

# Sample Emergency Purchasing & Contracting Municipal Code Sections

## **Auburn Municipal Code**

2.75.110 Emergency purchases of supplies.

Upon the proclamation of a civil emergency by the mayor, and during the existence thereof, emergency purchases of supplies, materials and equipment are authorized to be made in accordance with the following procedure:

A. Emergency purchasing forms shall be provided by the finance department for use for all emergency purchases or contracting for supplies, materials or labor during the existence of such emergency, which forms shall provide for the filling in of appropriate prescribed information which shall include date and time of purchase, name and address of supplier, quantity, unit, description, unit price, and total price of item, name and appropriate identification number from the identification card of the person making the purchase, date required and date delivered, description of use of item, including disaster work order number, description of disaster work and location of use, and name and appropriate identification number from the identification card of the person receiving the item.

B. An identification card shall be used in all cases to verify that the purchaser is authorized by the city to make emergency purchases.

C. A log of all purchases made during any emergency shall be maintained by each department.

D. The heads of departments using emergency purchase forms shall account for all costs incurred in making such purchases.

E. Upon termination of the emergency, the heads of departments shall review all emergency purchase orders issued by their respective departments, and shall verify and authenticate such orders, and submit a summary thereof through the purchasing agent to the city council for authorization of payment. (Ord. 3957 § 2(11), 1984.)

3.10.050 Emergency purchases – Authorization.

The mayor is hereby authorized to make emergency purchases or enter into emergency contracts, such emergencies being:

A. In case of any breakage or loss of equipment or in other circumstances in which any necessary service is or is about to be interrupted;

B. In cases where the city will suffer loss by following the normal purchases and contract procedures;

C. In situations where public health or safety may be jeopardized;

D. In other cases as allowed by state law. (Ord. 5525 § 1, 2001.)

## **Cowlitz County Code**

2.32.030 Purchases by department heads authorized – Emergency purchases.

The County Purchasing Agent may, and where legally required to do so, shall authorize, in writing, any department head to purchase or contract for certain specified classes of supplies, materials, equipment, or contractual services, independently of the County Purchasing Agent's office, but such purchases or contracts shall be made in conformity with the applicable provisions of state law and regulations prepared by the County Purchasing Agent. The County Purchasing Agent may also rescind such authorization to purchase independently by written notice to the department head concerned unless otherwise prohibited by law.

Emergency purchases may be made by department heads. Emergency purchases shall be construed to mean only an item or service which is an immediate and pressing necessity and which is urgently needed, the lack of which will endanger life, cause added expense and great inconvenience, and which must be secured without delay. Emergency purchases made under this authority shall be requisitioned through the Purchasing Agent within 60 hours. Requisitions for all such emergency purchases shall be stamped or otherwise identified as emergencies. [Res. dated 12-29-61, 33 J 550.]

## **Fircrest Municipal Code**

3.12.070 Exemptions to competitive bidding requirements.

(a) Purchases which by their nature are not adapted to competitive bidding, such as purchases of repairs and purchases of items which may, as a practical matter, only be purchased from a single source, and purchases for repairs or additions to equipment owned by the city which may be more efficiently added to by a certain person or firm, shall not be subject to the competitive bidding requirements of this policy.

(b) RCW 39.30.045, Permits to Purchase, Auction, Closeout, Bankruptcy Sales. If an authorized purchasing coordinator determines that supplies, material, or equipment can be purchased at any public auction, closeout sale, bankruptcy sale or

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other similar sale, and makes a finding that a purchase at any such auction or sale will be made at a cost below market cost, the city manager may authorize said purchases.

(c) Exchanges. The city may by agreement exchange supplies, materials or equipment with other public agencies.

(d) Interlocal Agreements in Letting of Contracts for Commodities or Services. The city manager may enter into joint purchase agreements with any and all other public agencies within the state for the purchase of any commodity or service as permitted by state law, where it is determined by the manager to be in the best interest of the city.

(e) Emergency Purchases. In the event that an emergency should arise after office hours, which emergency requires immediate action on the part of the city department involved for the protection of the best interests of the city, or should such a situation arise on a Saturday, Sunday or holiday and where it is not possible or convenient to reach the city manager, any necessary purchase shall be made by the city department for which the purchase is necessary. The purchase shall be reported to the city manager at the first of the next business day. Publication notices may be waived for emergency purchases as provided by law. However, authorized employees must demonstrate a reasonable effort to contact two or more vendors for price quotations.

(f) Petty Cash.

(1) The treasurer may maintain a petty cash fund of up to \$575.00 to help eliminate the issuance of purchase orders and claims vouchers for small items needed immediately from vendors not having open purchase orders. No petty cash purchase shall exceed \$25.00, except in emergencies. All requests for petty cash funds or reimbursement of petty expenditures shall be reconciled by a receipt or paid invoice along with a completed petty cash form.

(2) Reimbursements and reconciliations of petty cash funds shall be made within 30 days of the transaction. No personal checks shall be cashed out of the petty cash fund.

(g) Real Property. Acquisition of real property is exempt from the competitive bidding requirements of this policy. Upon approval of the city council, the city manager may proceed to acquire real property through negotiation. Such negotiations shall be based upon an independent fee appraisal of the property. The city shall not pay more than fair market value for any real property without prior council approval. If the property is acquired in part or in whole with federal funds, such acquisition shall additionally comply with the Uniform Real Property Acquisition and Relocation Assistance Act of 1970, as amended.

(h) Purchases Between \$7,500 and \$15,000. Any purchase of supplies, material, or equipment except for public work or improvement, where the cost thereof exceeds \$7,500 shall be made upon call for bids.

Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper of general circulation in the city of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

For advertisement and formal sealed bidding to be dispensed with as to purchases between \$7,500 and \$15,000, the council or commission must authorize by resolution, use of the uniform procedure provided in RCW 39.04.190. (Ord. 1127 § 1, 1996).

### Port Townsend Municipal Code

3.46.090 Exemptions to competitive bidding requirements.

A. Sole Source Purchases and Special Market Conditions. Purchases which by their nature are not adapted to competitive bidding, such as purchases of repairs and purchases of items which may, as a practical matter, only be purchased from a single source, shall not be subject to the competitive bidding requirements of this chapter. Purchases for materials, supplies, equipment or repairs which are made under special market conditions, e.g., where the item is offered to the city at a highly favorable price and will be sold before the city has the time to comply with formal bidding requirements, or where the city must act quickly or through a specific channel to take advantage of special circumstances to achieve a lower cost, shall not be subject to the competitive bidding requirements of this chapter. Where the city makes sole source purchases or special market condition purchases without formal bidding compliance, the city council shall pass a resolution, or the city manager shall prepare a statement in cases within the manager's authority, reciting the situation and setting forth the reasons for invoking this section.

B. Auctions, Closeout and Bankruptcy Sales. If an authorized purchasing coordinator determines that supplies, material, or equipment can be purchased by any public auction, closeout sale, bankruptcy sale or other similar sale, and makes a finding that a purchase at any such auction or sale will be made at a cost below the market cost, the city manager may authorize said purchases.

C. Exchanges. The city may by agreement exchange supplies, materials or equipment with other public agencies.

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D. Interlocal Agreements in Letting of Contracts for Commodities or Services. In accordance with RCW 35.77.020, 36.75.200, 39.34.080, and 47.24.050, the city manager may enter into joint purchase agreements with any and all other public agencies within the state for the purchase of any commodity or service as permitted by state law, where it is determined by the manager to be in the best interest of the city, without individual approval of the city council, and so long as the contract is consistent with the approved annual budget. Prior to commencing a bid process for significant purchases, the city manager shall make reasonable efforts to find opportunities for joint purchases with other public agencies in accordance with this section.

E. Emergency Purchases. Under emergency conditions as provided herein, the public bidding requirements are suspended. Publication notices may be waived for emergency purchases and other contracts as provided by law. However, where the conditions allow sufficient time, authorized employees shall demonstrate a reasonable effort to contact two or more vendors for price quotations, and/or to follow bidding procedures to the best extent possible under the circumstances.

1. Emergencies Occurring After Regular Business Hours. In the event that an emergency should arise after office hours, which emergency requires immediate action on the part of the city department involved for the protection of the best interests of the city, or should such a situation arise on a Saturday, Sunday or holiday and where it is not possible or convenient to reach the city manager, any necessary purchase shall be made by the city department for which the purchase is necessary. The purchase shall be reported to the city manager at the first of the next business day.

2. Other Emergencies. In the event of a natural disaster or man-made disaster or emergency, and where it is necessary to the health, safety or welfare of the community that immediate action and execution of a public work be undertaken, public bidding requirements shall be suspended during the pendency of the emergency condition.

3. City Council Action. Where public works projects are undertaken in emergency conditions, and without public bidding compliance, the city manager shall report the condition to the city council as soon as practicable. As soon as practicable, the city council shall pass a resolution declaring the emergency, reciting the facts constituting the emergency, and waiving the public bidding requirements.

F. Petty Cash.

1. Petty cash purchase shall not exceed \$100.00 per project, except in emergencies. All requests for petty cash funds or reimbursement of petty expenditures shall be reconciled by a receipt or paid invoice along with a completed petty cash form.

2. Reimbursements and reconciliations of petty cash funds shall be made within 30 days of the transaction. No personal checks shall be cashed out of the petty cash fund.

3. Purchasing Cards. Purchasing cards may be used for purchases; provided, however purchasing cards shall not be used until the city manager adopts policies and procedures governing their use, in accordance with Washington law.

G. Real Property. Acquisition of real property is exempt from the competitive bidding requirements of this policy. Upon approval of the city council, the city manager may proceed to acquire real property through negotiation. The city council shall authorize all real property purchases. Negotiations to purchase real property shall be based upon an independent appraisal of the property. The city shall not pay more than fair market value for any real property without prior council approval. All property acquisition negotiations shall be conducted in accordance with the city's property acquisition policies and procedures and shall comply with Chapter 8.26 RCW (the State Uniform Relocation and Real Property Acquisition Act, as amended). (Ord. 2715 § 2, 2000).

### **Mount Vernon Municipal Code**

2.40.100 Authority of mayor to enter into contracts and incur obligations.

A. Upon the proclamation by the mayor of an emergency or disaster and during the existence of such emergency or disaster, the mayor, in carrying out the provisions of Chapter 38.52 RCW, shall have the power by order to enter into contracts and incur obligations necessary to combat such emergency or disaster, protect the health and safety of persons and property, and provide emergency assistance to the victims of such emergency or disaster. Such powers shall be exercised in light of the exigencies of the situation without regard to time-consuming procedures and formalities prescribed by ordinance or statute (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds; provided, the mayor shall, wherever practicable, advise and consult with the city council with respect to disaster

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response activities, and any such order shall at the earliest practicable time be presented to the city council for review and appropriate legislation including:

1. Findings by resolution with respect to actions taken;
  2. Authorization of payment for services, supplies, equipment loans and commandeered property used during disaster response activities;
  3. Approval of gifts, grants, or loans accepted or made by the mayor during the emergency;
  4. A finding of the existence of such emergency, and a direction to the city finance director, upon making such finding and ratification of any public works contract, that a description and estimate of the work be made and published, all as required pursuant to RCW 39.04.020.
- B. The city finance director shall be authorized to draw and to pay the necessary warrants for expenditures made pursuant to order and authorized by the city council.
- C. Notwithstanding the foregoing, and insofar as may be practical or possible, the proper city officers shall attempt to secure from contractors appropriate forms as may be required pursuant to Chapters 39.12 and 50.24 RCW, and such forms as may be necessary to signify that all appropriate sales and use taxes have been paid to the State Department of Revenue.
- D. Upon the proclamation of a disaster or emergency, and during the existence thereof, the proper officers of the city, and as authorized by the mayor, may make available services, equipment, supplies, materials, or funds through grants, loans, or gifts to those who are in need of assistance for the sole purpose of protecting life and property. (Ord. 3051 § 2, 2001).

### 2.40.110 Emergency purchases of supplies.

Upon the proclamation of a disaster or emergency by the mayor, and during the existence thereof, emergency purchases of supplies, materials and equipment are authorized to be made in accordance with the following procedures:

- A. Standardized emergency purchasing forms shall be provided by the finance director for use for all emergency purchases or contracting for supplies, materials, or labor during the existence of such emergency, which forms shall provide for the filling in of appropriate information prescribed by the finance director including date and time of purchase; name and address of supplier; quantity, unit, description, unit price and total price of item; date required and date delivered; description of use of item, including description of job and location of job; and name and identification number of city employee receiving purchased items.
- B. A log of all purchases made during any emergency shall be maintained by each department and by the finance director.
- C. The heads of departments using emergency purchase forms shall account for all costs incurred in making such purchases.
- D. Upon termination of the emergency, the heads of departments shall review all emergency purchase orders issued by their respective departments, and shall verify and authenticate such orders, and submit a summary thereof through the finance director to the city council for authorization of payment. (Ord. 3051 § 2, 2001).

## **Puyallup Municipal Code**

### Chapter 2.31: EMERGENCY MANAGEMENT

Sections:

- 2.31.010 Purpose.
- 2.31.020 Preparation for emergencies.
- 2.31.030 Emergency management defined.
- 2.31.040 Emergency or disaster defined.
- 2.31.050 Director defined.
- 2.31.060 Deputy director defined.
- 2.31.070 Comprehensive emergency management plan.
- 2.31.080 Emergency management program.
- 2.31.085 Unavailability of mayor or city manager.
- 2.31.087 Disaster and emergency powers of the mayor.
- 2.31.090 Disaster and emergency powers of the city manager.
- 2.31.100 Disaster and emergency powers of the director.

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2.31.110 Functions and duties of departments and employees.

2.31.115 **Emergency contracts.**

2.31.120 Private liability.

2.31.130 Penalty.

2.31.140 Severability.

2.31.010 Purpose.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for mitigation, preparedness, response and recovery for persons and property within the city of Puyallup in the event of an emergency or disaster, and to provide for the coordination of emergency functions and services of the city of Puyallup with the county and other affected public agencies and private persons, corporations and organizations. (Ord. 2706 1, 2001; Ord. 2444 2, 1995).

2.31.020 Preparation for emergencies.

It is the policy of the city of Puyallup to make effective preparation and use of manpower, resources, and facilities for dealing with any emergency or disaster that may occur. Disasters and emergencies, by their very nature, may disrupt or destroy existing systems and the capability of the city of Puyallup to respond to protect life, public health and public property. Therefore, citizens are advised to be prepared to be on their own for up to 72 hours should an emergency or disaster occur. (Ord. 2706 1, 2001; Ord. 2444 2, 1995).

2.31.030 Emergency management defined.

“Emergency management” shall mean the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to and recover from emergencies and disasters, and to aid victims suffering from injury or damage resulting from disasters caused by all hazards, whether natural or manmade, and to provide support for search and rescue operations for persons and property in distress. (Ord. 2706 1, 2001; Ord. 2444 2, 1995).

2.31.040 Emergency or disaster defined.

“Emergency” or “disaster” as used in this chapter shall mean an event or set of circumstances which:

(1) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences; or

(2) Reaches such a dimension or degree of destructiveness as to warrant the mayor, county executive, or Governor to proclaim the existence of a disaster or state of emergency in accordance with appropriate local and state policy, ordinance, or statute. (Ord. 2706 1, 2001; Ord. 2444 2, 1995).

2.31.050 Director defined.

“Director” means the emergency management director as set forth in the comprehensive emergency management plan of the city of Puyallup. (Ord. 2706 1, 2001; Ord. 2444 2, 1995).

2.31.060 Deputy director defined.

“Deputy director(s)” means the person or persons who shall assume the position of director in the event that the director is unavailable, as set forth in the comprehensive emergency management plan of the city of Puyallup. (Ord. 2706 1, 2001; Ord. 2444 2, 1995).

2.31.070 Comprehensive emergency management plan.

The comprehensive emergency management plan, prepared by the director and promulgated by the city council, is the official emergency management plan of the city of Puyallup. The director shall file a copy of said plan in the office of the city clerk, and distribute copies of said plan to appropriate city departments. (Ord. 2706 1, 2001; Ord. 2444 2, 1995).

2.31.080 Emergency management program.

(1) The emergency management program of the city of Puyallup is hereby created and shall consist of:

(a) The city manager, who shall be the administrative head and have direct responsibility for the organization, administration and operation of the emergency management program for the city of Puyallup and direct responsibility for

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the emergency operations of departments of the city of Puyallup; provided, however, the city manager may delegate such functions in accordance with the comprehensive emergency management plan of the city of Puyallup;

(b) The director, who shall be appointed by the city manager, and who shall develop and maintain the emergency management plan and program of the city of Puyallup, and shall have such other duties as may be assigned to him by the city manager;

(c) A deputy director(s), who may be appointed by the director, subject to the approval of the city manager, and who shall perform such functions as outlined in the comprehensive emergency management plan and shall act for and exercise the powers and perform the duties of the director during his/her unavailability;

(d) Compensated members of the emergency management organization;

(e) Volunteer members of the emergency management organization; and

(f) Such advisory committees or other persons, groups, corporations, agencies, or entities as may be appointed by the director.

(2) The city of Puyallup may form its own department of emergency management, or it may contract pursuant to Chapter 39.34 RCW for emergency management services with another political subdivision which does have an approved emergency management program in accordance with Chapter 38.52 RCW. (Ord. 2706 1, 2001; Ord. 2444 2, 1995).

### 2.31.085 Unavailability of mayor or city manager.

(1) In the event that the mayor is unavailable to proclaim a disaster or state of emergency or carry out the functions required by this chapter, the deputy mayor shall act in his or her place, and, in the event that the deputy mayor is not available, then the next available councilmember with the longest period of consecutive service shall perform the functions required by this chapter.

(2) In the event that the city manager is unavailable to perform the functions of this chapter, the person designated by city policy to act as city manager in the absence of the city manager shall perform the functions required of this chapter. (Ord. 2706 1, 2001).

### 2.31.087 Disaster and emergency powers of the mayor.

In the event of a disaster or emergency, and after consulting with the director, the mayor is authorized to proclaim a disaster or state of emergency, request that the county executive or Governor proclaim a state of emergency when in the opinion of the mayor the resources of the area or region are inadequate to cope with the disaster, and call and conduct any emergency meetings of the city council as deemed appropriate. (Ord. 2706 1, 2001).

### 2.31.090 Disaster and emergency powers of the city manager.

In the event of a proclamation of a disaster or state of emergency by the mayor, county executive, or Governor, the city manager is hereby empowered:

(1) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations set forth by ordinance or resolution must be passed by the city council;

(2) To request the county executive or Governor to proclaim a state of emergency when, in the opinion of the city manager, the resources of the area or region are inadequate to cope with the disaster;

(3) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people and to bind the city of Puyallup for the fair value thereof, and, if required immediately, to commandeer the same for public use;

(4) To control and direct the efforts of the emergency management organization of the city of Puyallup for the accomplishment of the purposes of this chapter;

(5) To require emergency services of any city of Puyallup officer or employee and to command the aid of as many citizens of the city of Puyallup as may be deemed necessary in the execution of the purposes of this chapter; and such persons to be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency workers;

(6) To requisition necessary personnel or material of any city of Puyallup department or agency;

(7) To execute all of the special powers conferred upon the mayor by this chapter, by any other statute, agreement or lawful authority, as necessary;

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(8) To take any action necessary to accomplish the purpose or policy of this chapter, the provisions of the comprehensive emergency management plan, or the provisions of Chapter 38.52 RCW. (Ord. 2706 1, 2001; Ord. 2444 2, 1995).

### 2.31.100 Disaster and emergency powers of the director.

The director is hereby empowered:

- (1) To request the mayor to proclaim a disaster or state of emergency and the termination thereof;
- (2) To direct coordination and cooperation between divisions, services and staff of the departments and services of the city of Puyallup in carrying out the provisions of the comprehensive emergency management plan, and to resolve questions of authority and responsibility that may arise between them;
- (3) To recommend for adoption by the city council emergency management plans and mutual aid agreements;
- (4) To represent the emergency management organization of the city of Puyallup in dealing with issues pertaining to emergency management;
- (5) To prepare and maintain the comprehensive emergency management plan of the city of Puyallup and manage the day-to-day responsibilities of the emergency management program activities of the city of Puyallup;
- (6) To take any action necessary to accomplish the purpose or policy of this chapter, the provisions of the comprehensive emergency management plan, or the provisions of Chapter 38.52 RCW. (Ord. 2706 1, 2001; Ord. 2444 2, 1995).

### 2.31.110 Functions and duties of departments and employees.

The city council hereby assigns to the various departments and to the officers and employees thereof the functions, duties and powers set forth in the emergency management plan referenced in PMC [2.31.070](#). (Ord. 2706 1, 2001; Ord. 2444 2, 1995).

### 2.31.115 **Emergency contracts.**

The city council, city manager, or director is authorized to enter into contracts and incur obligations necessary to carry out the purposes or policies of this chapter or the provisions of the comprehensive emergency management plan in light of the exigencies of the emergency without regard to time-consuming procedures and formalities proscribed by law (excepting mandatory constitutional requirements), including but not limited to budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditure of public funds. (Ord. 2706 1, 2001).

### 2.31.120 Private liability.

No individual, firm, association, corporation or other party owning, maintaining or controlling any building or premises, who voluntarily and without compensation grants to the city of Puyallup a license or privilege or otherwise permits said city of Puyallup to inspect, designate and use the whole or any part or parts of such building or premises for the purpose of sheltering persons during an actual, impending, mock or practice emergency or disaster, or their successors in interest, or the agents or employees of any of them, shall be subject to liability for injuries sustained by any person while in or upon said building or premises as a result of any act or omission in connection with the upkeep or maintenance thereof, except a willful act of misconduct, when such a person has entered or gone into or upon said building or premises for the purpose of seeking refuge therein during an emergency or disaster or an attack by enemies of the United States or during a disaster drill, exercise or test ordered by a lawful authority. (Ord. 2706 1, 2001; Ord. 2444 2, 1995).

### 2.31.130 Penalty.

It shall be a violation of this chapter for any person to:

- (1) Willfully obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter or in the performance of any duty imposed upon such member by virtue of this chapter or the comprehensive emergency management plan of the city of Puyallup; or
- (2) Do any act forbidden by any lawful rules or regulations issued pursuant to this chapter or the comprehensive emergency management plan of the city of Puyallup if such act is of such a nature as to give or be likely to give assistance to the enemy, or to imperil the lives or property of any person, or to prevent, hinder or delay the defense or protection thereof;

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(3) Wear, carry or display, without authority, any means of identification specified by the emergency management agency of the state;

(4) A violation of this chapter shall constitute a misdemeanor, and any person committing such violation shall be punished by a term of 90 days in jail or a \$1,000 fine, or both such jail and fine; provided, that any person who commits a second violation shall be guilty of a gross misdemeanor punishable by one year in jail or a \$5,000 fine or both such jail and fine. (Ord. 2706 1, 2001; Ord. 2444 2, 1995).

### 2.31.140 Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. (Ord. 2706 1, 2001; Ord. 2444 2, 1995).