



EMBRACE OPPORTUNITY
HONOR TRADITION

Village President
Mike Reid, Jr.

Village Trustees
Heather Fodor
Aaron Kelly
Toby Koth
Lionel Mott
Laura Pollastrini
Erik Robinson

Meeting Agenda
Business Development Commission
July 12, 2023, 6:30 p.m.
234 S. State St. Hampshire, IL 60140

1. Call to Order
2. Public Comments
3. Review of meeting minutes from June 14, 2023
4. Welcome Jill Van Riet as Business Development new commissioner
5. Beautification Committee Report
6. Façade Program and revision/deadline discussion
7. Discussion of future projects for BDC
8. Discussion for vacant commercial property ordinance including SWOT analysis
9. Hampshire's Very Own
 - A. List of remaining companies
 1. Krueger Accounting
 2. Iron Wok
 3. Hampshire Social
 4. Garden Berry
 5. Alfano's
10. Update on new or existing businesses in the Village
11. New Business
12. Adjournment

VILLAGE OF HAMPSHIRE
234 S. State Street, P.O. Box 457, Hampshire, IL 60140-0457
847-683-2181 phone / 847-683-4915 fax
hampshireil.org

Attendance: By Public Act 101-0640, all public meetings and public hearings for essential governmental services may be held by video or tele conference during a public health disaster, provided there is an accommodation for the public to participate, and submit questions and comments prior to meeting. If you would like to attend this meeting by Video or Tele Conference, you must e-mail the Village Clerk with your request no later than noon (12 PM) the day of the meeting. A link to participate will be sent to your e-mail address, including all exhibits and other documents (the packet) to be considered at the meeting.

Recording: Please note that all meetings held by videoconference will be recorded, and the recordings will be made public. While State Law does not required consent, by requesting an invitation, joining the meeting by link or streaming, all participants acknowledge and consent to their image and voice being recorded and made available for public viewing.

Accommodations: The Village of Hampshire, in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in the meeting(s) or have questions about the accessibility of the meeting(s) or facilities, contact the Village at 847-683-2181 to allow the Village to make reasonable accommodations for these persons.



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Business Development Commission
Meeting Minutes
Hampshire Village Hall
234 S State St, Hampshire, IL 60140

The regular meeting of the Business Development Commission of Hampshire was called to order by Commissioner Martin in person on June 14, 2023.

1. Call to order at 6:38 pm

In-person: Commissioners Liz Martin, Meagan Rago, Bill Swalwell, David Pizzolato, Karen Trzaska, Trustee Aaron Kelly and Village Manager Jay Hedges.

Absent: Jill Van Reit

Roll call confirmed - (quorum established)

2. Public Comments:

- None

3. Meeting Minutes Approval From 5/17/23:

- Commissioner Trzaska moved to make a motion to approve the meeting minutes from 5/17/23.
 - Second by Commissioner Pizzolato
 - Motion carried by voice vote:
 - Ayes: Rago, Trzaska, Kelly, Martin, Swalwell and Pizzolato
 - Nays: None
 - Absent: Van Reit

4. Welcome Jill Van Riet as Business Development New Commissioner

- Commissioner Martin presented Commissioner Van Reit as the new Commissioner of BDC, appointed by the Village Board. The BDC welcomes Commissioner Martin and are excited to work with her moving forward.

5. Beautification Committee Report

- Commissioner Swalwell discussed that the final work to the Garden Berry project is near completion as construction has shifted to the south side of the building.
- There have been little inquiries for the Façade Program thus far for the year and Trustee Kelly suggested that the BDC may want to be proactive with outreach. In addition, banks in town have special financing for the Façade Program.

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- In addition, Bill has been in touch with the way-finding signage vendor and is ready to present it to the BDC.

6. Façade Program

- The Commission discussed the long-term vision of the Façade program and ideas which could be incorporated in the future, such as extending the district, having deadlines for submission and even the potential of having it evolve into a broader fund that façade improvements could be a part of. Commissioner Swalwell will discuss ideas with the Beautification Committee and bring back their ideas for discussion.

7. Discussion of Future Projects for the BDC

- The Commission discussed ideas which included main street certification program, collective of associations/stakeholders across the village, land banking, green space areas, artistic murals and new business grants.

8. Discussion for vacant commercial property ordinance BDC

- The Commission discussed a topic that has been gaining traction with communities, which involves taxing vacant commercial property. The BDC discussed the pros and cons of such an ordinance and more research must be explored before tabling it before the Village Board.

9. Hampshire's Very Own - Current Order of Articles

List of companies:

1. Krueger Accounting
2. Iron Wok
3. Hampshire Social
4. Garden Berry
5. Alfano's

7. Update on New or Existing Business Update

- In the truck stop district, there is a potential retail/fleet buyer looking to come to the Village.
- The Hampshire Park District is moving to the former Chiropractor's office on State St. with a Yoga studio moving in above.

8. Adjournment

- Commissioner Pizzolato moved to make a motion to adjourn at 8:40 pm.
 - Second by Commissioner Rago
 - Motion carried by voice vote:
 - Ayes: Kelly, Rago, Trzaska, Swalwell, Martin and Pizzolato
 - Nays: None
 - Absent: Van Reit

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Beautification Report

At the last BDC meeting held Wednesday, 6/14/23, our Committee was asked to review and discuss the current Façade Program Guidelines to determine if the Beautification Committee would like to make any change recommendations to the existing footprint of the project area focus or eligible improvements to the BDC and ultimately the Village Board.

Following were some of the topics raised that could be further discussed, along with any other recommendations you would like to make in review of the current guidelines:

1. PROJECT DEADLINES DURING THE CURRENT FISCAL YEAR:

Discussion: Should there be any project deadlines(1 or 2 or any?) during the fiscal year to establish application deadlines to compile applications for a collective review of potential projects under consideration so priority could be placed on projects having a " Greater impact" on the Downtown? This would allow decision makers to place emphasis on projects having a greater impact versus projects having a lesser impact.

2. PROJECT AREA FOOTPRINT:

Discussion: Should there be geographical modifications made to the current Project Area footprint of focus to include other business district areas within the Village boundaries?

3. CHANGE OF PROGRAM NAME:

Discussion: Should the current Façade Improvement Program be renamed to something else such as, "Business Development Fund".

4. MULTI-YEAR PROJECTS:

Discussion: Should there be any reference added to the guidelines to address multi-year projects/phases?

5. RECAPTURE AGREEMENT:

Discussion: Should recapture agreement language be added to the current program terms to require grant payback to the Village in the event the property is sold after project completion and within a specified time period?

6. ELIGIBLE IMPROVEMENTS:

Discussion: Should signage or other improvements be added to the list of eligible improvements that may preserve & enhance the character of the Village?

Examples; historical architectural elements or signage, all items subject to committee and Village Board approval.

In preparation for our next Beautification Meeting(Date pending) please take an opportunity to review the current Façade Program Guidelines: <https://www.hampshireil.org/Departments/Zoning-and-Development/Economic-Development/Incentive-Programs.aspx?viewmode=0.aspx>

Give it some thought and I look forward to your input and ideas at our next meeting.

Respectfully,

Bill Swalwell
Beautification Subcommittee Chair

Vacancy taxes: California's latest crazy idea

Jon Coupal Jun 30, 2019

This column has frequently recounted how ideas coming from California's progressive politicians are not just destructive, but also how most result in outcomes diametrically opposite of what the left actually thinks they will have. Examples of this phenomenon are legion.

Take high speed rail (please). It was sold as a "climate change" project because, in theory, it would reduce greenhouse gas emissions by getting cars off the road. But it turns out that the construction of the project — a massive endeavor requiring thousands of trucks, destruction of farmland and millions of tons of concrete — has been spewing massive amounts of CO2 into the air.

Even the independent Legislative Analyst has concluded that the project will be a net GHG producer for the foreseeable future. If, as predicted, the project is never completed, think of the environmental harm that will have been inflicted — all in the name of saving the planet.

Another example of counterproductive policies is the "recording tax" enacted a couple of years ago. In 2017, the Legislature passed a new \$75 tax on real estate documents filed with each county's clerk recorder. The revenue generated by the tax — over \$250 million annually — is supposed to be dedicated to low-income housing programs. But the biggest irony of the tax is that it ignores basic economics. A tax imposed on real estate transactions to pay for programs to make housing more affordable is like prescribing leeches as a treatment for anemia.

The latest example of a progressive policy that will do more harm than good involves the levying of "vacancy taxes." The idea here is to somehow punish, er, "incentivize" property owners who, for whatever reason, are unable to rent their properties. The economic theory is that a tax will spur the owners into lowering rents so their properties do not remain vacant.

Not surprisingly, San Francisco jumped on the vacancy tax bandwagon early on. You see, the city has a huge problem with ground-level retail shops being vacant. We're not sure, but we strongly suspect that the human feces and hypodermic needles which litter the sidewalk might

have something to do with the fact that retail shopping in the city has become somewhat less than pleasant.

Another bastion of economic foolishness, the city of Oakland, has already passed a \$6,000 annual tax per "unused" parcel, whether residential, commercial or even empty lots. Because securing a development permit in Oakland is next to impossible, an owner is now damned if they do, damned if they don't.

In all fairness to California, it's not just our state that has embraced "vacancy taxes." Bill de Blasio, mayor of the ever-declining city of New York, has said, "Let's pass a smart, targeted tax to stop landlords from leaving their properties empty."

Let's be blunt. Vacancy taxes are, more often than not, counterproductive to economic growth. Do progressives who push this idea think that property owners really want their properties to be vacant? Do they even understand that investors generally hate "non-performing assets?" Apparently not.

A recent article quotes Joan Youngman, a senior fellow with the Lincoln Institute of Land Policy who states, "In a hot market, the landlord might wait for a high-end renter. If the market is soft, the vacant land might force the landowner to allow it to fall into disrepair." That is right. But there is also a broader economic force at play here.

Are investors more apt to invest in jurisdictions that impose vacancy taxes or those that do not? Real estate investment is risky enough, and investors will certainly take into account potential tax liability in their decisions of where to put their money.

Jon Coupal is president of the Howard Jarvis Taxpayers Association.

San Francisco's Commercial Vacancy Tax Guidelines

SEC. 2902. FINDINGS AND PURPOSE.

(a) San Francisco's neighborhood commercial districts prioritize street-level, customer-facing businesses as a means of stimulating a bustling, pedestrian-friendly urban environment. Retail storefronts are the building blocks of neighborhood vitality, encouraging people to stroll through San Francisco's streets, sidewalks, parks, and other open spaces, and inviting them in.

(b) San Francisco residents and visitors have an interest in preserving the vitality of commercial corridors in these districts. Vacant storefronts in otherwise vibrant neighborhood commercial districts degrade the urban environment and reduce the quality of life in those neighborhoods, leading to blight and crime, particularly when storefronts stay empty for extended periods of time. Further, the resulting blight negatively impacts other small businesses in the area by discouraging foot traffic and eroding the character and uniqueness of San Francisco's diverse neighborhoods and communities.

(c) Retail vacancies may occur when property owners are performing tenant improvements for prospective tenants, while actively seeking a new commercial tenant, or following a disaster requiring wholesale rehabilitation of a structure. These temporary vacancies reflect a property owner's desire to maintain the active retail storefront environment of San Francisco's neighborhood commercial corridors and to continue contributing to the surrounding community.

(d) But in other instances, retail vacancies occur when a property owner or landlord fails to actively market a vacant retail storefront to viable commercial tenants and/or fails to offer the property at a reasonable rate. Retail vacancies may persist as property owners and landlords hold storefronts off of the market for extended periods of time or refuse to offer the space for a reasonable market rate.

(e) The purpose of the Vacancy Tax is to stimulate the rehabilitation of long-term retail vacancies, and, in turn, to reinvigorate commercial corridors and stabilize commercial rents, thereby allowing new small businesses to open and existing small businesses to thrive.

(f) By dedicating proceeds from the Vacancy Tax to the Small Business Assistance Fund, the Vacancy Tax will also assist small businesses and provide relief to those small businesses adversely affected by blight, crime, and other negative impacts caused by vacant storefronts in San Francisco.

(Added by Proposition D, 3/3/2020, Eff. 4/17/2020, Oper. 1/1/2021)

SEC. 2903. DEFINITIONS.

Unless otherwise defined in this Article 29, the terms used in this Article shall have the meanings given to them in Article 6 of the Business and Tax Regulations Code, as amended from time to time. For purposes of this Article, the following definitions shall apply:

"Affiliate" means a person under common majority ownership or common control with any other person, whether that ownership or control is direct or indirect. An Affiliate includes but is not limited to a person that majority owns or controls any other person or a person that is majority owned or controlled by any other person.

"Building Permit Application Period" means the period following the date that an application for a building permit for repair, rehabilitation, or construction with respect to Taxable Commercial Space in a building or structure is filed with the City through the date the Department of Building

Inspection or its successor agency grants or denies that application, but not to exceed one year. Notwithstanding the preceding sentence, if more than one building permit application is filed by or on behalf of one or more persons in the Taxpayer's Group for the same Taxable Commercial Space, the Building Permit Application Period shall mean only the applicable period following the date the first application is filed with the City by or on behalf of anyone in the Taxpayer's Group.

"Conditional Use Application Period" means the 183-day period following the date that a complete application for a conditional use permit for use of Taxable Commercial Space is filed with the City, but if the Planning Commission or its successor agency does not grant or deny that application within 183 days, the Conditional Use Application Period means the period following the date that the application is filed through December 31 of the year in which the date 183 days from the application filing date falls. Notwithstanding the preceding sentence, if more than one complete conditional use permit application is filed by or on behalf of one or more persons in the Taxpayer's Group for the same Taxable Commercial Space, the Conditional Use Application Period shall mean only the applicable period following the date the first complete application is filed with the City by or on behalf of anyone in the Taxpayer's Group.

"Construction Period" means the one-year period following the date that the City issues a building permit for repair, rehabilitation, or construction with respect to Taxable Commercial Space in a building or structure, provided that if the City issues multiple building permits to or for the benefit of one or more persons in the Taxpayer's Group for the same Taxable Commercial Space, the One-Year Construction Period shall mean only the one-year period following the issuance of the first building permit to or for the benefit of anyone in the Taxpayer's Group.

"Disaster Period" means the two-year period following the date that Taxable Commercial Space was severely damaged and made uninhabitable or unusable due to fire, natural disaster, or other catastrophic event.

"Frontage" means the number of linear feet of Taxable Commercial Space that is adjacent or tangent to a Public Right of Way, rounded to the nearest foot.

"Public Right of Way" means the dedicated public alleys, boulevards, courts, lanes, roads, sidewalks, spaces, streets, and ways within the City, which are under the permitting jurisdiction of the Department of Public Works.

"Related Person" means a spouse or domestic partner, child, parent, or sibling (these latter three relationships including biological, adoptive, and "step" relationships; and the sibling relationship also including half-siblings).

"Residential Real Estate" means real property where the primary use of or right to use the property is for the purpose of dwelling, sleeping or lodging other than as part of the business activity of accommodations. For purposes of this Article 29, "accommodations" means the activity of providing lodging or short-term accommodations for travelers, vacationers, or others, including the business activity described in code 721 of the North American Industry Classification System as of November 6, 2012.

"Taxable Commercial Space" means the ground floor of any building or structure, or the ground floor of any portion of a building or structure, where such ground floor (1) is adjacent or tangent to a Public Right of Way, (2) is located in one of the "Named Neighborhood Commercial Districts" or "Named Neighborhood Commercial Transit Districts" listed in Section 201 of the Planning Code, as those districts exist on March 3, 2020, and irrespective of whether those

districts are expanded, narrowed, eliminated, or otherwise modified subsequent to that date, and (3) is not Residential Real Estate.

“Taxpayer’s Group” means for each taxpayer, with respect to each Taxable Commercial Space, the taxpayer, any current or former co-owner or co-tenant of the taxpayer, and any Related Person or Affiliate of the taxpayer or the taxpayer’s current or former co-owner or co-tenant.

“Vacant” means unoccupied, uninhabited, or unused for more than 182 days, whether consecutive or nonconsecutive, in a tax year. Notwithstanding the previous sentence, a person shall not be considered to have kept a building or structure Vacant during the Building Permit Application Period, Construction Period, Disaster Period, and/or Conditional Use Application Period if that Building Permit Application Period, Construction Period, Disaster Period, and/or Conditional Use Application Period applies to that person for that Taxable Commercial Space. In determining whether a person has kept Taxable Commercial Space Vacant, days within the Building Permit Application Period, Construction Period, Disaster Period, and Conditional Use Application Period shall be disregarded if that Building Permit Application Period, Construction Period, Disaster Period, and/or Conditional Use Application Period applies to that person for that Taxable Commercial Space.

(Added by Proposition D, 3/3/2020, Eff. 4/17/2020, Oper. 1/1/2021)

SEC. 2904. IMPOSTION OF TAX.

(a) Except as otherwise provided in this Article 29, for the purposes described in Section 2907, the City imposes an annual Vacancy Tax on keeping Taxable Commercial Space Vacant.

(b) The tax on keeping Taxable Commercial Space Vacant in a tax year shall be as follows:

(1) For the 2022 tax year, \$250 per linear foot of Frontage.

(2) For the 2023 tax year, \$250 per linear foot of Frontage for Taxable Commercial Space that has not been kept Vacant by any person in the 2022 tax year and \$500 per linear foot of Frontage for Taxable Commercial Space that has been kept Vacant by any person in the 2022 tax year.

(3) For the 2024 tax year and subsequent tax years:

(A) \$250 per linear foot of Frontage for Taxable Commercial Space that has not been kept Vacant by any person in the immediately preceding tax year;

(B) \$500 per linear foot of Frontage for Taxable Commercial Space that has been kept Vacant by any person in the immediately preceding tax year but not kept Vacant by any person in the tax year immediately preceding that tax year; and

(C) \$1,000 per linear foot of Frontage for all situations in which neither subsection (b)(3)(A) nor subsection (b)(3)(B) of this Section 2904 applies.

(c) The Vacancy Tax shall be payable by: (1) the owner or owners of the Taxable Commercial Space kept Vacant, provided that the Taxable Commercial Space is not leased; (2) the lessee or lessees, and not the owner, of the Taxable Commercial Space kept Vacant, if that Taxable Commercial Space is leased but not subleased; and (3) the sublessee or sublessees, and not the owner or sublessor, of the Taxable Commercial Space kept Vacant, if that Taxable Commercial Space is subleased. Not more than one tax shall be imposed under this Section 2904 by reason of multiple liable owners, lessees, or sublessees. If there are multiple liable owners, lessees, or sublessees, each such person shall be jointly and severally liable for the Vacancy Tax.

(d) A person shall be liable for the Vacancy Tax only if that person has kept Taxable Commercial Space Vacant in a tax year. A person shall be deemed to have kept Taxable Commercial Space Vacant in a tax year if that person and all Related Persons and Affiliates of that person, individually or collectively, have kept that Taxable Commercial Space Vacant for more than 182 days in that tax year.

(e) The imposition of the Vacancy Tax under this Section 2904 shall be suspended for the 2021 tax year.

(Added by Proposition D, 3/3/2020, Eff. 4/17/2020, Oper. 1/1/2021; amended by Ord. 94-20, File No. 200420, App. 6/26/2020, Eff. 7/27/2020)

SEC. 2905. EXEMPTIONS AND EXCLUSIONS.

(a) For only so long as and to the extent that the City is prohibited from imposing the Vacancy Tax, any person upon whom the City is prohibited under the Constitution or laws of the State of California or the Constitution or laws of the United States from imposing the Vacancy Tax shall be exempt from the Vacancy Tax.

(b) Any organization that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, shall be exempt from the Vacancy Tax.

(c) The City shall not be exempt from the Vacancy Tax.

(d) If a lessee or sublessee has operated a business in Taxable Commercial Space for more than 182 consecutive days during a lease or sublease of at least two years, such lessee or sublessee shall not be liable for the Vacancy Tax for the remainder of that lease or sublease, regardless of whether that lessee or sublessee keeps the Taxable Commercial Space Vacant.

(Added by Proposition D, 3/3/2020, Eff. 4/17/2020, Oper. 1/1/2021)

SEC. 2906. ADMINISTRATION.

Except as otherwise provided under this Article 29, the Vacancy Tax shall be administered pursuant to Article 6 of the Business and Tax Regulations Code.

(Added by Proposition D, 3/3/2020, Eff. 4/17/2020, Oper. 1/1/2021)

SEC. 2907. DEPOSIT OF PROCEEDS; EXPENDITURE OF PROCEEDS.

(a) All monies collected under the Vacancy Tax Ordinance shall be deposited to the credit of the Small Business Assistance Fund ("Fund"), established in Administrative Code Section 10.100-334. The Fund shall be maintained separate and apart from all other City funds and shall be subject to appropriation. Any balance remaining in the Fund at the close of any fiscal year shall be deemed to have been provided for a special purpose within the meaning of Charter Section 9.113(a) and shall be carried forward and accumulated in the Fund for the purposes described in subsection (b).

(b) Subject to the budgetary and fiscal provisions of the Charter, monies in the Small Business Assistance Fund shall be appropriated on an annual or supplemental basis and used exclusively for the following purposes:

(1) To the Tax Collector and other City Departments, for administration of the Vacancy Tax and administration of the Fund.

(2) Refunds of any overpayments of the Vacancy Tax, including any related penalties, interest, and fees.

(3) All remaining amounts to provide funding to assist the maintenance and operation of small businesses in the City.

(c) Commencing with a report filed no later than February 15, 2023, covering the fiscal year ending on June 30, 2022, the Controller shall file annually with the Board of Supervisors, by February 15 of each year, a report containing the amount of monies collected in and expended from the Small Business Assistance Fund during the prior fiscal year, the status of any project required or authorized to be funded by this Section 2907, and such other information as the Controller, in the Controller's sole discretion, shall deem relevant to the operation of this Article 29.

(Added by Proposition D, 3/3/2020, Eff. 4/17/2020, Oper. 1/1/2021; amended by Ord. 94-20, File No. 200420, App. 6/26/2020, Eff. 7/27/2020)

SEC. 2908. TECHNICAL ASSISTANCE TO THE TAX COLLECTOR.

The Department of Public Works, the Department of Building Inspection, and the Office of Economic Workforce Development shall provide technical assistance to the Tax Collector, upon the Tax Collector's request, to administer the Vacancy Tax.

(Added by Proposition D, 3/3/2020, Eff. 4/17/2020, Oper. 1/1/2021)

SEC. 2909. AMENDMENT OF ORDINANCE.

The Board of Supervisors may amend or repeal this Article 29 by ordinance by a two-thirds vote and without a vote of the people except as limited by Articles XIII A and XIII C of the California Constitution.

(Added by Proposition D, 3/3/2020, Eff. 4/17/2020, Oper. 1/1/2021)

SEC. 2910. SEVERABILITY.

(a) Except as provided in Section 2910(b), if any section, subsection, sentence, clause, phrase, or word of this Article 29, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Article. The People of the City and County of San Francisco hereby declare that, except as provided in Section 2910(b), they would have adopted this Article 29 and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Article or application thereof would be subsequently declared invalid or unconstitutional.

(b) If the imposition of the Vacancy Tax in Section 2904 is held in its entirety to be facially invalid or unconstitutional in a final court determination, the remainder of this Article 29 shall be void and of no force and effect, and the City Attorney shall cause it to be removed from the Business and Tax Regulations Code.

(Added by Proposition D, 3/3/2020, Eff. 4/17/2020, Oper. 1/1/2021)

SEC. 2911. SAVINGS CLAUSE.

No section, clause, part, or provision of this Article 29 shall be construed as requiring the payment of any tax that would be in violation of the Constitution or laws of the United States or of the Constitution or laws of the State of California.

(Added by Proposition D, 3/3/2020, Eff. 4/17/2020, Oper. 1/1/2021)

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