

## 617. PUBLIC LAKE TRACTS

### 617.100 DEFINITIONS AND PURPOSE:

617.110 **DEFINITIONS.** As used in this chapter, the terms defined in this section shall have the following meanings.

617.111 “Public Lake Tract” is defined as and shall mean each tract of land running to and abutting the shoreline of White Bear Lake, which lands are owned by the City, subject to the right of the City residents to use same for access to White Bear Lake. The Public Lake Tracts are Curt Feistner Beach, Ash Beach, Birch Beach, Elm Beach, Dellwood Beach and Kay Beach. Said properties are sometimes referred to elsewhere in the City’s code as “lake tract easements”, “public easements”, or “lake easements” and such terms shall be considered to be synonymous with “Public Lake Tract”.

617.112 “Dock Association” is defined as a private entity incorporated as non-profit organization whose membership is limited to City of Birchwood Village residents or property owners, and that may be issued a Dock Permit by the City to install and maintain a private dock on one or more of the Public Lake Tracts subject to the rights of the City to permit and regulate the use of the dock.

617.113 “Boating Season” is defined as April 1 through November 15 of each year.

617.114 “Install” is defined as placing within the physical boundaries of a Public Lake Tract or in its associated authorized dock use area.

617.115 “Quiet Activities” are defined as activities that do not generate loud noises.

617.116 “Association Fees” are fees set by the Dock Association to pay for dock association approved dock maintenance and capital improvement expenditures.

617.117 “WBLCD” shall mean the White Bear Lake Conservation District.

617.118 “Boat Slip Permit” shall mean a permit issued by the Dock Association granting the holder the opportunity to install and use a boat on a particular dock at one of the City’s Public Lake Tracts during a Boating Season. Such permit is subject to the payment of the appropriate fee set by the Dock Association and in compliance with all provisions of this ordinance. Such permits shall not be considered a sale or other transfer of the City’s underlying riparian rights, of which the City shall retain ownership.

617.119 “Dock Permit” shall mean a permit issued by the City to a Dock Association to allow the installation of a dock on a Public Lake Tract. Such permit is subject to the payment of the appropriate fee as set forth in Chapter 701 and in compliance with all provisions of this ordinance. Such permits shall not be considered a sale

or other transfer of the City's underlying riparian rights, of which the City shall retain ownership.

617.120 "Applicant" is defined as a resident or property owner of Birchwood who makes application to the City to be placed on the Boat Slip Waitlist and has paid the applicable refundable deposit.

**617.150 PURPOSE:** The purpose of Chapter 617 is to maintain and improve the Public Lake Tracts in a manner that promotes the following objectives:

- (1) Ensure the availability of proper facilities to serve all residents. In development of its facilities, Birchwood shall strive to maintain a balance of suitable recreational activities for all persons within the municipality.
- (2) Strive to improve the Public Lake Tracts and their use and availability to all residents of Birchwood, and the fair and equitable use of docks installed thereon.
- (3) Upgrade the Public Lake Tracts, as necessary, to ensure the health, safety and general well being of the residents with respect to the use and enjoyment of those facilities.
- (4) Provide for multiple uses in keeping with the character and physical layout of each Public Lake Tract and the residential character of the neighborhood.

**617.200 GENERAL PUBLIC REGULATIONS:** The Public Lake Tracts shall be subject to the following rules and regulations:

617.210 **Public Property.** All Public Lake Tracts are public property and are open to general recreation.

617.215 **Small Craft.**

- (1) Storage. Only Birchwood residents or property owners may store canoes, kayaks, and other small non-motorized watercraft on racks located at City Easements. Residents may not rent their small craft to non-residents. Small Craft shall be stored on a Public Lake Tract only during the Boating Season and the owner shall remove such during the non-boating season. Owners of small craft must not leave any chains or locks on the racks at the end of each Boating Season. As a matter of courtesy, families who own more than one small craft are encouraged to place both on the same rack.
- (2) Permit required. Residents must purchase a permit from the City Clerk to store small craft on racks at City Easements. The cost for each permit is as set forth

in Chapter 701. A sticker accompanying the permit must be placed on each small craft registered with the City. When purchasing a permit, the small craft owner must show proof of residency.

- (3) **Penalty for Violation.** The owner of a small craft determined to not have a valid permit will be charged a fee as set forth in Chapter 701. If, after notice, a small craft without a sticker remains on a rack, the city reserves the right to remove the small craft and charge the owner a removal cost as set forth in Chapter 701.

617.220 **Structures.** Structures may not be placed on public property without City Council approval.

617.225 **Posted Regulations.** **“REPEALED BY ORDINANCE 2019-08-01; OCTOBER 8, 2019.”**

617.230 **Signs.** **“REPEALED BY ORDINANCE 2019-08-01; OCTOBER 8, 2019.”**

617.235 **No Use as Boat Launch.** No person shall launch or land any trailered watercraft on or from any shoreline of a public Lake Tract.

617.240 **No Dock Without a Permit.** No docks shall be installed on any Public Lake Tract unless:

- (1) A Dock Permit for the dock has been issued by the City Council; and
- (2) A WBLCD dock license application for the dock is first approved by the City Council and then the same application is submitted to and approved by the WBLCD; and
- (3) All applicable Chapter 701 Dock Permit Fees and WBLCD dock license fees have been paid.
- (4) **Vehicle and Trailer Parking Prohibited.** No person shall park or cause to be parked any house, hauling or boat trailer upon any Public Lake Tract. The City Council may adopt such parking regulations as vehicles thereon as it may deem necessary. Unless such regulations are adopted, parking of vehicles on any Public Lake Tract shall be prohibited.
- (5) **Storage Prohibited.** No person shall store or allow to remain on any Public Lake Tract any personal property such as boats, oars, motors, boat hoists, or other equipment for any period of time other than when in actual use unless such storage has been authorized by the City.

617.250 **Fees.** A per day charge will be assessed for each day the boat that is not removed from the Public Lake Tract by the end of the Boating Season per fee schedule.

617.255      **Obstructions Prohibited.** No person shall deposit or construct any object upon any Public Lake Tract which shall obstruct access to the lake, docks, or other facilities.

617.260      **Proper Attire.** No person shall voluntarily enter the water of any Public Lake Tract without being garbed in a bathing suit sufficient to cover his or her person and equal to the standards generally adopted and accepted by the public.

617.300      **DOCK ASSOCIATION REGULATIONS:** A Dock Association requesting to install its private dock(s) on any Public Lake Tract is subject to the following regulations.

617.310      **Dock Association Memberships.**

- (1) Dock Association memberships shall be open to all residents or property owners of the City, with a limit of one membership per dwelling.
- (2) Members of the Dock Association shall have equal voting status. Voting status defined in the By-Laws of the Dock Association.
- (3) Dock Association Membership and its privileges are not transferable.
- (4) All residents and property owners shall have access and full use of all Dock Association docks without obligation of membership or payment of fees.

617.320      **Dock Association Meetings.**

- (1) The Dock Association shall hold a minimum of one meeting per year.
- (2) The Dock Association shall provide written notice of its meetings by providing such notice to the city clerk and to neighboring lakeshore property owners within 200 feet of a Public Lake Tract's side boundaries. Such notice shall be provided at least one week prior to the meeting and shall contain at a minimum the time, date, location, and purpose of the meeting.
- (3) The City shall post a notice at City Hall and on the City's website inviting the general public to the Dock Association's meetings, to be posted at least four (4) days prior to the meeting.
- (4) The meetings shall be open to the public.

At a minimum, the meeting shall address the following:

- (a) The proposed length of each of the Dock Association's docks from the water's edge.

- (b) The proposed configuration of each of the Dock Association's docks, including number and location of boat slips, lifts, and shore ramps.
- (c) The proposed location and orientation of each of the Dock Association's docks and shore ramps on the Public Lake Tract relative to the shore line and property boundaries.
- (d) The Dock Association shall include in its Dock Permit Application Package that is submitted to the City Council the minutes of the BDA annual meeting. The minutes shall include the persons in attendance, issues discussed, areas of agreement, and unresolved issues.

617.330 **Dock Association Fees, Dues and Assessments.**

- (1) Dock Association fees, dues, and assessments shall not be set or used to limit or exclude membership.
- (2) The Dock Association may only assess, in accordance with its bylaws, dues and fees to its members to generate monies for operating costs, general liability insurance coverage, routine dock maintenance, capital improvements, and other dock association expenses.

617.340 **Single Dock Association.** The City shall allow only one Dock Association to operate all docks on the Public Lake Tracts. If multiple Dock Associations apply for the position, the City Council has discretion as to which association may be granted a Dock Permit.

617.350 **Dock Permit Application Package.** Each year, a Dock Association desiring to install its private dock(s) on any of the Public Lake Tracts shall submit a complete Dock Permit Application Package to the City no later than ten (10) days before the day and time set by the City Council for its annual Dock Permit application review meeting. The Dock Permit Application Package shall include copies of the following:

- (1) Completed Dock Permit Application Package Checklist,
- (2) Dock Association's bylaws, if not previously submitted, and any proposed amendments to the Dock Association bylaws to be considered if the original bylaws are already on file with the City.
- (3) Dock Association's current treasurer's report.
- (4) Minutes of the Dock Association's meeting(s) for the past year.
- (5) The following lists:
  - (a) Dock Association officers including telephone and email contact information.

- (b) Dock Association membership initiation fees, dues, other charges, and dock maintenance fees.
  - (c) Current Dock Association members indicating total boating seasons.
  - (d) The identification of and the contact information for the Dock Association member designated to receive complaints against the Dock Association.
  - (e) Planned repairs or improvements to the Dock Association's dock(s) or any other equipment. The list shall address when and how the repairs and improvements shall be accomplished.
- (6) Scale drawings for each proposed dock showing the dock configuration and placement, boat slip placement, neighboring property lines, shore ramps, and the area of each affected Public Lake Tract available to maintain a balance of suitable recreational activities for all residents.
  - (7) Plans for winter storage of Dock Association lifts, docks or other property on the Public Lake Tract if such storage is requested.
  - (8) A completed WBLCD dock license application regarding each dock for which the Dock Association requests a Dock Permit.
  - (9) The Dock Association Boat Slip permit holders for each dock for the past and following boating season.
  - (10) Any other information requested by the City Council.

617.360 **Dock Permits.** The City may issue a Dock Permit to the Dock Association authorizing the Dock Association to install and operate a private dock(s) on the Public Lake Tracts subject to the following:

- (1) Compliance with all requirements set forth in this code and the WBLCD ordinances.
- (2) No Dock Permit issued by the City is valid unless and until the WBLCD approves the associated permit.
- (3) The Dock Association shall pay all dock permit fee(s) set forth in Chapter 701.
- (4) Failure to pay by April 1 shall result in revocation or denial of such permit(s).

617.365 **Dock Permit Review Process.**

- (1) The City shall review and consider the Dock Permit Application(s) at the City's annual Dock Permit Review meeting.
- (2) The City Council shall hold its annual Dock Permit Application Review Meeting on a date and at a time set by the City Council sufficient to timely submit an application to the WBLCD.
- (3) The purpose of the meeting shall be to review submitted Dock Permit Application Packages for compliance with the provisions of this Chapter and determine whether to issue Dock Permits to an applicant Dock Association for the next Boating Season, and all issues related thereto.

617.370

**Boat Slip Permits.** Use of a boat slip on a Public Lake Tract shall require a Dock Association Boat Slip Permit. The Dock Association shall manage the assignment of Boat Slip Permits on docks installed on its Public Lake Tracts as follows:

- (1) On November 15 of each year, the Dock Association shall determine if each boat slip permit holder is eligible for a boat permit slip for the following year, and if so, send written notice to each permit holder to renew their permit for the next boating season. Failure to reply and pay the Boat Slip permit fee and provide proof of insurance by December 15 of that same year will result in forfeiture of any remaining Boating Seasons for such permit holder.
- (2) The Dock Association shall assign any Boat Slip Permits that are not renewed by December 15, shall be filled according to the provision set out in 617.410 by March 1 for the following boating season.
- (3) Boat Slip permits shall be assigned by Dock Association by March 1 of each boating season and shall be valid for the boating season if the requisite fee has been paid and proof of insurance in compliance with 617.390(2) are provided to the Dock Association.
- (4) Boat Slip Permits are not transferable or assignable by the holder.
- (5) Boat Slip Permits may not be used for any commercial purpose.
- (6) No person or household shall be permitted more than one (1) boat slip on the Public Lake Tracts.
- (7) The maximum number of years an individual or household may use a Boat Slip Permit is six (6) continuous full Boating Seasons. A Boat Slip permit holder may begin another six year period if no other applicants on the Boat Slip Wait List desire that assigned boat slip.
- (8) The Dock Association shall maintain an up-to-date list of individuals assigned a Boat Slip Permit that includes their accrued number of years of use and provide that

list as part of its yearly Dock permit application.

- (9) Upon a Dock Association member reaching the maximum number of years of Boat Slip Permit, said Dock Association member shall relinquish his or her Boat Slip Permit, and his or her years of accrued use shall be set back to zero years. Thereafter, said Dock Association member may submit an application for the Boat Slip Waiting List pursuant to the provisions of Section 617.400.
- (10) An individual may voluntarily relinquish their Boat Slip Permit at any time but shall be required to reapply to be added to the Boat Slip Waiting List pursuant to Section 617.410 to regain a Boat Slip Permit.
- (11) The Dock Association shall have the discretion to determine the physical boat slip to be used by each individual who has a valid Boat Slip Permit. The Dock Association shall assign slips as to maximize the useable number of boat slips. The City reserves the right to monitor the Dock Association's boat slip assignment process and to recommend changes to the Dock Association's boat slip assignment process.
- (12) The maximum number of boat slips that can be approved by the City for each of its Public Lake Tracts is as follows:
  - a. Curt Feistner Beach – 0
  - b. Ash Beach – 8
  - c. Birch Beach – 10
  - d. Elm Beach – 6
  - e. Dellwood Beach – 8
  - f. Kay Beach – 0

617.380

**Docks, Boat Slips and Boats.**

- (1) Docks, boat slips, shore ramps, and boats shall be installed and configured so as to allow, inasmuch as natural conditions allow, at least 50% of the Public Lake Tract beach area and adjacent water to be available for non-boating activities.
- (2) Docks shall be installed and configured such that:
  - a. Boat slips shall not extend beyond the end of the dock.
  - b. A dock's location shall not unreasonably impede the non-boating beach use.
  - c. Boat slip placement shall minimize the need for boats to enter designated swimming areas during ingress or egress.
- (3) Docks shall not exceed the length specified in the WBLCD approved dock

license. Dock length shall be consistent with other docks in the vicinity.

- (4) Shore ramps shall not exceed 4 feet in width and 12 feet in length and shall be secured to the shore in a location and manner that does not pose a hazard for persons.
- (5) The City retains the right to inspect all Dock Association docks and shore ramps installed on the Public Lake Tracts to ensure health, safety and well-being. The City shall forward all dock safety concerns or deficiencies to the Dock Association's complaint via the Dock Liaison for action. The Dock Association shall have seven (7) days to reply in writing to the City addressing the identified deficiencies. The City Council shall thereafter review the matter if necessary.
- (6) Boats installed on any Public Lake Tract shall not exceed twenty-two (22) feet in length on Birch Beach and shall not exceed nineteen (19) feet in length on all other Public Lake Tracts.
- (7) Boat length and width shall be determined by one of the following methods.
  - a. First, by the manufacturer's specification, which shall be used without regard to motors, swim platforms or other appurtenances that add to the dimensions, or
  - b. Second, by physical measurement of the boat. Length shall be measured at the longest part and width measured at the widest part of the vessel.
- (8) The City Council in its discretion may allow winter storage of boat lifts on a Public Lake Tract. Storage shall require pre-approval by the City Council. The slip fee shall include the cost of winter lift storage.
- (9) Installation and removal of all docks and lifts at any Public Lake Tract shall be in compliance with all applicable Minn. Department of Natural Resources Rules.
- (10) Boat canopies shall not be allowed on any boat lift installed or stored on any Public Lake Tract.

617.390

**Dock Association and Boat Owner Insurance.**

- (1) The Dock Association shall maintain and provide written proof of commercial general liability insurance coverage for the docks of at least \$2,000,000.00 per occurrence, and shall name the City of Birchwood Village, including its elected and appointed officials, employees, and agents, as an additional insured. A certificate of insurance shall be submitted by March 1 for the next boating season and shall include: name of insurance company, policy number, policy limits, dates of coverage; and certification by the Dock Association that the policy shall remain in full force and effect for the duration of the Boating Season. The

Dock Association's insurance shall be primary insurance and non-contributory to any other valid and collectible insurance available to the City with respect to any claim arising out of the docks. To the fullest extent permitted by law, the Dock Association shall defend, indemnify and hold harmless the City, and its elected and appointed officials, employees, and agents, from and against all claims, actions, damages, losses and expenses, including reasonable attorney fees, arising out of the Dock Association's negligence or the Dock Association's performance or failure to perform its obligations under this Ordinance.

- (2) Prior to receiving a Boat Slip Permit, each boat owner shall provide the Dock Association with a Certificate of Insurance showing proof of liability insurance in the minimum amount of \$1,000,000 per occurrence, covering bodily injury and property damage related to the boat and boat lift (if applicable). An umbrella or excess liability insurance policy may be used to supplement the boat owner's policy limits to satisfy the full policy limits required by this section. The boat owner shall certify the policy will remain in full force and effect for the duration of the Boating Season. Any boat slip permit without valid insurance is void and the next eligible boat slip permit applicant shall be offered the boat slip.
- (3) The boat must be registered and insured to the person holding the permit.
- (4) The Dock Association shall keep on file all boat slip users' insurance policies. The city may review all insurance records kept by the Dock Association at any time.

**617.400**      **BOAT SLIP WAIT LIST:** The City shall maintain the Boat Slip Wait List for all Birchwood residents who desire a Boat Slip Permit for a Public Lake Tract.

**617.410**      **Boat Slip Waitlist.** The City and Dock Association shall use the following procedures to maintain and implement the Boat Slip Wait List:

- (1) Any Birchwood resident or property owner requesting a boat slip shall submit a complete application to the City for the Boat Slip Wait List and pay a deposit of \$200 payable to the dock association.
- (2) The Dock Association shall hold the \$200 deposit and apply the deposit to the first year's dock permit slip fee, or return the deposit in full if the applicant rescinds their application prior to being awarded a dock slip permit.
- (3) Current boat slip holders cannot apply to be placed on the Waitlist until the last day of their lease.
- (4) Applicants must declare which Public Lake Tract Dock they are requesting. More than one dock location may be selected. Only one slip permit per application will be awarded.
- (5) Only one application per household is allowed.

- (6) Places on the Boat Slip Wait List are not transferable or assignable.
- (7) The City shall add names to the Boat Slip Wait List in the order received.
- (8) If there is a boat slip opening for the upcoming boating season, the Dock Association shall offer a boat Slip Permit in descending order to the applicant(s) on the Boat Slip Wait List until all Boat Slip Permits are assigned or until all applicants on the Boat Slip Wait List have been offered and have declined a boat slip permit.
- (9) An applicant may decline and remain in the same position on the Boat Slip Wait List until the applicant has been offered a Boat Slip permit at each of the Public Lake Tracts selected on the application. Once an applicant has declined an offer at each one of their Public Lake Tracts they will no longer be eligible for a Public Lake Tract boat slip unless they resubmit a Waitlist application for consideration.
- (10) If a boat slip becomes available during the boating season, the Dock Association shall offer the slip to the next applicant on the Wait List in descending order. If accepted, the associated Boat Slip Permit Fee shall be prorated based on the number of months remaining in the current Boating Season.
- (11) Within ten days of issuance of a Boat Slip Permit, the Dock Association shall notify the city of acceptance of a boat slip application, and confirm the applicant has provided valid insurance. The City shall then remove the applicant's name from the Wait List.

617.420. **Low-water Boat Slip Privileges.** The Dock Association shall use the following process to maximize the use of temporary boat slips during periods of low water levels:

- (1) The Dock Association shall review the applications of the individuals on the Boat Slip Waiting List in priority order and offer a temporary Boat Slip Permit to individuals who may be able to use the available boat slip. If an applicant accepts and uses the temporary Boat Slip Permit, at the end of the Boating Season, the Boat Slip Permit rights revert back to the individual who relinquished them due to inability to use them based on the low water level. The individual that used the temporary Boat Slip Permit shall retain his/her place on the Boat Slip Waiting List. The temporary boat slip user shall be charged with a pro rata amount of Boat Slip Permit use.
- (2) An individual who cannot use his/her Boat Slip Permit for an entire Boating Season due to low water level shall be charged with a pro rata amount of accrued Boat Slip Permit use and may resume using his/her Boat Slip Permit the following Boating Season if the individual is still eligible to do so.

- 617.430      **Submission of Application to WBLCD.** If the City Council approves the Dock Permit Application, it shall issue the applicant a Dock Permit for the dock(s) and forward the approved WBLCD dock license application to the WBLCD for further approval. The City Council may designate a City Council member to represent the City approved WBLCD dock license application at the appropriate WBLCD meeting.
- 617.440      **Installation of Dock.** If the WBLCD approves the license application(s), the Dock Association may install its dock(s) on or after the start of the Boating Season, but only as approved in the application and only after providing a copy of its requisite insurance policy, paying the City the total applicable Dock Permit Fees listed in Chapter 701 and certifying all slip users are licensed and insured as required pursuant to 617.390(2).
- 617.450      **Dock Association Liaison.** The City Council shall assign a City Council member to serve as its liaison with the Dock Association.
- (1) The designated Liaison shall facilitate communications between the Dock Association and the City Council and review Dock Association Compliance with this ordinance.
  - (2) The designated Liaison shall assist in resolving or arbitrating complaints filed against the Dock Association or its members.
- 617.460      **Complaint Processing and Resolution.** The City shall use the following procedures for the resolution of complaints made against the Dock Association or any of its members.
- (1) The complainant shall first present his/her complaint in writing to the Dock Association's designated complaint contact person and provide a copy of the written complaint to the City, who shall file it.
  - (2) The Dock Association shall respond to the written complaint within 7 days of receipt. The Dock Association response shall be written and shall document actions done or planned to resolve the complaint. The response shall be presented to the complainant with a copy provided to the City, who shall file it with the original complaint.
  - (3) If the Dock Association's response does not satisfy the complainant, the complainant may then file a formal written complaint with the City. The formal complaint shall be accompanied by any additional documentation of the complainant's attempt(s) to resolve the complaint with the Dock Association, including the Dock Association's response(s).
  - (4) Upon receiving a formal complaint with any supporting documentation, the City shall forward copies of the documents to the City Council Dock Association Liaison.

- (5) The Dock Association Liaison shall review the documentation and arrange for a meeting to be attended by the Dock Association Liaison, the complainant and the Dock Association's president. The objective of the meeting is to facilitate resolution that is acceptable to both the complainant and the Dock Association.
- (6) If the complaint is satisfactorily resolved, the Dock Association Liaison shall document the resolution and provide it to the City to be filed with the original formal complaint.
- (7) If the complaint is not resolved, the Dock Association Liaison shall provide the City with written documentation of the unresolved issues and the City shall place the matter on the agenda for resolution by the City Council.
- (8) If the City Council determines that a violation of City Code has occurred, the City Council, in its discretion, shall determine the appropriate remedy. If the party who is the subject of the complaint is a holder of a Boat Slip Permit, the City Council may, in its discretion, revoke such permit from that party or their household. Upon a finding of noncompliance with the ordinance, if the party who is the subject of a complaint is on the Boat Slip Waiting List, the City Council may, in its discretion, remove that party or their household from the Waiting List.

**617.500      ENFORCEMENT:**

- 617.510      **Compliance with Posted Rules.** No person shall disregard or fail to comply with any posted regulations, directional signs and graphics, barriers or other control devices located at any Public Lake Tract.
- 617.520      **Misdemeanor.** Any person, firm, association, or entity violating any of the provisions of this Chapter 617 by doing any act or failing to do any act which constitutes a breach of any section of this ordinance is guilty of a misdemeanor.
- 617.540      **Revocation of Boat Slip Permit.** Any person violating any provision of this Code Chapter 617 who holds a Boat Slip Permit may have such permit temporarily or permanently revoked by the City based upon such violation, and shall be required to remove his or her boat from such slip.
- 617.550      **Revocation of Dock Permit.** The City may deny or revoke a Dock Association Dock Permit if the City Council determines that the Dock Association:
- (1) Misrepresented information in its Dock Permit Application Package or its WBLCD dock license application; or
  - (2) Violates any provision set forth in this Chapter 617.
- 617.560.      **Civil Action.** City and Association shall execute a contract that summarizes the

duties and obligations contained in this chapter. Separate from and in addition to the foregoing remedies, the City may commence a civil action in District Court to remedy any violation of any provision of this Chapter 617, including seeking any and all available forms of legal, equitable, or injunctive relief, pursuant to the contract between the parties.

**617.600**      **SEPARABILITY:** Should any section, subsection, clause, or other provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such provision shall be severed from the rest and such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

**“ADOPTED BY ORDINANCE 2018-02-01; MARCH 13, 2018.”**

**“AMENDED BY ORDINANCE 2019-08-01; OCTOBER 8, 2019.”**