

CHAPTER 11

FINANCE

SECTION ANALYSIS

- 11.1 City Business Administrator
- 11.2 Claims Against City – Itemization
- 11.3 Claims Against City – Officers to Receive
- 11.4 Claims Against City – Payment by Check
- 11.5 City Funds – Deposited in Name of City
- 11.6 City Funds – When and Where Deposited
- 11.7 City Funds – Record of Receipts and Payments
- 11.8 City Funds – Expended Appropriations to be Reported
- 11.9 Collection of Motor Vehicle Permit Fees
- 11.10 Negotiation of Loans to City
- 11.11 Notes of City – Signatures Required
- 11.12 Notes of City – Form
- 11.13 Annual Report of City Receipts and Expenditures
- 11.14 Preparation of City Budget
- 11.15 Audit of City Accounts
- 11.16 Redemption of City Bonds
- 11.17 Fiscal Year
- 11.18 Contracts With City Officials Limited
- 11.19 Fund Balance Maintenance Fund
- 11.20 Economic Development Special Reserve Fund
- 11.21 Conservation Fund
- 11.22 Regulation and Limitation of Merit Plan
- 11.23 Implementation of Limitation on Budget Increase

11.1 City Business Administrator.

The City Manager, in accordance with the provisions of Sections 15 and 18 of the Rochester City Charter, shall appoint a City Business Administrator who shall be responsible for the supervision and direction of all phases of the City's fiscal operations subject to the direction and supervision of the City Manager. This position shall require a four (4) year degree in accounting, business administration or related area, plus professional experience in the field.

11.2 Claims Against City – Itemization.

No account or claim against the City, except judgments of judicial courts, shall be received or acted upon unless each item thereof shall be specifically set forth, and unless such account or claim shall be accompanied with the approval of the officer or agent authorized in behalf of the City, School Board or Trustees of the Public Library to make the contract, or cause the expenditure to be made, that the same is correct and just.

11.3 Claims Against City – Officers to Receive.

6/1/04

The Superintendent of Schools shall receive all accounts and claims from persons having demands against the School Board, the Librarian from persons having demands against the Trustees of the Public Library and the City Business Administrator from persons for all other demands against the City. They shall carefully examine all such accounts and claims and see that they are correctly cast, and present the same to the City Business Administrator for final approval by the City Manager.

11.4 Claims Against City – Payment by Check.

Payment of all claims as approved in accordance with the preceding section shall be made by check drawn and signed by the City Treasurer and countersigned by the City Manager, provided, however, that the City Council, in the absence or disability of either the City Treasurer or the City Manager, or both, may appoint some other person to sign in his/her place.

11.5 City Funds - Deposited in Name of City.

Unless otherwise specifically provided all sums received by or on behalf of said City shall be deposited in the name of the City.

11.6 City Funds – When and Where Deposited.

[5]

The City Treasurer and City Tax Collector shall deposit to the credit of the City all money which they may receive for or in behalf of the City, in such bank or banks as the Treasurer may direct. Their financial records and lists shall be submitted to the City Finance Director for his/her inspection and computation. All other persons who shall at any time have money in their hands belonging to the City, unless otherwise provided, shall forthwith pay the same to the City Treasurer, taking his/her receipt for the same.

11.7 City Funds – Record of Receipts and Payments.

The City Business Administrator shall enter in suitable books fair, detailed and correct records of all sums of money received into and paid from the City Treasury. He/she shall enter the various appropriations made by the City Council, each under its appropriate head, and charge to each the different payments and expenditures which from time to time shall be made therefrom.

11.8 City Funds – Expended Appropriations to be Reported.

Whenever any appropriation shall be expended, the City Business Administrator shall immediately give notice thereof to the City Manager and the City Council, and no claim or account shall be passed or allowed chargeable to any head or appropriation which has been expended, until the City Council shall have provided the means for paying the same.

11.9 Collection of Motor Vehicle Permit Fees.

The City Tax Collector shall collect all permit fees required by law in the registration of motor vehicles, keep a proper record of the same, and pay the same to the City.

(a) Exemption for Prisoners of Wars. The permit fee shall be waived for a permit to register one motor vehicle owned by any person who was captured and incarcerated for 5/1/07 30 days or more while serving in a qualifying war and armed conflict as defined in RSA 72:28, IV, and who was honorably discharged, providing the person has provided the City Tax Collector with satisfactory proof of these circumstances.

11.10 Negotiation of Loans to City.

The City Treasurer, with the assistance and subject to the approval of the City Manager, shall negotiate all loans to the City which shall be authorized by the City Council and shall report the amount to the City Business Director.

11.11 Notes of City – Signatures Required.

Whenever authority is given by the City Council to borrow money on the credit of the City, all notes and certificates of indebtedness given therefore shall be signed by the City Manager and City Treasurer and countersigned by the City Clerk, and all such notes and certificates shall be registered in books kept for that purpose by the City Business Administrator. Such registers shall describe said notes and certificates by number, date and amount, the name of the person to whom payable, when payable, the rate of interest and the date of the ordinance or resolution authorizing the same; and when paid, the date of payment shall be inserted on each of said registers.

11.12 Notes of City – Form.

All notes given the City of Rochester shall be substantially in the following form:

CITY OF ROCHESTER

Treasurer’s Office

For value received the City of Rochester will pay at the office of the City Treasurer to or order, the sum of..... dollars.....in.....from the date hereof, with interest At the rate of percent. In testimony whereof we, the City Manager and Treasurer, in the name and in behalf of the City, by virtue of authority in us vested for this purpose, by an order of the City Council of said City, passed on the..... day ofA.D..... have hereunto set our hands and the seal of said City, at said Rochester this

.....City Manager
.....Treasurer

This note is also countersigned by the City Clerk of said City.

.....City Clerk

11.13 Annual Report of City Receipts and Expenditures.

[6]

The City Manager shall annually, before the last day of January, present the independent auditors' report, in accordance with section 11.15 of this ordinance, of the preceding year.

9/4/2007

11.14 Preparation of City Budget.

The City Manager shall annually prepare the municipal budget in accordance with the provisions of Section 40 of the Rochester City Charter, and shall lay the same before the City Council at least sixty (60) days before the start of the fiscal year of the budget. Said budget shall contain an estimate of the amount of money necessary to be raised for the next financial year, under the various heads of appropriations, and the various means of raising the same. The City Council shall set a date for a public hearing on the annual budget, which hearing shall be held before the final adoption of said budget, at such time and place as the City Council shall direct, provided that notice of such public hearing shall be published by the City Clerk at least one week in advance of said hearing, and posted together with a summary of the budget, as submitted, in two public places at least one week in advance of said hearing.

11.15 Audit of City Accounts.

An independent audit of all accounts of the City shall be made annually by certified public accountants selected by the City Council and experienced in municipal accounting in accordance with the provisions of Section 46 of the Rochester City Charter.

11.16 Redemption of City Bonds.

The City Treasurer with the approval of the City Manager is hereby authorized to purchase any bonds of the City of Rochester from any funds in said City, providing they can do so to the advantage of said City. Any bonds and the coupons attached thereto when purchased and redeemed shall be canceled by the Treasurer of said City, and a record of the same shall be made in the bond book of said City and signed by the City Clerk, City Treasurer, and City Manager showing the numbers of the bonds with their coupons attached, purchased, and their numbers when canceled. Said bonds when so canceled shall be kept by the City Business Administrator.

11.17 Fiscal Year.

The fiscal and budget year of the City shall begin on the first day of July.

11.18 Contracts with City Officials Limited.

No contract or agreement for labor, or for the purchase or sale of any materials, goods, wares of merchandise, in which any member of the City Council or any officer or agent appointed by the City Council, shall be directly or indirectly interested in a private capacity, shall be made and concluded by any person or persons in behalf of the City, unless such contract or agreement shall have been authorized or ratified by the City Council. And no account or claims against the City, arising out of such contract or agreement shall be allowed or certified by any committees, nor shall any order therefore be drawn upon or paid by the City, provided, however, that such restriction shall not be construed to prevent the purchase of ordinary supplies from members of the City Council

who may be engaged in trade, nor the employment of the members of the City Council in their ordinary vocation, by duly authorized heads of departments.

12/15/98

11.19 Amendment to Ordinances Designed to Promote Fiscal Responsibility.

(a) Purpose. The Rochester City Council recognizes that the establishment and maintenance of fiscal responsibility and the promotion of property tax stabilization are goals which promote the public health, safety and welfare of the City of Rochester and its inhabitants. Therefore, it is the purpose of the Rochester City Council in adopting this ordinance to establish a mechanism whereby the fiscal integrity of the City is strengthened and maintained, and the long-term stability of the City's property tax rate is promoted, through the establishment of a systemic and disciplined process for the prudent, and planned utilization of revenues. In adopting this ordinance, the Rochester City Council recognized that it is prudent financial practice for municipalities such as Rochester to establish and maintain an Undesignated Fund Balance (as hereinafter more particularly defined) between 5% and 10% of their respective Total General Fund appropriations.

(b) Minimum Undesignated Fund Balance Requirement. The General Fund Balance of the City, at the end of any fiscal year, as established in accordance with generally accepted accounting principles ("GAAP"), including any and all balances derived from accounts and/or operations taken into account in the "General Fund" column of the City's annual audit, and excluding any and all reserves, and any dedicated fund balances of the General Fund, shall for the purposes of this ordinance be designated as the "Undesignated Fund Balance" of the General Fund of the City of Rochester, and shall be referred to throughout this ordinance as the "Undesignated Fund Balance". The Undesignated Fund Balance for any fiscal year shall be maintained at a level of not less than 5% of the actual Total General Fund appropriations for the City for that fiscal year.

(c) Use of Undesignated Fund Balance. In any subsequent fiscal year, the City Council may utilize the excess of the actual fund balance of the General Fund (as determined by the annual audit of the City) over the prescribed Undesignated Fund Balance level established in subparagraph (b) of this Section 11.19 from the prior fiscal year for capital projects, transfers to capital projects, transfers to capital reserve, or for any other appropriation of a non-recurring nature.

(d) Emergency Appropriations of Undesignated Fund Balance. At any time in a budget year, the City Council may, upon adoption of a written resolution by majority vote, after notice and public hearing, make emergency appropriations from the General Fund Balance of the City of Rochester to meet an essential need for public expenditure. If such emergency appropriation reduces the Undesignated Fund Balance to a level below the minimum prescribed by subsection (b) of this Section 11.19, the resolution authorizing such appropriation shall include a plan to restore the Undesignated Fund Balance to the

minimum level established in subsection (b) of this Section 11.19 within a period not to exceed 2 years.

12/15/98

11.20 City of Rochester Economic Development Special Reserve Fund. [2]

(a) City of Rochester Economic Development Special Reserve Fund – Statement of Purpose. The City of Rochester currently serves as the “Host Community” for the Turnkey Recycling and Environmental Enterprises Waste Disposal Facility (“TREE”) currently operated by Waste Management of New Hampshire, Inc., and located on the Rochester Neck Road. By virtue of its status as Host Community for TREE, the City of Rochester, in addition to incurring significant expenses in connection with such facility, receives significant financial benefits in the form of real property taxes, users fees (in the form of so-called “Host Community Fees”) and various other benefits relative to the cost to the City and its inhabitants of the disposal and/or recycling of various solid waste, including reduced and/or eliminated fees for the disposal and/or recycling of solid waste generated within the City of Rochester. It is currently estimated that the permitted capacity of the TREE Waste Disposal Facility (TLR-III) will be reached in approximately the year 2023. When such facility is filled to its permitted capacity, it is anticipated that the City will experience a loss in revenues, and the City and its inhabitants will experience increased costs associated with the disposal and/or recycling of solid waste, particularly in the form of reduced and/or lost users fees and reduced property tax revenues, as well as increased costs associated with the disposal and/or recycling of solid waste. Therefore, in an effort to offset the expected loss of revenues and increased costs occurring to the City as a result of the anticipated filling of the TREE Waste Disposal Facility to its permitted capacity and to promote the general fiscal strength and well being of the City, it is necessary that economic development in the City of Rochester be promoted and/or maintained to insure the existence and/or expansion of a vibrant economic base for the City and its inhabitants. Therefore, the City Council of the City of Rochester, pursuant to the authority granted by RSA 47:1-b and RSA 47:1-c, hereby establishes a special revenue reserve fund from the specific source identified in subsection (b) of this Section 11.20 for the specific purpose of paying expenditures associated with the promotion of new, and maintenance of current sources and levels of economic development within the City of Rochester. The special reserve fund established in subsection (b) of this Section 11.20 shall be known as the “City of Rochester Economic Development Special Reserve Fund.” No expenditure from the said City of Rochester Economic Development Special Reserve Fund shall be made without an appropriation of such funds having been adopted by the Rochester City Council, which appropriation shall provide that such appropriation is for economic development purposes and shall contain a statement and/or finding by the City Council indicating the manner in which it is anticipated that such appropriation is related to the economic development of the City of Rochester.

(b) City of Rochester Economic Development Special Reserve Fund.

There is hereby created a non-lapsing budgetary account within the City of Rochester, pursuant to the authority granted to the City by the provisions of RSA 47:1-b, such special reserve fund to be known as the 'City of Rochester Economic Development Special Reserve Fund'. Such fund shall be funded on an annual basis by the appropriation by the City Council to such special reserve fund of an amount not less than \$100,000

6/22/04

from the funds annually payable to the City of Rochester by Waste Management of New Hampshire, Inc. from the so-called "Host Community Fees" payable to the City pursuant to the provisions of the "Host Agreement" between the City and Waste Management of New Hampshire, Inc., or of any successor to such Agreement. In addition to such minimum funding level, the City Manager may, during any fiscal year of the City, upon written notification to, and appropriation by, the City Council, transfer to said 'City of Rochester Economic Development Special Reserve Fund' unappropriated 'Host Community Fees' in an amount not to exceed the difference between the total amount of Host Community Fees received from Waste Management of New Hampshire, Inc. during such fiscal year and the amount of such 'Host Community Fees' previously appropriated by the Rochester City Council during such fiscal year (having in mind the minimum funding/appropriation requirement provided for herein and any other appropriation of such fiscal year's 'Host Community Fees' by the City Council during such fiscal year). The 'City of Rochester Economic Development Special Reserve Fund' shall, upon appropriation by the City Council to such fund, include funds currently in Account #1501-324400, in the amount of \$1,537,613.54, as of the date of adoption of this ordinance, and such funds shall be expended only for the specific purpose set forth in subsection (a) of this Section 11.20 and shall be expended only in accordance with the provisions of subsection (a) of such Section.

11.21 Conservation Fund.

[1]

(a) Purpose. The Rochester City Council recognizes that the proper utilization and protection of the City's natural resources and the protection of its watershed resources are important to the well being of the City of Rochester and its inhabitants, and to that end the City has adopted the provisions of Chapter 36-A of the New Hampshire Revised Statutes Annotated providing for the establishment of a Conservation Commission. The Rochester City Council further recognizes realizing the goals of properly utilizing and protecting its natural resources and protecting its watershed resources requires the development and implementation of a systematic program designed to maintain and care for such resources, which program implementation is enhanced when the Conservation Commission is provided with a regular source of revenue. Therefore, it is the purpose of the Rochester City Council in adopting this ordinance to establish a mechanism whereby the Conservation Commission is provided with a source of funding which can be utilized to aid in the accomplishment of the goals of properly utilizing and protecting the City of Rochester's natural resources and protecting its watershed resources.

(b) Establishment of Conservation Fund. Pursuant to the provisions of RSA 36-A; 5, I. A conservation fund is established by the City of Rochester. Funds appropriated to said

conservation fund by the Rochester City Council, and any gifts received pursuant to the provisions of RSA 36-A; 4, shall be placed in said fund allowed to accumulate from year to year. The City Treasurer shall have custody of all moneys in the conservation fund and shall pay out the same only upon the order of the Conservation Commission. Money may be expended from the conservation fund by the Conservation Commission for the purposes specified in Chapter 36-A of the New Hampshire Revised Statutes Annotated

6/22/04

without further approval of the City Council. The disbursement of conservation fund moneys shall be authorized by a majority of the Conservation Commission. Prior to the use of such funds for the purchase of any interest in real property, the Conservation Commission shall hold a public hearing with notice in accordance with RSA 675-7.

(c) Establishment of Annual Conservation Fund Budget.

[3]

The City Manager shall include in the budget prepared and submitted to the City Council annually, pursuant to Section 40 of the Rochester City Charter, an appropriation to the conservation fund in an amount herein after provided for, the source of funds for which appropriation shall be specified as being drawn in their entirety from revenues received by the City during such budgetary period from the so-called "current use change tax" provided for in RSA 79-A:7, or the corresponding provision of any re-codification of such statute. Said appropriation shall be in an amount equal to all revenues, in excess of \$25,000, projected in the budget to be received by the City during such budgetary period from the so-called "current use change tax." In the event that the funds received by the City from the so-called "current use change tax" shall exceed the amount projected in the budget to be received from such source during such budgetary period, the City Manager shall, prior to the close of the fiscal year in question, present a supplemental appropriation in the amount of the excess receipts funds so received and identifying such excess receipts as the source of funding for such supplemental appropriation. The City Council shall act on such supplemental appropriation in the ordinary course.

11.22 Regulation and Limitation of Expenditures pursuant to Merit Plan for A Merit Salary Increase and/or A Merit Pay Adjustment Made Pursuant to Article VI, Section 3 and Section 3a of the Employment Policy Handbook, City of Rochester, NH.

[4]

(a) Purpose. The purpose of this ordinance is to implement the authority of the Mayor and City Council to take proper care that no money shall be paid from the City Treasury unless previously granted and appropriated, and to secure a just and prompt accounting for expenditures made pursuant to appropriations as provided for in RSA 47; 6, as well as to promote the well being of the City in accordance with the provisions of RSA 47:17, and to implement the power of the Mayor and City Council over the City budget as specified in Sections 38 through 46 of the Rochester City Charter. The provisions of this ordinance shall apply solely to annual budget line items dealing with salaries and benefits payable to City of Rochester employees subject to the so-called A Merit Plan provided for in Sections 59 through 64 of the Rochester City Charter.

(b) Establishment of Annual Budget Line Item(s) for the Purpose of Estimating the Amount of, and Appropriating Funds to Pay for, A Merit Salary Increase and/or A Merit Pay Adjustment. The annual proposed budget submitted to the City Council each year, pursuant to the provisions of Section 40 of the Rochester City Charter, and the annual budget adopted by the City Council pursuant to the provisions of Section 43 of the Rochester City Charter shall contain for each City department, except for the School Department, one or more separate line items, which line item(s) shall contain the

6/1/04

estimated amount of expenditures for a merit salary increase and/or a merit pay adjustment to be made during the fiscal year covered by such budget under, and pursuant to, the so-called A Merit Plan embodied in Sections 59 through 64 of the Rochester City Charter, the provisions of Article VI, Section 3 and Section 3a of the Employment Policy Handbook, City of Rochester, NH.

(c) Prohibition Against Payment of A Merit Salary Increase and/or A Merit Pay Adjustment Made Pursuant to Article VI, Section 3 and Section 3a of the Employment Policy Handbook, City of Rochester, NH.

No payment of any merit salary increase and/or merit pay adjustment authorized pursuant to the provisions of Article VI, Section 3 and Section 3a of the Employment Policy Handbook, City of Rochester, NH, shall be paid to any employee of any department except from the budgetary line item(s) established pursuant to the provisions of subparagraph (b) of this Section 11.22 for the department in question.

II. This ordinance shall take become effective on July 1, 2004.

11.23 Implementation of Section 43-a of the Rochester City Charter Relative to Limitation on Budget Increase [7]

(a) Purpose. The purpose of this ordinance is to implement the provisions of Section 43-a of the Rochester City Charter, adopted on November 4, 2008, and known as the so-called “Tax Cap” Charter amendment.

(b) The word “budget” as used throughout Section 43-a of the Rochester City Charter, as well as in the phrases “the City Manager shall submit the proposed “budget” to the City Council...”, in Section 40 of the Rochester City Charter; and “the budget shall be finally adopted...”, in Section 43 of the Rochester City Charter; shall include the County expenditures and the state school tax apportionment. The word “budget” as used in the aforesaid circumstances shall not include enterprise and special revenue funds that do not impact the tax commitment for the City.

(c) The phrase, in the “Override Provision” of Section 43-a of the Rochester City Charter, which provides “budgetary restrictions described in any part of section 43-a may be overridden upon a vote of two-thirds (2/3) of all elected members of the City Council”, shall refer to both capital and operating budgets.

(d) The phrase, in the “Override Provision” of Section 43-a of the Rochester City Charter, which provides that “...may be overridden upon a vote of two-thirds (2/3) of all elected

members of the City Council” shall mean two-thirds of the total number of City Councilors in office at the time of the vote, whether or not all of the Councilors are present. If, for example, the office of mayor and all 12 Council seats are filled at the time of a vote, nine (9) votes are needed, even if not all 13 members of the City Council are present.

1/06/09

(e) The provisions of Section 43-a of the Rochester City Charter which provide “such override expires following adoption of the annual budget”; and “subsequent budgets or supplemental appropriations require additional two-thirds (2/3) override votes, or the limitations expressed in this section will apply”, shall mean that once a budget is adopted, and throughout the fiscal year for which it is adopted, any subsequent supplemental appropriation to the general fund budget for which the amount that needs to be raised by taxes exceeds the limitation of Section 43-a of the Rochester City Charter shall require a new two-thirds (2/3) override vote. The “limitation on budget increase”, as provided for in Section 43-a of the Rochester City Charter, for a subsequent fiscal year budget shall be calculated using the official Department of Revenue tax setting documents for the immediately preceding year. The “amount to be raised by taxes”, as set forth on such document, shall be adjusted as provided for in Section 43-a of the Rochester City Charter.

(f) If there is a decrease in revenue after adoption of the budget and before the setting of the tax rate, which causes the tax levy to exceed the limitations of Section 43-a of the Rochester City Charter, the Council shall reconsider the adopted budget.

(g) The phrase “National Consumer Price Index-Urban as published by the United States Department of Labor for the calendar year immediately preceding budget adoption” shall mean the “percent change Avg.-Avg.”, and not “percent change Dec.- Dec.” for the calendar year preceding the year of budget adoption of the Consumer Price Index-All Urban Consumer (Current Series), U.S. All items, 1982-84=100, Series CUUROOOOSAO, not seasonally adjusted, as published by the United States Department of Labor available on the federal government website found at www.bls.gov.

(h) The phrase “revaluation year” in Section C shall not apply to the annual assessment updates implemented by the City of Rochester Assessor, and such phrase shall only refer to a full City-wide revaluation that physically re-inspects every property in that year and develops new formulas for value calculation.

(i) The phrase “budget limitations with annual changes in assessments”, as contained in subsection D of Section 43-a of the Rochester City Charter, shall refer to the annual updates and phased physical property examination that are part of the requirements to keep the city within the parameters recommended by the New Hampshire Department of Revenue (DRA). It does not require that all properties be changed, but that some are reviewed and/or changed as part of a planned process to keep assessed values within DRA guidelines.

(j) The phrase “plus real estate taxes calculated by applying the prior year real estate tax rate to the net increase in new construction”, as contained in subsection D of Section 43-a of the Rochester City Charter, shall mean the taxes that apply to the budget as defined in (b) above, namely the municipal and school tax rate and shall include the County and State School tax rate.

(k) The phrase “total dollar value of building permits less total dollar value of demolition permits issued for the period of April 1-March 31 preceding budget adoption”, as contained in subsection D of Section 43-a of the Rochester City Charter, shall mean the construction/demolition value estimate on which the building/demolition permit fee is calculated, namely the values used by the Code Enforcement Department in calculating the fee to be changed in connection with the issuance of building permits.

(l) The phrase “increased by the other revenues generated by the municipality”, as contained in subsection E of Section 43-a of the Rochester City Charter, shall include the funds derived from the use of fund balance, transfers from other funds and all other anticipated revenues.

(m) The amount of money raised by taxes for the municipal, county, state school tax and local school tax rates shall be derived from the DRA’s tax-rate setting documents. Each of the tax rates shall separately be multiplied by the National CPI. If the City is operating under Section D of 43-a, the total of net new construction shall be multiplied by the state and local school tax rate and that number added to the school amount to be raised by taxes. The total of net new construction shall be multiplied by the municipal and county tax rate and that number added to the municipal amount to be raised by taxes. By February 1st of each year, the City Manager shall inform the School Board and the City Council of these amounts, noting they are preliminary pending the final new net construction numbers as of April 1st of each year.

(n) The School Board shall adjust its budget for the increases and decreases in the State tax and the City shall adjust its budget for the increases and decreases in the County tax.

(o) The School Board will submit to the City Manager by March 25 of each year its recommended budget within its cap amount, including detailed revenue projections. The City Manager, in his budget presentation to the City Council, may adjust the school budget to meet the overall spending limitation for the city.

(p) If any provision of the ordinance shall be declared illegal, void or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.

- [1] Added 5/4/99
- [2] Added Section 11.20 6/22/04
- [3] Amended 8/6/02
- [4] Added Section 11.22 6/1/04
- [5] Amended 5/1/07
- [6] Amended 9/4/07
- [7] Amended 1/06/09

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