

ARTICLE VIII
Sewer Service Charges

Sec. 801.00 **Rates.** Sewer service charges are hereby prescribed for all premises connected to the sanitation or sewerage system of the District. The annual Sewer Service Charge rate shall be \$274.00. Said rate shall be subject to modification and change, from time to time, as may be required to permit District to meet State and Federal Revenue Program Guidelines and as the total number of service units and the budgetary requirements of the District change. (7/10/96)

Sewer service charges, shall be collected on the tax roll of the County of Napa, State of California, in the manner provided pursuant to Section 5471 through 5473.11 of the Health and Safety Code of the State of California, as amended. Pursuant to Health and Safety Code section 5473 and 5473.1, a written report containing a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel shall be filed with the Secretary of the District. (7/10/96)

Residential units, as shown below, are based upon the average wastewater flow for a single-family dwelling. One (1) service unit shall be equivalent to 210 gallons per day.

Annual
Sewer Service
Units

R01 Single Family Dwelling, each	1.0
R02 Duplex, each unit	1.0
R04 Condominiums & Townhouses, each	1.0
R03 Triplex Apartment, each unit	0.6
R03 Fourplex Apartment, each unit	0.6
R03 All other Apartment Units, each	0.6
R13 Single Room Occupancy, each unit	0.6
R05 Mobile Home Space	0.6
R06 Overnight Trailer Parking(per space)	0.4

(6/14/95)

Sec. 802.00 **Water Metered Commercial, Public Utilities and Public Agency Facilities.** Using a single-family dwelling as a standard, the following designated premises shall be charged based upon water consumption and strength. The strength factors noted below were calculated based upon State Revenue Guidelines and using the formula shown in Table I at the end of Article VIII.

STRENGTH FACTOR

Automobile Sales & Service	1.0
Bakeries/Candy/Ice Cream Manufacturing	2.7
Banks/Business Offices	1.0
Bars/Nightclubs	1.0
Bed and Breakfast Inns	0.5
Car Wash	0.7
Carpet & Rug Cleaners	1.4
Churches	1.0
Convalescent/Care Homes/Hospitals	1.0
Daycare Facilities	0.8
Delicatessens (no cooking)	1.4
Delicatessens (no major cooking)	2.0
Dry Type Industries	1.0
Funeral Homes	2.6
Hotels/Motels (without restaurants)	1.0
Hotels/Motels (with restaurants)	2.0
Laundries-Commercial	1.4
Laundries-Self Service	0.9
Markets, with disposals	2.6
Markets, without disposals	1.4
Membership Organizations, with kitchens	2.7
Membership Organizations, without kitchens	1.0
Merchandising/Department/Retail Stores	1.0
Physicians/Medical/Dental Offices	1.0
Printers/Newspapers	1.0
Repair Shops/Service Stations	1.0
Restaurants and Caterers	2.7
Service Related Enterprises	1.0
Theaters	1.0
Mixed Use (1 water meter)	1.6

For Facilities With Extensive Landscaping or Other Non-Sewered Water Use, as the standard method the District may delete the four summer months or other months that represent the non-sewered water use from the sewer service charge calculations. The eight remaining months shall be averaged and that average used for the Annual Water Consumption.

As an alternative, the facility may request a credit for the amount of water used for those purposes by installing a subtraction meter. Installation of the meters will be at owner's or tenant's expense. Meter readings for the previous calendar year must be reported by the owner or tenant and received by the District by January 31st to be considered for credit to the current fiscal year billing. Reporting forms and regulations will be available from the District office upon request. This program may be canceled by the Engineer-Manager for any reason, including but not limited to water meter tampering, or plumbing modification. Should the facility request to use this alternative, and then not comply with the rules and regulations, then the District shall calculate the sewer service charge by the standard method. (2/08/95)

Sec. 803.00 **Unmetered Commercial, Public Utilities and Public Agency Facilities.** All unmetered commercial, public utilities, public agency facilities, and schools, both public and private, shall be charged at a rate of:

Elementary	1 service unit per 48 students
Secondary	1 service unit per 17 students
Other	1 service unit per 10 employees/occupants

Sec. 804.00 **Industrial User.** Shall include any user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1987, Office of Management & Budget, as amended and supplemented under Divisions A through K inclusive.

A user in the divisions listed may be excluded if it is determined by the Engineer-Manager that the user will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

Sec. 805.00 **Industrial Waste Charges.** The monthly industrial waste charges for each industry shall be determined by using the formula in Table I at the end of Article VIII and then dividing by 12.

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TABLE I

SEWER SERVICE UNIT ASSIGNMENT FORMULA*

Parameter	Cost Allocation	Assumed Loading (1.0 Unit)
Flow	50%	210 gal/day
BOD	25	175 mg/L
SS	25	200 mg/L

Step 1

$$\text{Number of Equivalent Residential Service Units} = \frac{\text{Daily Flow}}{210} \quad \text{OR} \quad \frac{\text{Annual Flow}}{76,650}$$

Step 2

$$\text{Strength Factor} = .50 + \left(\frac{\text{BOD}}{175} \times .25 \right) + \left(\frac{\text{SS}}{200} \times .25 \right)$$

Step 3

$$\text{Sewer Service Units} = \text{No. of Equiv. Res. Serv. Units} \times \text{Strength Factor}$$

Step 4

$$\text{Annual Sewer Service Charge} = \text{Sewer Service Units} \times \text{Current Rate}$$

*Formula is designed to provide a multiplier for high-strength flows. Minimum assignment is 1.0 service unit.

Sec. 806.00 **Hauled Waste Fees** Septic tank pumpage discharge shall be charged as a percentage of the annual sewer service charge for each minimum load as follows:

Domestic waste	1,500 gallons	70%
Restaurant waste	1,500 gallons	103%
Winery waste	1,500 gallons	145%
Portable toilet waste	276 gallons	8%

Loads in excess of the minimum load shall be charged on a prorated basis for each additional 250 gallons per load.

(7/13/94)

ARTICLE IX Permits and Fees

Sec. 901.00 **Permit Required.** No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenances or perform any work on any street lateral or building lateral without first obtaining a written permit from the District.

Sec. 902.00 **Application for Permit.** Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. He shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The Engineer-Manager may require plans, specifications or drawings and such other information as he may deem necessary. This section does not apply to Industrial Waste, Article VII.

If the Engineer-Manager determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the District, the Secretary shall issue the permit applied for upon payment of the required fees as hereinafter fixed.

Sec. 903.00 **Compliance with Permit.** After approval of the application, evidenced by the issuance of a permit, no changes shall be made in the location of the sewerage works, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued, except with written permission from the Engineer-Manager.

Sec. 904.00 **Agreement.** The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District, and with the plans and specifications he has filed with his application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alteration from the applicant. This section does not pertain to Industrial Waste, Article VII.

Sec. 905.00 **Fees - Annexation Charges.** The owner or owners of lands within areas proposed to be annexed to the District shall deposit prior to commencement of proceedings by the Board on the proposed annexation, the amount to be fixed by the Engineer-Manager shall be in a sum estimated to equal the engineering, legal costs and all other charges which may be incurred by the district in preparing and examining maps, legal

descriptions, and other documents in relation thereto, and other expenses regularly incurred in connection therewith.

The basic annexation fee is \$150.00, plus \$100.00 per acre, or portion thereof.

Sec. 906.00 (A) **Qualify for Payment.** Connection Fees will only be collected on legal parcels with the proper zoning for the proposed project, and with City or County Planning Commission and District approved construction improvement plans showing the sewer plan, profile and other details for the project.

(B) **Time for Payment.** Connection Charges shall be due and payable before the issuance of a building permit by the City or County of Napa. No connection shall be made to the District's facilities without the prior payment of the applicable connection charge.

(1) **Licensed Contractor/Builder** In the event the building for which a connection charge has been paid is not complete and issued an occupancy permit within one (1) year of issuance of the connection permit, the connection fee paid shall lapse and the full amount of sewer connection charge in effect at the time of the end of the one (1) year period shall be required, with a credit granted for the amount previously paid.

(2) **Unlicensed Builder/Owner** In the event the building for which a connection charge has been paid is not complete and issued an occupancy permit within one (1) year of issuance of the connection permit, the unlicensed builder/owner may ask for an extension of time. In order to grant this extension, the unlicensed builder/owner must enter into an agreement, to be recorded by the District, that when the occupancy permit is issued, the property would not be sold for a period of two years.

(C) **Connection Fee.** The following fees shall be paid to the District for the issuance of a permit to connect with the District's sewerage works. If refunded, a 10% handling fee shall be deducted from the refund.

- 1. Single Family Dwellings \$5,660.00 ea.
- 2. Senior Dwelling/Single Room Occupancy-Per Unit \$3,396.00 ea.
- 3. Multiple Family Dwellings - Per Unit \$5,660.00 ea.
- 4. Commercial per Unit..Minimum \$5,660.00 ea
or Fixture Unit Basis, whichever is greater
- 5. Industrial Units..Minimum \$5,660.00 ea
or Fixture Unit Basis, whichever is greater

Industrial Connection fees for wastewater strength that exceeds domestic wastewater characteristics shall be estimated using peak daily FLOW, BOD, and SS data supplied by the industry. These three parameters will be applied to the following formula to determine the number of Sewer Service Units (Equivalent Dwelling Units - EDU)

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Assumed
Loading

Parameter	Allocation	(1.0 Unit)
Flow	50%	210 gal/day
BOD	25	175 mg/L
SS	25	200 mg/L

Number of Equivalent Dwelling Units

$$= \frac{0.50 \times \text{Average Daily Flow} + \frac{\text{BOD Concentration}}{175} + \frac{\text{SS Concentration}}{200}}{210} \times \text{Strength Factor}$$

$$= \frac{\text{Average Daily Flow} \times \text{Strength Factor}}{210}$$

The connection fee will be calculated using the following formula:

$$\text{Connection fee} = [\text{current single family dwelling rate}] \times [\text{calculated number of EDU's}]$$

*Peak Daily Flow and Peak Daily BOD and SS Concentrations Will Be Applied to High Strength/High Volume Discharges

The EDU value obtained will then be divided by a safety factor of 1.5. The estimated connection fee will then be calculated using the following formula:

$$\text{Connection Fee} = \left[\frac{\text{Current Single Family}}{\text{House Rate}} \right] \times \left[\frac{\text{Calculated Number}}{\text{of Dwelling Units}} \right]$$

After the industry is connected to the sewer and their discharge has been monitored for a reasonable length of time (as determined solely by NSD staff), then actual loading shall be calculated using the formulas listed above. Any additional connection fees shall be due within 30 days of invoice date. Industries shall be limited to the capacity purchased. If an industry exceeds its allowable capacity the District will, if capacity is available calculate and charge the industry for the additional capacity used. These fees will always be based on the prevailing per dwelling unit connection fee. If additional capacity is not available then the District will assess a fine equal to twice the calculated connection fee for each day the violation(s) occur.

Industries who utilize the above formula will be required to daily stay within the allowed capacity limits. The District may require continuous or intermittent sampling by the industry to ascertain the type and quantity of the industrial discharge. If the industry does not stay within the daily flow, BOD and SS capacity limits, then the industry will have to purchase additional capacity at the then prevailing rates.

If the industry's pollutants are incompatible with the District's treatment system, but will not cause a discharge or sludge disposal violation for the District, then the District may allow the connection with a special fee calculation. If the industry's pollutants will cause a discharge or sludge disposal violation, then the District will not allow the connection

- 6. Shell Structures.....Minimum \$5,660.00 ea.
or \$2.19 per Square Foot, whichever is greater.

Note: In the event a restaurant or Laundromat is proposed within the shell structure, additional Plant Expansion Fees will be due the NSD, based on a fixture unit basis.

7.	Schools - Per Building.....Minimum	\$5,660.00 ea.
8.	Hotels, Motels, and other like uses	
	With kitchen facilities - Per Unit	\$5,660.00 ea.
	Without kitchen facilities - Per Unit	\$4,192.00
8A.	Bed and Breakfast Facilities, less than 50% occupancy load - Per Unit	\$2,830.00
9.	Churches.....Minimum or Fixture Unit Basis, whichever is greater	\$5,660.00 ea.
10.	Government Buildings.....Minimum or Fixture Unit Basis, whichever is greater	\$5,660.00 ea.
11.	Residential Care Facility.....Minimum or Fixture Unit Basis, whichever is greater	\$5,660.00 ea.
12.	Auxiliary Buildings.....Minimum or Fixture Unit Basis, whichever is greater	\$5,660.00 ea.
13.	Structures without Plumbing	\$5,660.00 ea.

FEE SCHEDULE FOR FIXTURE UNITS

Per automatic clothes washer	\$612.00
Per automatic dishwasher	653.00
Per bath tub	348.00
Per dental chair (equipped with plumbing)	197.00
Per drain-floor	295.00
Per drinking fountain or electric cooler	149.00
Per laundry tray	348.00
Per lavatory-regular	215.00
Per sink-kitchen, laboratory, slop, surgeon	410.00
Per shower-stall	348.00
Per toilet	674.00
Per urinal	330.00

14. Change of Use if additional units or fixtures are added, fees are payable as listed above.

15. Conversion each additional unit per fee schedule.

16. Demolition Permits \$35.00

17. Demolition Credits. The Plant Expansion Fee will be waived if a structure is demolished, and is replaced with a like structure within 2 years. The Credit for commercial units will be on a fixture unit count basis.

18. Change in Fees - The sewer connection fees established herein shall each escalate the same percentage that the latest Engineering News Record Construction Cost Index for the San Francisco Bay Area annually escalated. Said escalation shall be presented annually on or about January 1st, the first complete year after passage of this Resolution for consideration and approval by the Board of Directors. The Board of Directors may also from time to time at its discretion, revise, alter or amend any of the sewer connection fees herein set forth by adoption of the appropriate resolution.

Except as hereinabove provided, all industrial establishments shall pay a Plant Expansion fee as determined by the Napa Sanitation District Board of Directors for each individual application.

All fees collected under Article IX, Section 906 for the issuance of permits shall be deposited in the County Treasury of the County of Napa to the credit of the District in a fund designated "Plant Expansion Fund." Such fund shall be expended from time to time for the purposes of: 1) the acquisition and construction of main trunk, interceptor and outfall sewers; 2) correction of infiltration/inflow, which consists of the rehabilitation of existing local street sewers, laterals, main trunks, interceptor and outfall sewers; 3) expansion of the District's sewage treatment facilities. However, such fund shall not be used for the acquisition or construction of new local street sewers or laterals, as distinguished from main trunk, interceptor and outfall sewers.

Sec. 907.00 PAYBACK CHARGES - Fees: Additional Connection Charges. In addition to any other fees and charges established by the Ordinances, rules and regulations of the District, there shall be collected, prior to connection to the sanitary sewer system of the District, special additional connection charges on a front footage basis for any parcel, unit, lot or part of any property that abuts on an existing main sewer or sewerage works of the District constructed by or at the expense of the District for which said parcel, unit, lot or part of any property did not pay its proportionate front footage cost of installation. Said charges shall be collected where the facilities to serve the property consist of a main sewer or any sewer manhole, pumping station or any other sewer facility, together with all appurtenances thereto, which were constructed by or for the District in order to coordinate the construction of said facilities with any street improvement program of the City or the County, or to meet the requirements of the District for facilities to serve areas under the District Master Plan or for meeting the anticipated requirements for sewer service from the District, or for any other reason, which facilities were paid for by the District, which additional connection fee shall be in a sum to be computed by the District on the basis of the actual cost of the installation of said service, sewer lateral, sewer main, manhole or pumping facility, including all expenses incidental thereto and all engineering, legal, inspection, and other charges.

The payback/additional connection fees shall each escalate the same percentage that the latest Engineering News Record Construction Cost Index for the San Francisco Bay Area annually escalated. Said escalation shall be presented annually on July 1st. (7/13/94)

Sec. 908.00 Fees: Special Connection Charges. In addition to any other charges established herein, the District may establish special connection charges for any

sewer connection when, in the opinion of the Board of Directors of the District, the circumstances of such connection necessitate the establishment of unusual conditions or necessitate the payment of charges over and above those established herein. 7/13/94

Sec. 908.50 Non-payment of Connection Fees. Should any connection fee not be paid prior to issuance of a building permit as required by Section 906.00 (B) of this article, the amount of the unpaid connection fee shall be charged as a lien against the land that benefits from the sewer connection. 7/13/94

(A) Prior to charging the lien, notice shall be given to the owner(s) of the lot(s) or parcel(s) of land affected, and the notice shall set forth all of the following:

- (1) The schedule of fees or charges to be imposed;
- (2) A description of the property subject to the fees or charges, which description may be by reference to a plat or diagram on file in the office of the Clerk of the Board, or to maps prepared in accordance with Section 327 of the Revenue and Taxation Code, and on file in the office of the County Assessor;
- (3) The time or times at which the fees or charges shall become due;
- (4) The number of installments in which the fees or charges shall be payable;
- (5) The rate of interest, not to exceed 12 percent per annum, to be charged on the unpaid balance of the fees or charges;
- (6) It is proposed that the fees or charges and interest thereon shall constitute a lien against the lot(s) or parcel(s) of land to which the sanitation facilities are furnished;
- (7) The time and place at which the Board will hold a hearing at which persons may appear and present any and all objections they may have to the imposition of the fees or charges as a lien against the land.

(B) Except as provided in Section 908.50 (C), the amount of the charges shall constitute a lien against the lot(s) or parcel(s) of land against which the charge has been imposed as of noon on the first Monday in March immediately preceding the date of levy.

(C) All laws applicable to the levy, collection and enforcement of general taxes of the District, including, but not limited to, those pertaining to the matters of delinquency, corrections, cancellation, refund and redemption's, are applicable to such charges, except that if any real property to which such charges relate has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by Section 908.50 (B) shall not attach to such real property and the charges relating to such property shall be transferred to the unsecured roll of collection. (Amended by Ordinance 70 on 6/9/93)

Sec. 909.00 Fees: Permit, Inspection and Tapping Charges.

A. Single Family Units, Multiple Dwellings, Commercial, Industrial, Public and Other Uses.

(1) Plan Check Fees

New Subdivisions.....\$40.00 per living unit
Lots with no new sewer mains..\$25.00 per living unit
Apartments..... \$25.00 per living unit
Commercial, Industrial,
Shell Structures.....\$40.00 per building

(2) Inspection Fees

The schedule of charges for the inspection of all side sewers, lateral sewers, house and trunk and main sewers, shall be as follows:

\$35.00 per street lateral
\$35.00 per house lateral
\$ 1.25 per foot for house laterals 6"
diameter or larger
\$ 1.25 per foot for main line installation

(3) Tapping Fees

Sliplined mains only.....\$150.00 per tap

NOTE: Excavation and preparation of the tapping pit shall be performed by a properly licensed contractor. (Amended by Ordinance 72 - 7/13/94)

(4) Demolition Permits.....\$35.00 per lateral

B. Alteration of Existing Sewer Installation. A permit fee shall be paid to the District for issuing a permit and inspecting any work adding to, altering or extending an existing building sewer installation.

C. Failure to Obtain Permit. In the event any part of the side sewer is installed without the issuance of a permit and the inspection of said sewer, the fee for the issuance of said permit and the inspection of said sewer shall be double the amounts herein provided, plus an additional fee of \$100.00.

Sec. 910.00 **Performance Guarantee - Public Sewer Construction.** The applicant shall post a surety bond, cash or other security satisfactory to the District to guarantee the faithful performance of any agreement for public main extension entered into with the Board. Said surety bond, cash or security shall be in the sum of one hundred percent (100%) of the estimated costs of the work, or in such other sum as may be fixed by the Board, and shall in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the sewer main for a period of one year following the completion and acceptance of the work by the District.

Sec. 911.00 **All Work to be Inspected.** All sewer construction work shall be inspected by an inspector acting for the District to insure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's public sewer until the work covered

by the permit has been completed, inspected and approved by the inspector. If the test proves satisfactory and the sewer has been cleaned of all debris accumulated from construction operation, the Engineer-Manager shall issue a certificate of satisfactory completion.

For public sewer construction, the owner or owners and/or contractor shall deposit with the Engineer-Manager a sum to be fixed by the Engineer-Manager prior to commencement of work. Said sum shall be estimated to equal the cost of inspecting said work and other expenses regularly incurred in connection therewith. The amount to be charged for inspection shall be on a lineal footage basis on all lines of 6" diameter or more and a flat fee for 4" street laterals established by resolution adopted by the Board of Directors of the District. Should the amount of the deposit be insufficient to pay such costs incurred by the District, the owner or owners and/or contractor shall advance such additional sums as shall be necessary to pay said costs prior to the final inspection of work.

Sec. 912.00 **Notification.** It shall be the duty of the person doing the work authorized by permit to notify the office of the District in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours, Saturdays, Sundays and Holidays excluded, before the work is ready to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the District before giving the above notification.

Sec. 913.00 **Condemned Work.** When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

Sec. 914.00 **All Costs Paid by Owner.** All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

Sec. 915.00 **Street Excavation Permit.** A separate permit must be secured from the County and/or City or any other person having jurisdiction thereover by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

Sec. 916.00 **Liability.** The District and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by such applicant. The applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from any liability imposed by law upon the District or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

ARTICLE X
Outside Sewers

Sec. 1001.00 **Special Outside Agreements.** Where special conditions exist relating to any outside sewer, they shall be the subject of special contract between the applicant and the District, and applicant shall be charged for sewage service in the same degree and manner as others now within the District Boundaries.

ARTICLE XI
Miscellaneous Provisions

Sec. 1101.00 **Protection from Damage.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District sewerage works. Any person violating this provision shall be subject to the penalties provided by law.

Sec. 1102.00 **Powers and Authorities of Inspectors.** The officers and any duly authorized employees of the District shall carry evidence establishing their position as authorized representative of the District and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings, industrial facilities and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing and otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the District. All plumbers shall be held strictly responsible for any and all acts of agents or employees done under this ordinance. Upon being notified by the Engineer-Manager of any defect arising therefrom in any sewer or of any violation of this ordinance, the person or persons having charge of said work shall immediately correct the same.

Sec. 1103.00 **Separability.** If any section, subsection sentence, clause or phase of this ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared to be unconstitutional.

