

AMENDED AGENDA

**JANUARY 13, 2009
3:00 P.M.**

ADDING ITEM 5a.

THIS ITEM WILL NOT BE HEAR PRIOR TO 5:00 P.M.

**AMENDED
AGENDA**



**SPECIAL SESSION
MAYOR and COMMON COUNCIL
Of the
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. Main Street #106
TUESDAY, JANUARY 13, 2009
3:00 p.m.**

1. **Call to Order**
2. **Roll Call**
3. **Discussion, consideration, and possible direction to staff relative to proceeding or not proceeding with the 2009 Pecan and Wine Festival that is scheduled for February 13, 14, and 15, 2009 due to the poor performance of the economy.** (Staff Resource: Lynda Moore)
4. **Possible approval of either Ordinance 2008-A354-A, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Section 118 of the Zoning Ordinance to define A-Frame Signs, add exceptions for the projecting signs and A-Frame signs into the Right-of-Way for businesses along Main Street under Prohibited Signs, and define the criteria under which projecting signs may be used under Business/Commercial/Industrial Signs OR Ordinance 2009-A359, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Section 118 of the Zoning Ordinance to define A-Frame Signs, add exceptions for projecting signs into the Right-of-Way for businesses along Main Street under Prohibited Signs, and define the criteria under which projecting signs may be used under Business/Commercial/Industrial signs.** (Staff Resource: Nancy Buckel)
5. **Review, discussion, consideration, and possible approval of the Development/Settlement Agreement among the Town of Camp Verde, California Hotwood, Inc., and business entities and affiliates related to the Zellner family.** **Note:** Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and §38-431.03(A)(4) for discussion or consultation with the attorney in order to consider Council's position regarding contracts that are the subject of negotiation, in pending or contemplated litigation, or in settlement discussions in order to avoid or resolve litigation. (Staff Resource: Town Attorney)

THE FOLLOWING ITEM WILL NOT BE HEARD PRIOR TO 5:00 P.M.

- 5a. **DISCUSSION, CONSIDERATION, AND POSSIBLE DIRECTION TO STAFF RELATIVE TO THE REAL PROPERTY IDENTIFIED AS A VACANT .36 ACRES PARCEL OF THE NORTHERN BOUNDARY OF THE COMMUNITY PARKLAND.** **Note:** Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and §38-431.03(A)(7) for discussion or consultation with designated representative(s) in order to consider Council's position and instruct its representative(s) regarding negotiations for the purchase, sale or lease of real property. (Staff Resource: Michael Scannell)
6. **Adjournment**

Posted by: C. Jones Date/Time: 1-12-09 4:30 p.m.

Note: Pursuant to A.R.S. §38-431.03.A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.

AGENDA



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5. **Review, discussion, consideration, and possible approval of the Development/Settlement Agreement among the Town of Camp Verde, California Hotwood, Inc., and business entities and affiliates related to the Zellner family. Note: Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and §38-431.03(A)(4) for discussion or consultation with the attorney in order to consider Council's position regarding contracts that are the subject of negotiation, in pending or contemplated litigation, or in settlement discussions in order to avoid or resolve litigation. (Staff Resource: Town Attorney)**
6. **Adjournment**

Posted by:

W. Jones

Date/Time:

1-9-09

9:15 a.m.

Note: Pursuant to A.R.S. §38-431.03.A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

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**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date:

Meeting Type:

Type of Presentation:

REFERENCE DOCUMENT:

AGENDA TITLE: (Be Exact):

PURPOSE AND BACKGROUND INFORMATION:

STAFF RECOMMENDATION(S): (Suggested Motion)

Type of Document Needing Approval:

Finance Director Review

Budgeted/Amount

Attorney Review Yes No

Attorney Comments _____

Fund:

Line Item:

Submitting Department:

Contact Person:

Town Manager/Designee:

Profit & Loss Statement
Pecan/Wine & Antique Show
Feb. 8,9 & 10, 2008

REVENUE

Door	\$ 17,925.50	
Vendors	\$ 3,340.00	
Pie Sales	\$ 1,095.00	
Sponsorship	\$ 1,500.00	
		<u>\$23,860.50</u>

COSTS AND EXPENSES

Advertising	\$ 3,332.53	
Equipment Rentals	\$ 2,265.07	
Entertainment	\$ 4,875.00	
Food	\$ 975.00	
Lodging	\$ -0-	
Security	\$ 860.00	
P/L Insurance & Liquor License	\$	
Reimbursement to Wineries	\$ 4,789.60	
Judging	\$ 350.00	
AZ Department of Revenue	\$ 1,588.21	
Supplies	\$ 4,778.03	
		<u>\$23,813.44</u>

EVENT INCOME/LOSS

\$ 47.06

OTHER INCOME/EXPENSE

Total wages - 8 employees =\$5,181.22 \$5,181.22

Comp Time Hours - 6 employees =\$532.82 \$ 532.82

Total Income/Loss <\$5,666.98>

Memo

To: Mayor and Council
From: Lynda Moore, Parks & Recreation Director
CC: Debbie Barber and Mike Scannell
Date: 1/9/2009
Re: Pecan & Wine Festival

I know that it is Council's wish to see the special events sponsored by the Town of Camp Verde be self sustaining. We are coming before you on January 13th, because we question whether the Pecan, Wine & Antique Festival can break even given the performance of the general economy in the state of Arizona.

We are concerned about the performance of the economy and the level of participation we will receive from the patrons. Antiques are a big part of this event and are items that people buy with discretionary income. The poor economy has impacted discretionary spending.

In order for staff to move forward with this event we will have to invest approximately \$8,000 that would be used for advertising, contracting for entertainment, equipment, security and other misc. expenses, not including staff time. Given our thought on the economy, we are concerned that we will not be able to recover the \$8,000.

To date we have two (2) antique vendors and two (2) wineries signed up for the event. At this point last year we had seven (7) wineries and twenty two (22) antique dealers signed up. We feel that the lack of participation by the antique dealers and wineries is tied in large part to the poor performance of the economy, the insurance requirements imposed by the Town, vendor fees, traveling expenses and the lack of reimbursement provided by the Town for wine poured.

Changes Implemented for the 2009 Show:

1. All antique vendors are required to provide a certificate of insurance naming the Town as additional insured. **In the past insurance was not required.**
2. Wineries must provide certificate of insurance naming the Town as additional insured, pay a \$250 booth space fee and no reimbursement will be given for tasting tickets. **In the past insurance was not required, there was no booth space fee, and wineries were reimbursed by the Town for all tasting tickets. Last year the amount of reimbursement was \$4,789.60.**
3. No new wine glasses were ordered. We have a large supply left and will give those out to save approximately \$4,500. We would not advertise "commemorative wine glass".
4. Pie sales would totally be taken over by Bashas' bakery. The Town would not be purchasing any pies.

Possible Options:

1. Allow wineries to sell their own tasting tickets or increase the door charge to \$12 per person to allow for reimbursement by the Town.
2. Waive Vendor fees for the antique dealers. **There are other shows around the state that have had to do this in order to get vendor participation.**
3. Waive the insurance requirement. **This is not staff's recommendation. We feel it is our responsibility to our citizens to make sure we are well protected.**
4. Cancel the event due to the poor performance of the economy and look at hosting it again in the future and times are better.

Please call me if you need any additional information.

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: 1-13-09

Meeting Type: Regular

Type of Presentation: Verbal

REFERENCE DOCUMENT: Ordinance 2008 A354A and Ordinance 2009 A359

AGENDA TITLE: Presentation, Discussion and possible Approval of either Ordinance 2008 A354A or Ordinance 2009 A359 amending Section 118 of the P & Z Ordinance to address the type of signage allowed in the right of way along Main Street from Arnold Street to General Crook Trail.

PURPOSE AND BACKGROUND INFORMATION: After reviewing the draft minutes from the Council meeting of December 17th, it appears there may have been some confusion with what language was in the Ordinance draft before the Council for approval. This was possibly the result of using the same number for all versions of the Ordinance draft to be used to amend section 118 of the Planning and Zoning Ordinance. After a discussion with the attorney, it was determined that this issue needs to be revisited by the Council to make sure all Council members are fully informed before they commit to any change in regulations pertaining to land use.

Because of the legal requirements to advertise and hold public hearing on any language change to current regulations, the amendments the Council approved on October 22, 2008 to Section 118 had to be advertised and sent back to the Commission for a public hearing on December 4, 2008. After hearing staff's report and the recommendation from the attorney, the Commission made a motion to recommend to Council they approve the original language allowing only projecting signs sent to them by the Commission on October 22, 2008 with only the two word changes of adding 'event' in IV.A.12.a and changing 'sign' to 'side' in IX.A.5. This Ordinance is now before you as Ordinance 2009 A359.

Their recommendation also included the suggestion that the Council recommend to all businesses along Main Street wanting to use A-Frame signage, to apply for a variance which would be in effect, if approved, until the Town approves a overlay zone that should address the special conditions and exceptions for commercial activity along or off of Main Street.

The Town attorney has issued a memo in which he has outlined the options for action on this matter to hopefully clarify and resolve this issue for the last time. Attached you will find two Ordinances for possible approval. Ordinance 2008 A354A is the language approved by Council but not recommended by Commission. Ordinance 2009 A359 contains the recommended language from Commission. The language in both of these ordinances have been noticed and heard in public hearings as required and may be adopted in this meeting.

Staff has determined to resolve this issue for any future amendments that may have multiple hearings, the draft of Ordinances will carry a unique number so that any confusion to what language is currently being considered for approval will be limited or eliminated.

STAFF RECOMMENDATION(S):

Attorney has reviewed legal documents X

Type of Document Needing Approval: Ordinance 2009 A359 or Ratify Ordinance 2008 A354A

Submitting Department: Planning Zoning

Contact Person: Nancy Buckel

MOYES SELLERS & SIMS

WILLIAM J. SIMS III • 602-604-2120 • wjsims@lawms.com
1850 N. Central Ave., #1100 • Phoenix, AZ 85004 • fax 602.274.9135

TO: Mayor and Town Council
FROM: Bill Sims
DATE: January 8, 2009
RE: Approval of Sign Ordinance

When the Council approved the proposed sign ordinance at the December 17, 2008 meeting, there was a misunderstanding as to whether or not the Planning and Zoning Commission had approved the form of ordinance that Council was considering. The Planning and Zoning Commission had not approved the form of ordinance that the Council was considering.

The Planning and Zoning Commission and the Council have taken different approaches concerning A-Frame signs. The Town Council has proposed an ordinance that permits such signs along Main Street (**Ordinance 2008A 354A**), and the Planning and Zoning Commission has proposed an ordinance that does not permit such signs along Main Street (**Ordinance 2009A 359**). The Planning and Zoning Commission has proposed the concept that A-Frame signs be addressed in an overlay zone for the downtown area, but neither Town Staff nor the Planning and Zoning Commission has proposed language for such an overlay zone.

The Council-proposed ordinance (including A-Frames **Ordinance 2008A 354A**) and the Planning and Zoning Commission-proposed ordinance (excluding A-Frames **Ordinance 2009A 359**) have both been publicly heard at the Planning and Zoning Commission. As a result, the Council has three options:

1. Ratify its approval of the ordinance that Council approved at its December 17, 2008 meeting (**Ordinance 2008A 354A**) with the clear understanding that the Planning and Zoning Commission has recommended a different approach.
2. Approve the Planning and Zoning Commission's proposed ordinance (which excludes A-Frames **Ordinance 2009A 359**).
3. Approve the Planning and Zoning Commission's proposed ordinance (which excludes A-Frames **Ordinance 2009A 359**) and direct Town Staff to develop language for an overlay zone that would address A-Frame signs and conduct public hearings on such overlay zone at the Planning and Zoning Commission.



ORDINANCE 2008A 354A

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA AMENDING SECTION 118 OF THE ZONING ORDINANCE TO DEFINE A-FRAME SIGNS, ADD EXCEPTIONS FOR PROJECTING SIGNS AND A-FRAME SIGNS INTO THE RIGHT OF WAY FOR BUSINESSES ALONG MAIN STREET UNDER PROHIBITED SIGNS, AND DEFINE THE CRITERIA UNDER WHICH PROJECTING SIGNS MAY BE USED UNDER BUSINESS/COMMERCIAL/INDUSTRIAL SIGNS.

WHEREAS, the Town of Camp Verde adopted the Planning and Zoning Ordinance in Ordinance 87 A23, approved July 9, 1987, and

WHEREAS, Section 113 of the Planning and Zoning Ordinance allows for the amendment, supplement or change of zoning text regulations of the Planning and Zoning Ordinance by the Town Council, and

WHEREAS, the Town Council has an abiding interest in protecting the public health safety and welfare by establishing requirements for provisions of the Planning and Zoning Ordinance by including definitions.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE AS FOLLOWS:

Section 1. Section 118 of the Zoning Code is hereby amended as the following:

SECTION 118 **SIGN ORDINANCE**

III. DEFINITIONS

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"A-Frame sign" describes a portable sign, also referred to as a "sandwich board" sign, comprised of two separate panels or faces typically joined at the top with a hinge and widened at the bottom to form a shape similar to the letter "A".

IV PROHIBITED SIGNS

- A. Notwithstanding any other provisions of this ordinance, the types of signs listed below are prohibited in the Town of Camp Verde.
1. Unlawful to park a vehicle for the purpose of advertising.
 2. Signs located within, on or projecting over any public right-of-way **except for businesses immediately adjacent and fronting the right of way of Main Street from Arnold Street to General Crook Trail.**
 3. Signs located on a roof or those that do not create a parapet or a parapet wall as defined.
 4. Any sign which interferes with or confuses traffic or represents a traffic hazard, and those which imitate or resemble official traffic or government signs or signals.
 5. Signs with flashing or intermittent illumination and those illuminated of such brilliance or position as to blind or dazzle the vision of travelers. (This does not include Christmas lights, during the Xmas season: 11/01-1/15).
 6. An animated sign or a sign that is moving, rotating, or audible in any manner.
 7. Automatic changing signs unless they promote the time and temperature. Only such signs shall change at intervals of three seconds or more.
 8. No sign shall be painted on or affixed to any natural object in its natural location such as a boulder, tree or cliff face.
 9. Abandoned, dangerous, or defective signs.
 10. Signs erected, placed, constructed, or maintained in violation of this ordinance.
 11. Signs which are misleading, erroneous, or provide false information and advertising, words or picture which are obscene or indecent.
 12. **A-Frame signs located within the Town Limits.**
 - a. **Exception: Temporary use to advertise Town sponsored events or approved Community – Wide Events.**
 - b. **Exception: A-Frame signs are permissible along Main Street between Arnold Street and General Crook Trail during regular business hours.**
 - 1) **Only one sign per business will be allowed.**
 - 2) **Maximum size of the A-Frame sign will be 2 foot wide by 3 foot high.**
 - 3) **An Administrative Design Review for all signs shall be required per Section 124 of the Planning and Zoning Ordinance.**

- 4) The Applicant shall sign an Indemnity Agreement as provided by the Town of Camp Verde, indemnifying the Town of Camp Verde from any and all claims arising from the placement of the A-Frame sign and releasing the Town of Camp Verde from any liability arising from the placement of the A-Frame sign.

IX BUSINESS/COMMERCIAL/INDUSTRIAL SIGNS

- A. Wall signs affixed to buildings in Commercial zoning districts are allowed subject to the following:

5. Businesses that are immediately adjacent to the right of way on Main Street from Arnold Street to General Crook Trail, may have a projecting sign over the right of way that does not exceed twelve (12) square feet per side, does not project out from the building more than six (6) feet, and does not project above the store front height of the building.
- a. The distance between top of sidewalk to the bottom of the sign shall be a minimum of 10 feet.
 - b. Only one sign is allowed per business.
 - c. The applicant shall sign an Indemnity Agreement as provided by the Town of Camp Verde, indemnifying the Town of Camp Verde from any and all claims arising from the placement of the projecting sign and releasing the Town of Camp Verde from any liability arising from the placement of the projecting sign.
 - d. An administrative design review for signs shall be required per section 124 of the Planning and Zoning Ordinance.
 - e. All projecting signs must have a western appearance that has a comfortable simplicity and meet the criteria as set forth in the Town of Camp Verde Design Review Section of the Planning & Zoning Ordinance, section 124. Corporate logos are allowed.
 - f. No internally illuminated signage will be allowed.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference, are hereby repealed, effective as of the effective date of this ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. This ordinance is effective upon completion of publication and any posting as required by law.

PASSED AND APPROVED by a majority vote of the Town Council of the Town of Camp Verde, Arizona on this 17TH day of December 2008.

_____ Date _____
Tony Gioia, Mayor

Approved as to form:

Attest: _____
Deborah Barber, Town Clerk

Town Attorney



ORDINANCE 2009A 359

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA AMENDING SECTION 118 OF THE ZONING ORDINANCE TO DEFINE A-FRAME SIGNS, ADD EXCEPTIONS FOR PROJECTING SIGNS INTO THE RIGHT OF WAY FOR BUSINESSES ALONG MAIN STREET UNDER PROHIBITED SIGNS, AND DEFINE THE CRITERIA UNDER WHICH PROJECTING SIGNS MAY BE USED UNDER BUSINESS/COMMERCIAL/INDUSTRIAL SIGNS.

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from the building more than six (6) feet, and does not project above the store front height of the building.

- a. **The distance between top of sidewalk to the bottom of the sign shall be a minimum of 10 feet.**
- b. **Only one sign is allowed per business.**
- c. **The applicant shall sign an Indemnity Agreement as provided by the Town of Camp Verde, indemnifying the Town of Camp Verde from any and all claims arising from the placement of the projecting sign and releasing the Town of Camp Verde from any liability arising from the placement of the projecting sign.**
- d. **An administrative design review for signs shall be required per section 124 of the Planning and Zoning Ordinance.**
- e. **All projecting signs must have a western appearance that has a comfortable simplicity and meet the criteria as set forth in the Town of Camp Verde Design Review Section of the Planning & Zoning Ordinance, section 124. Corporate logos are allowed.**
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Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

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