planning and Zoning Commission recommended approval of the request to the Board of Adjustment. The Board of Adjustment held their public hearing for the request on February 19, 2013. At this meeting, the Board received public testimony regarding the negative impacts the business would have within the area. Although the Board of Adjustment does not have the authority to make changes to the zoning ordinance, the public had requested that the City consider studying an ordinance to better regulate the location and requirements for pawn shops and payday lending services. At this same meeting the Board of Adjustment denied the conditional use permit request with reasoning that the business was incompatible with the surrounding use of the neighborhood. The City Council then passed a temporary moratorium on March 4, 2013 to run through August 13, 2013 on any new pawn shops and delayed deposit service businesses in the city limits. The Council has requested recommendations from the Planning and Zoning Commission as to better regulate the businesses.

At the May 22, 2013 Planning and Zoning meeting, discussion and direction was given to staff on additional regulations the Commission wanted to see in the ordinance. Planning and Zoning Chair, Eggers along with City Inspector Danzer, City Attorney Matt Brick and I met to discuss amendment options and decided what the City currently has in the Adult Entertainment chapter of the City Code would fit into the Pawnbroker and payday lending sections of the City Code. The existing code mirrors the same language as used in the City of Clive ordinance. See attached revisions.

11-4-20: PAWNBROKERS AND DELAYED DEPOSIT SERVICES:

In adopting the zoning ordinance, it is recognized that pawnbrokers and delayed deposit service facilities have certain objectionable side effects which render these facilities incompatible with residential, public and family uses, when the pawnbrokers and delayed deposit service facilities are located close to or adjacent to such uses. This section seeks to ensure that residential, public, family uses and pawnbrokers and delayed deposit services will be located in separate and compatible locations. It is a subject of legitimate concern for the city to use its zoning power to preserve the quality of life and protect the property values and economic vitality of its neighborhoods.

A. Location: No person, whether as principal or agent, clerk, or employee, either himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own or operate any pawnbroker or delayed deposit service business in the following locations:

1. In any zoning district other than C-2 commercial, M-1 light industrial, and M-2 heavy industrial.

2. Within one thousand feet (1,000') of any residentially zoned or used property, or any property designated on the city's comprehensive plan as residential oriented.

3. Within one thousand feet (1,000') of any parcel of real property upon which is located any of the following facilities:

a. A children's daycare, nursery school, preschool, elementary school, junior high school, senior high school.

b. A church which conducts religious programs.

c. Park or recreational facilities operated and improved by the city, Polk or Dallas County, the Polk or Dallas County conservation board or the state of Iowa.

4. Within one thousand feet (1,000') of any adult oriented business, pawnbroker or delayed deposit service facility.

B. Measurement Of Distance: The distance between any two (2) adult oriented business, pawnbroker or delayed deposit service facilities shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any pawnbroker or delayed deposit service facilities and any daycare, school, church, public park, or any property designated for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures, from the closest property line of the pawnbroker or delayed deposit service facility to the closest property line of any daycare, school, church, public park or any property designated for residential use or used for residential purposes.

C. Restrictions: Visibility into the store shall be maintained by utilizing clear, transparent glass on all windows and doors, and by keeping all windows free of obstructions for at least three feet (3') into the store. Product may be displayed for sale in the window provided that the display, including signage, does not occupy more than thirty percent (30%) of the window area. Interior and exterior bars, grills, mesh or similar obstructions, whether permanently or temporarily affixed, shall not cover any exterior door or window. (Ord. 941, 12-16-2010)

**RECOMMENDATION:**

Unless the City Council instructs staff to make changes to the current ordinance, staff recommends the City Council adopt Ordinance 13-07 and waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings

**STAFF CONTACTS:**

Jeffrey A. Fiegenschuh, City Administrator

Sheena Danzer, City Inspector

## ORDINANCE 13-07

AN ORDINANCE AMENDING CHAPTER 124, PAWNBROKERS OF THE CITY OF WINDSOR HEIGHTS CODE OF ORDINANCES, CHAPTER 168-2, PERMITTED USES BY ZONING DISTRICT, AND CHAPTER 171 SECTION FIVE, COMMERCIAL USES OF THE CITY OF WINDSOR HEIGHTS CODE OF ORDINANCES REGARDING PAYDAY LENDERS AND PAWN BUSINESSES.

Be it enacted by the City Council of the City of Windsor Heights, Iowa:

**WHEREAS**, the proliferation of delayed deposit services business (commonly known as “payday lenders”) and pawn businesses often suggest that a commercial corridor and adjoining neighborhoods are in social and economic decline, negatively impacting public safety and welfare, as well as property values along the corridor and the adjoining neighborhoods; **AND**,

**WHEREAS**, these businesses do not create foot traffic for adjacent businesses and a proliferation of such businesses at particular locations can overwhelm a neighborhood, raise concerns when in close proximity to schools, day care centers, parks and other places children are located and are incompatible with residential family-orientated uses; **AND**,

**WHEREAS**, it is reasonable and appropriate to regulate the placement and location of delayed deposit service businesses and pawn businesses in order to protect the surrounding neighborhoods from the deleterious effects of such businesses, and to avoid adverse effects on the health, safety, and general welfare of the surrounding neighborhood that are likely to result from a concentration of such businesses; **AND**,

**NOW THEREFORE BE IT RESOLVED**, by the City of Windsor Heights City Council in session this 1<sup>st</sup> day of July, 2013, that it is hereby adopts the following changes to the City of Windsor Heights Code of Ordinances Chapter 124 and Sections 168-2 and 1781.05(7):

SECTION 1: Chapter 124, Chapter 168-2, and Chapter 171, Section 5 of the City of Windsor Heights Code of Ordinances are hereby amended by modification through addition or deletion of language as identified through the following underlined language:

### PAWNBROKERS

124.01 Definitions	124.11 Articles of Clothing
124.02 Compliance With Chapter Provisions	124.12 Searching for Stolen Property
124.03 License Fees	124.13 Examination of Premises by Officers
124.04 License	124.14 Hours of Operation
124.05 Expiration Date of License	124.15 Disposing of Stolen Goods or Goods for Which There Is an Adverse Claim
124.06 Separate License for Each Place of Business	124.16 Grounds for Revocation of License
124.07 Nonpayment of License Fee Misdemeanor	124.17 Revocation Procedure
124.08 Records	124.18 Effect of Revocation
124.09 Daily Reports to Chief of Police	124.19 Summary Suspension
124.10 Prohibited Acts	

**124.01 DEFINITIONS.** Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms, for the purpose of this chapter, have the meanings given in this section:

1. “Negative police report” means a report or review compiled by the Chief of Police, which discloses a criminal record of a felony or any conviction under this chapter two or more times in a calendar year or a conviction under Chapter 714 of the *Code of Iowa*.
2. “Pawnbroker” means every person who makes loans or advancements upon pawn, pledge, or deposit of personal property or who receives actual possession of personal property as security for loans, with or without a mortgage or bill of sale therein, or who, by advertisement, sign, or otherwise, holds himself or herself out as a pawnbroker.
3. “Positive police report” means a report or review compiled by the Chief of Police, which does not disclose a criminal record of a felony or any conviction under this chapter two or more times in a calendar year or a conviction under Chapter 714 of the *Code of Iowa*.

**124.02 LOCATION OF PAWNBROKER BUSINESSES.** No person, whether as principal or agent, clerk or employee, either for such person or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own, or operate any pawn shop businesses in the following locations.

1. Locations.

A. In any residential area in the City, including upon any sidewalk abutting upon such residential area;

B. Within 1,000 feet of any residentially zoned or used property, or any property designated on the City’s Comprehensive Plan as residentially oriented.

C. Within 1,000 feet of any parcel of real property upon which is located any of the following facilities:

- (1) An elementary school, junior high school, or senior high school;
- (2) A church which conducts religious programs;
- (3) Park or recreational facilities operated and approved by the City, County, the Polk County Conservation Board, the State of Iowa, or a not-for-profit institution;
- (4) Federal, State, County, City, or special district governmental offices;
- (5) Supermarket or convenience market primarily engaged in the sale of food;
- (6) Restaurant, fast-food, or food establishment catering to family trade.

D. Within 1,000 feet of any other pawn shop or delayed deposit service business, as defined in Section 124.01 and 167.07 (4).

2. Measurement of Distance.

The distance between any two pawn shop and delayed deposit services business shall be measured in a straight line, without regard to intervening structures from the closest exterior structural wall of each business. The distance between any pawn shop and delayed services businesses and any religious institution, school or public park, government office, supermarket, restaurant or any property designated for residential use or used for residential purposes shall be measured in a straight line without regard to intervening structures, from the closest property line of the pawn shop or delayed deposit service businesses to the closest property line of the religious institution, school, public park, government office, supermarket, restaurant, or the property designated for residential use or used for residential purposes.

3. Restrictions.

Visibility into the store shall be maintained by utilizing clear, transparent glass on all windows and doors, and by keeping all window free of obstructions for at least three (3) feet into the store. Product may be displayed for sale in the window provided that the display, including signage, does not occupy more than 30 percent of the window area. Interior and exterior bars, grills, mesh or similar obstructions, whether permanently or temporarily affixed, shall not cover any exterior door or window.

**124.03 COMPLIANCE WITH CHAPTER PROVISIONS.**

1. No person shall engage in or carry on the business of pawnbroker in the City without first paying the fee and procuring the license provided for in this chapter, nor shall any person carry on such business in any manner contrary to the provisions of this chapter.
2. Every clerk, servant, agent, or employee of any pawnbroker must be at least 18 years old and shall be subject to and bound by all provisions of this chapter and liable for the same penalties and to the same extent as such person's employer or principal for any violation thereof.

**124.04 LICENSE FEES.** Any person desiring a pawnbroker license under this chapter shall make a written, signed application to the Clerk on forms provided by the Clerk. All annual fees for licenses under this chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees may, from time to time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective license fees shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

**124.05 LICENSE.**

1. Criteria Considered. Upon receipt of a pawnbroker license application, the Clerk shall forward a copy of the application to the Chief of Police, who shall review the application. The applicant shall furnish such evidence as may reasonably be required in support of the statements set forth in the application. The Chief of Police shall report to the Clerk within thirty (30) days of receipt of the application considering (but not limited to) the following criteria:
  - A. The Police Chief shall determine whether the applicant or any of the applicant's agents or employees who will be charged with receiving or distributing property have been convicted of a felony. However, if the conviction of a felony occurred more than five years before the application for a pawnbroker license, and if such person's rights of citizenship have been restored by the Governor, such conviction shall not be a bar to obtaining a pawnbroker license.
  - B. The Police Chief shall determine whether the applicant has truthfully reported all relevant facts within the pawnbroker application.
  - C. The Police Chief shall determine if the applicant has such financial standing and good reputation to indicate that he or she will comply with all the laws of the State and City.
2. Issuance.
  - A. Upon receipt of a positive police report and the appropriate fees, the Clerk shall approve the application if the applicant has fully complied with all of the requirements of this chapter, and the Clerk shall thereupon issue a pawnbroker license to the applicant and forward a copy of such to the Chief of Police. The license shall state the name and place of residence of the person licensed, the business to be transacted and the place where it is to be carried on, and the date of issuance and expiration of the license.

B. In the event that the Clerk determines that any applicant for a new license or any person seeking a renewal license has not fully complied with all of the requirements of this chapter, or that the Police Chief returns a negative report, or that the applicant has falsified his or her application, then the Clerk shall, after consultation with the City Attorney, advise the City Council of the basis for questioning the applicant's qualifications, and the procedures for notice and hearing.

**124.06 EXPIRATION DATE OF LICENSE.** All pawnbrokers' licenses shall expire one year after the date of issue.

**124.07 SEPARATE LICENSE FOR EACH PLACE OF BUSINESS.** Any person conducting several or separate places of business shall pay the license fee and procure a license for each place of business. The license shall be sufficient for all clerks, agents, servants, or employees engaged or employed at the place named in the license.

**124.08 NONPAYMENT OF LICENSE FEE MISDEMEANOR.** When any person shall engage in business as a pawnbroker without paying the fee provided therefor and imposed in this chapter, such person shall be guilty of a misdemeanor. Each day said violation continues shall be considered a separate offense.

**124.09 RECORDS.**

1. Every pawnbroker shall keep a book in which he or she shall accurately and legibly enter, in ink, in the English language, at the time of purchasing or receiving any personal property:

A. The name of the person from whom the property is purchased or received, the person's place of residence, the person's date of birth, a photo identification of the person, the person's driver's license number, the state of issue of the driver's license, and the expiration date of the driver's license;

B. A particular, detailed, and accurate description of each article, including any serial number;

C. The estimated value of each article;

D. The amount paid, advanced, or loaned for the article;

E. The date and hour of transaction;

F. The date and hour when the article is to be redeemed or bought back;

G. Any mortgage or bill of sale taken, or receipt or pawn ticket given;

H. When, and by whom, an article was brought back or redeemed;

I. When, to whom, and how an article was disposed of, if not redeemed.

2. The license and the book shall, at all times, be open to examination or inspection by any police officer.

3. When the pawn log sheets are complete, or upon demand from the Chief of Police, the licensee shall surrender the original sheets to the Chief of Police, who shall provide a copy of the sheets to the licensee; the originals shall remain the property of the City. The licensee shall also maintain a record of the name and residential address of any person redeeming an article of property, the date of such transaction and a description of the article redeemed. In the event property is disposed of other than by redemption, the licensee shall record a description of the property, how disposed, and the name and address to whom the article was transferred. Such

redemption and purchase records shall be maintained by the licensee for one year from the date of transaction and shall be at all times open to examination and recordation by the Chief of Police.

4. Every pawnbroker shall require each person from whom any property is purchased or received to print and sign his or her name on any inventory sheet provided by the Chief of Police. The inventory sheet shall be the property of the City.

5. Any person is guilty of a misdemeanor who:

A. Fails to keep or maintain such records as required by this chapter;

B. Fails to make the required entries in such records;

C. Intentionally or knowingly makes any false or unintelligible entry, or any entry which he or she has reason to believe is untrue, or deletes any entry;

D. Fails to make the inquiries necessary to enable the person to make such entries or any of them;

E. Fails to produce the license, book, or log sheets when requested by a police officer;

F. Destroys, alters or negligently permits such book, records, or log sheets to be destroyed, damaged, altered, rendered unintelligible, or lost;

G. Fails to require any person to show physical proof of that person's identification.

**124.10 DAILY REPORTS TO CHIEF OF POLICE.** Every pawnbroker who purchases or receives from a person any article of jewelry or precious stones; any sheet copper or brass; copper or brass wire; lead (sheet or pipe); zinc (sheet or pipe); citizen's band radio, car radio, stereo, or electronic accessory; nickel or nickel-plated articles; silver or silver-plated articles; car or railroad brasses; any guns, pistols, or rifles; any motorcycle, bicycle, automobile, or automobile tire, part, or accessory thereto; shall within 24 hours after purchasing or receiving such articles report the same in writing to the Chief of Police, stating fully and correctly:

1. The name, driver's license number and state of issuance, and residence of the person from whom the article was purchased or received;

2. A full and accurate description of each article, including any serial numbers;

3. The value or amount paid for each article.

**124.11 PROHIBITED ACTS.** No licensee or any agent or employee purchasing or receiving any article or property shall:

1. Receive any property without first viewing a form of identification containing a photograph of the person identified.

2. Melt, alter, destroy, dismantle, redeem, remove from the licensed premises, or otherwise dispose of such article, without making the report required in Section 124.09, or within 15 days after the receipt and report of any property is made, except upon written permission from the Chief of Police. Every bicycle, motorcycle, or automobile purchased or received shall be kept intact for a period of 15 days. All articles must remain within the City at the place of business during the 15-day period provided for herein.

3. Purchase or receive any property from any person under the age of eighteen without his or her parent or guardian being present at the time of the transaction and without receiving their written consent, a copy of which must be submitted along with the records required by Section 124.08 of this chapter.

4. Purchase or receive any property or surrender any property from 6:00 p.m. to 8:00 a.m. Monday through Saturday, and 6:00 p.m. Saturday through 8:00 a.m. Monday.
5. Conceal, secrete, or destroy for the purpose of concealing, any article purchased or received for the purpose of preventing identification.
6. Deface, alter, or remove any serial number or identifying marks from an article in his or her possession.
7. Take possession of defaced or altered property as described in subsection 6 above.
8. Sell, dispose of, change in its form, alter, or mutilate in any way any article of jewelry within the time fixed for sale or redemption.
9. Purchase or receive any personal property from any intoxicated person or person who appears to be under the influence of any drug.
10. Sell or otherwise dispose of any article during the time any person has the right to buy back or redeem the article.

**124.12 ARTICLES OF CLOTHING.** All articles of clothing taken in pawn or purchased outright shall be held in the same condition in which they were received for fifteen (15) days following and during this period shall not be cleaned, repaired, dyed, or altered in any manner.

**124.13 SEARCHING FOR STOLEN PROPERTY.** Whenever any police officer has reason to believe that any pawnbroker has in his or her possession or on his or her premises any stolen property, the officer shall have the right and duty to enter and search the premises of such person for the purpose of discovering stolen property.

**124.14 EXAMINATION OF PREMISES BY OFFICERS.** No pawnbroker or any other person shall refuse, resist, or attempt to prevent any police officer, with or without warrant, from examining the premises occupied by the pawnbroker for the purpose of discovering stolen property.

**124.15 HOURS OF OPERATION.** No pawnbroker or any person shall conduct business on Sunday or at any hour other than between 6:00 a.m. and 6:00 p.m.

**124.16 DISPOSING OF STOLEN GOODS OR GOODS FOR WHICH THERE IS AN ADVERSE CLAIM.** No pawnbroker shall sell, or permit to be redeemed, or otherwise dispose of any article which he or she has reason to believe has been stolen, or which is adversely claimed by any person, or which he or she has been notified not to sell, release, or otherwise dispose of by any police officer without first obtaining written permission to do so from the Chief of Police.

**124.17 GROUNDS FOR REVOCATION OF LICENSE.** The following reasons shall be grounds for the revocation of any license issued under the provisions of this chapter:

1. Fraud. The licensee has made fraudulent or untrue statements in the application for a license.
2. Violation. The licensee has violated any of the provisions of this chapter.
3. Operation. The licensee has conducted the business in such a manner as to endanger the public welfare, health, safety, order, or morals.

**124.18 REVOCATION PROCEDURE.** When it appears to the Clerk or the Council that grounds for the revocation of a license may exist, the following procedure shall be followed:

1. Investigation. The Council or the Clerk shall direct the Chief of Police to make an investigation concerning the alleged grounds for revocation.
2. Report to Council. The Chief of Police shall make such investigation and report the findings in writing to the Council.
3. Determination. The Council shall make a determination as to whether probable cause for revocation exists.
4. Hearing. If the Council finds that probable cause for revocation exists, it shall set a date, time, and place for a hearing on the matter and shall direct the City Attorney to prepare the complaint against the licensee. The complaint shall state the alleged grounds for the revocation and the date, time, and place for a hearing on the matter.
5. Service of Complaint. The complaint shall be served upon the licensee by certified mail, return receipt requested, not less than ten (10) days prior to the date set for a hearing on the matter.
6. Conduct of Hearing. The Council shall conduct the hearing at which the licensee shall be present. The purpose of the hearing shall be to determine the truth of the facts alleged in the complaint. Should the licensee or the licensee's authorized representative fail to appear without good cause, the Council may proceed to a determination on the complaint.
7. Rights of Licensee. The licensee shall have the right to be represented by counsel, to testify and present witnesses in his or her own behalf and to cross-examine adverse witnesses.
8. Evidence. The Council shall admit only reliable and substantial evidence into the revocation proceeding and shall give all admitted evidence its natural probative value.
9. Findings. The Council shall make and record findings of fact and conclusions of law and shall revoke a license under this section only when, upon review of the entire record, it finds substantial evidence of a violation of this chapter.

**124.19 EFFECT OF REVOCATION.** Revocation of a license shall bar the licensee from being eligible for any license under this chapter for a period of three (3) years from the date of revocation.

**124.20 SUMMARY SUSPENSION.** The Chief of Police may summarily suspend any license issued under this chapter if, after investigation, the Chief finds reasonable grounds to believe that the licensee's establishment poses an immediate hazard to the health or safety of the community. Such suspension shall be effective upon the service of a written notice of suspension upon the licensee. Such service may be accomplished by personal service or by certified mail, return receipt requested. The Chief of Police shall forthwith report such suspension to the Council and the Council shall forthwith commence revocation proceedings in accordance with the provisions of Section 124.17 of this chapter. Such suspension shall remain effective until the completion of said revocation proceedings.

**Table 168-2 – Permitted Uses by Zoning District** (continued)

<b>Commercial Uses:</b>												Additional Regulations
Delayed Deposit Services Business								C				<u>Sec. 171.05 (7)</u>
Restaurants (Drive-In)							P	P	C		C	<u>Sec. 171.05(8)</u>
Restaurants (General)							P	P	P	P	C	<u>Sec. 171.05(8)</u>
Restricted Businesses												<u>Sec. 171.05(9)</u>

**171.05 COMMERCIAL USES.**

7. Delayed Deposit Services Business. No person, whether as principal or agent, clerk or employee, either for such person or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own, or operate any delayed deposit businesses in the following locations.

1. Locations.

A. In any residential area in the City, including upon any sidewalk abutting upon such residential area;

B. Within 1,000 feet of any residentially zoned or used property, or any property designated on the City’s Comprehensive Plan as residentially oriented.

C. Within 1,000 feet of any parcel of real property upon which is located any of the following facilities:

- (1) An elementary school, junior high school, or senior high school;
- (2) A church which conducts religious programs;
- (3) Park or recreational facilities operated and approved by the City, County, the Polk County Conservation Board, the State of Iowa, or a not-for-profit institution;
- (4) Federal, State, County, City, or special district governmental offices;
- (5) Supermarket or convenience market primarily engaged in the sale of food;
- (6) Restaurant, fast-food, or food establishment catering to family trade.

D. Within 1,000 feet of any other pawn shop or delayed deposit service business, as defined in Section 167.07 (4) and 124.01

2. Measurement of Distance.

The distance between any two pawn shop and delayed deposit services business shall be measured in a straight line, without regard to intervening structures from the closest exterior structural wall of each business. The distance between any pawn shop and delayed deposit services business and any religious institution, school or public park, government office, supermarket, restaurant or any property designated for residential use or used for residential purposes shall be measured in a straight line without regard to intervening structures, from the

closest property line of the pawn shop and delayed deposit services businesses to the closest property line of the religious institution, school, public park, government office, supermarket, restaurant, or the property designated for residential use or used for residential purposes.

3. Restrictions.

Visibility into the store shall be maintained by utilizing clear, transparent glass on all windows and doors, and by keeping all windows free of obstructions for at least three (3) feet into the store. Product may be displayed for sale in the window provided that the display, including signage, does not occupy more than 30 percent of the window area. Interior and exterior bars, grills, mesh or similar obstructions, whether permanently or temporarily affixed, shall not cover any exterior door or window.

8. Restaurants. Restaurants in the LC District that include the accessory sale of alcoholic beverages require approval of a conditional use permit, as set forth in Section 177.03 of this Zoning Code.
9. Restricted Businesses. Restricted businesses are not permitted within the zoning jurisdiction of the City.

SECTION 2. REPEALER. All parts of the "MUNICIPAL CODE OF ORDINANCES OF THE CITY OF WINDSOR HEIGHTS, IOWA" in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section, subsection, provision, sentence, clause, phrase or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and notice of its passage is given as provided by law.

Passed by the City Council this \_\_\_\_ day of July 2013 and approved this \_\_\_\_ day of July, 2013.

\_\_\_\_\_  
David J. Sullivan, Mayor

Attest:

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Jeffrey A. Fiegenschuh, City Administrator/Clerk