

GARY W. REICHARD

Executive Vice Chancellor and Chief Academic Officer
401 Golden Shore, 6th Floor
Long Beach, CA 90802-4210
Telephone: (562) 951-4710
Fax: (562) 951-4986
E-mail: greichard@calstate.edu

Code: AA-2006-41

DATE: September 28, 2006

TO: Presidents

FROM: Gary W. Reichard 
Executive Vice Chancellor / Chief Academic Officer

Richard P. West 
Executive Vice Chancellor / Chief Financial Officer

RE: Access to Electronic and Information Technology for Persons with Disabilities

This coded memorandum sets forth the roadmap for ensuring accessibility of information technology and resources in compliance with federal and state laws and CSU policy. Please share this memorandum widely on campus.

I. BACKGROUND

The California State University (CSU) has an ongoing commitment to provide access to information resources and technologies to individuals with disabilities. This commitment is articulated in the January 2005 Executive Order 926, the CSU Board of Trustees Policy on Disability Support and Accommodations <http://www.calstate.edu/EO/EO-926.html>.

"It is the policy of the CSU to make information technology resources and services accessible to all CSU students, faculty, staff and the general public regardless of disability."

This policy is premised on federal and state laws including but not limited to Section 504 of the 1973 Rehabilitation Act; the Americans with Disabilities Act of 1990; Section 255 of the Telecommunications Act of 1996; and California Government Code 11135 of 2003 which applies Section 508 of the Rehabilitation Act as amended in 1998 to the CSU.

In January 2006, the CSU launched the Accessible Technology Initiative (ATI) in order to develop the work plan, guidance, and resources to assist campuses in carrying out the accessible technology provisions of EO 926. Significant consultation took place in the development of this plan. Those consulted included the Technology Steering Committee (TSC), the Statewide Academic Senate, the Academic Technology Advisory Committee (ATAC), the Provosts Technology Steering Committee (PTSC), the Council of Administration and Business Officers (CABO), Student Affairs Vice Presidents, the CSU Services to Students with Disabilities Advisory

CSU Campuses
Bakersfield
Channel Islands
Chico
Dominguez Hills
East Bay

Fresno
Fullerton
Humboldt
Long Beach
Los Angeles
Maritime Academy

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Pomona
Sacramento
San Bernardino
San Diego

San Francisco
San José
San Luis Obispo
San Marcos
Sonoma
Stanislaus

Committee, the Information Technology Advisory Committee (ITAC), and other systemwide advisory bodies and groups.

II. ACCESSIBLE TECHNOLOGY INITIATIVE (ATI) WORK PLAN

Ensuring the accessibility of information technology and resources is a process for continuous improvement that will require a multi-year, phased approach. Given the iterative nature of this process, the implementation will need to occur in stages. A three-year roadmap addresses the three priorities below:

- Web Accessibility
- Instructional Materials Accessibility
- Accessible Electronic and Information Technology (E&IT) Procurement

Year One (2006-07): PLANNING AND EVALUATION

The focus of this first year is on planning, policy and procedures development, communication, and training. Just as campuses had to develop transition plans for the removal of physical access barriers, so they will need to create a technology access transition plan based upon a self-evaluation of the accessibility of their IT products and services. A template for this self-evaluation plan will be available to campuses at the end of October 2006. Initial implementation will begin the second half of the year.

Year Two (2007-08): IMPLEMENTATION

The second year begins full implementation of campus plans with the goal of integrating accessibility at the design stage of software, web, and course development, as well as in business and instructional practices.

Year Three (2008-09): ASSESSMENT

The third year begins the assessment process to determine the outcomes achieved and the effectiveness of plan implementation. Campuses will adjust their strategies and actions as necessary based on assessment results.

III. PRIORITIES, TIMELINES, AND REQUIRED ACTIONS

Priority One: Web Accessibility

The Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 require the CSU to provide qualified individuals with disabilities equal access to their programs, services, or activities. Access to the Internet and its resources is considered an area where the ADA applies. The need to make websites, web applications, and digital content accessible is also underscored by California Government Code 11135, which applies Section 508 requirements to the CSU. The ubiquity of the Internet in delivering information and providing services is reason to make its accessibility a priority for the CSU.

Creating and maintaining accessible websites will be ongoing. The dynamic nature of the web and the continuous updating of content requires a process that can be facilitated by the use of an enterprise-wide web evaluation and monitoring tool along with well-defined campus policy and implementation procedures.

Policy Development

No later than January 2007, each campus is directed to adopt and issue a campus-wide web accessibility policy that addresses the following:

- Identification of person(s) responsible for web accessibility compliance and training.
- Milestones and timelines that conform to the dates listed below.
- A monitoring, remediation, and accountability process.
- A process to provide for alternative ways for obtaining information during any period in which websites are undergoing retrofit.

- A process or system to document accessibility of audited applications and fixes.
- A communication plan to educate the campus about the policy.
- A web accessibility training plan for those who develop and maintain websites.

Timeline

The milestones identified take into consideration infrastructure development and represent targets for meeting accessibility requirements. To mitigate risk and cost, campuses are urged to begin implementation as soon as possible.

January 2007: Evaluate the top 20 most accessed pages of the campus public website for conformance with accessibility standards and remediate pages as required. Pages associated with programs or services frequented by individuals with disabilities should be included in this evaluation even though these may not be in the top 20.

Beginning immediately and no later than March 2007: New and updated websites, web applications, and web content produced by the CSU or by third-party developers will, at the minimum, conform to applicable baseline accessibility standards as defined in Section 508, Subpart B, and where appropriate, Subpart C. <http://www.access-board.gov/sec508/standards.htm>

May 15, 2007: Completion of websites and web applications self-evaluation as part of the campus Technology Access Transition Plan, and establishment of retrofitting priorities. Campuses will be expected to follow their Technology Access Transition Plan in eliminating accessibility barriers.

June 15, 2007: Submission of the Self-Evaluation and Technology Access Transition Plan.

May 15, 2008: All new and existing websites, web content, and web applications, including legacy content

June 15, 2008: Submission of Progress Report for Year Two.

June 15, 2009: Submission of Assessment Report.

Resources

An RFP for an enterprise-wide web monitoring and evaluation tool is underway, with a projected contract award date in October 2006. The Self-Evaluation Tool for the formation of the Technology Access Transition Plan and other resources for making accessible websites will be available from the ATI website. The ATI staff will coordinate trainings for the use of the web monitoring tool at appropriate times during the year.

Priority Two: Instructional Materials Accessibility

To comply with the Americans with Disabilities Act of 1990, Section 504 of the 1973 Rehabilitation Act, and with California Government Code 11135, the CSU is required to make its instructional materials and online course materials accessible to persons with disabilities in order to provide them with effective communication. Communication should be, to the extent possible, as effective for persons with disabilities as it is for persons without disabilities. An essential component of effective communication is timeliness of delivery of accessible formats. To the extent possible, instructional materials, including online course materials, must be accessible to students with disabilities at the same time it is available to any other student enrolled in that program. Recent Office for Civil Rights resolutions with four CSU campuses emphasize the importance of campus support for the timely provision of accessible instructional materials to students with disabilities. In order to achieve this goal, collaboration among faculty, disability resource centers, bookstores, academic departments, academic technology staff, and students with disabilities will be necessary. Additionally, systemwide support for working with vendors and publishers to address the accessibility of materials will be critical.



Instructional Materials Accessibility Plan Development

By June 2007, following consultation with local senates as appropriate, each campus will create a plan to support faculty and staff practices that will ensure the timely access to instructional materials. This plan will include:

- Timely adoption of textbooks by faculty.
- Strategy for identification of textbooks for late-hire faculty.
- Strategy for the early identification of students with disabilities who require curriculum access and the use of alternate media.
- Use of the campus learning management system (LMS) for delivering technology-enabled courses, and for posting syllabi and instructional materials online for traditional face-to-face and hybrid or blended courses.
- The incorporation of accessibility requirements in the purchase of digital or multimedia instructional materials (captions on videos, for example).
- Alignment of academic technology resources to assist faculty in the creation of accessible technology-mediated courses.
- A communication process and training plan to educate students, staff, and faculty about the campus Instructional Materials Accessibility Plan.
- Identification of roles and responsibilities, and an evaluation process to measure the effectiveness of the plan.
- Milestones and timelines that conform to the dates listed below.

Timelines

- June 15, 2007:** Submission of the campus Instructional Materials Accessibility Plan.
- July 1, 2007:** Accessible design will be incorporated into the creation of new technology-enabled courses. Existing technology-enabled course content will be made accessible at the point of course redesign or when a student with a disability enrolls in the course.
- June 15, 2008:** Submission of Year Two Progress Report.
- June 15, 2009:** Submission of Assessment Report.
- July 1, 2009:** All new and existing technology-enabled courses will incorporate accessibility into the course development and course content authoring process.

Resources

The ATI team is developing a prototype workflow for the authoring of accessible content and a faculty toolkit to help raise awareness about accessible instructional practices. The CSU Center for Accessible Media (CAM) will develop best practices for working with digital and multimedia. Guidelines and strategies for captioning (speech-to-text) will be available.

Priority Three: Accessible Electronic and Information Technology (E&IT) Procurement

California Government Code 11135 applies Section 508 of the 1973 Rehabilitation Act as amended in 1998 to state entities and to the CSU. Section 508 was enacted to eliminate barriers in information technology, to make available new opportunities for people with disabilities, and to encourage development of technologies that will help achieve these goals. Section 508 includes a set of accessibility standards for six categories of electronic and information technology (E&IT) including websites and web applications, hardware, software, telecommunications, multimedia, and self-contained closed products like copiers, fax machines, kiosks, etc. The CSU must incorporate Section 508 standards as it develops or acquires new E&IT resources. In terms of procurement, the CSU is required to purchase



E&IT products and services that conform to the standards established for each category of covered items, if such are commercially available, and their purchase does not result in an undue burden or fundamental alteration.

Policy Development

By January 2007, each campus shall develop a policy and implementation plan for the procurement of electronic and information technology covered under Section 508 in compliance with Government Code 11135. The policy shall address the following:

- Identification of the roles and responsibilities for overseeing Section 508 procurement compliance.
- Milestones and timelines that conform to the dates listed below.
- Identification of the process and person(s) responsible for determining “undue burden” and “fundamental alteration”.
- Communication and training plan to educate the campus about Section 508 requirements and the established policy.

Timelines

January 2007: Campus policy developed and promulgated; begin pilot implementation of procurement process for formal solicitations (i.e. RFPs & RFQs).

June 15, 2007: Submission of Accessible E&IT Procurement Progress Report.

July 1, 2007: Implementation of procurement process for all E&IT purchases except credit card purchases.

March 1, 2008: Implementation of procurement process to include credit card purchases.

June 15, 2008: Submission of Year Two Progress Report.

June 15, 2009: Submission of Assessment Report.

Resources:

The ATI staff in conjunction with campus and systemwide procurement officers is developing a template for the incorporation of Section 508 into the procurement process. Tools and resources for the implementation of this process will be available from the ATI website. The ATI staff will coordinate initial systemwide training of this process.

IV. REPORTING REQUIREMENTS

Campuses are required to submit the following deliverables by the stated timeline, preferably electronically, to Dr. Keith Boyum, Associate Vice Chancellor, Academic Affairs, at kboyum@calstate.edu. You may reach Dr. Boyum at (562) 951-4712 [voice] or via fax at (562) 951-4981.

October 26, 2006: Name of the presidential designee and/or Executive Sponsor to lead campus EO 926 accessible technology planning and monitoring efforts.

January 29, 2007: Web Accessibility Policy & Procedures.
Accessible E&IT Procurement Policy & Procedures.

June 15, 2007: Instructional Materials Accessibility Plan.
Self-Evaluation and Technology Access Transition Plan.
Website Monitoring Progress Report.
Accessible E&IT Procurement Progress Report.

June 15, 2008: Progress Report for all three priorities.

June 15, 2009: Assessment Report for all three priorities.

V. SYSTEMWIDE ACTIONS AND RESOURCES

As campuses take action to meet implementation goals, the Chancellor's Office, through the Accessible Technology Initiative, will support systemwide projects that will assist campuses in their efforts. One of these projects is the Center for Alternate Media (CAM), established in 2004 to enable the sharing of accessible formats of textbooks amongst CSU campuses. To further assist campuses, the mission of the CAM will be expanded to include research and development of tools and best practices for the creation of accessible digital content. The name change to the Center for Accessible Media indicates this expanded role. In addition to systemwide projects, the following resources are also available to campuses.

- ATI website: Specific guidelines, tools and resources related to the implementation of the three priorities will be available beginning October 29, 2006 on the ATI website: www.calstate.edu/accessibility.
- ATI Staff Consultation: The ATI staff will be available to assist campuses in the development and implementation of their plans. Please contact Ms. Mary Cheng, ATI Director, at mary.cheng@csueastbay.edu or call (510) 885-2844.

VI. ATI TECHNICAL ASSISTANCE WORKSHOP: October 30-31, 2006

The ATI Technical Assistance Workshop is scheduled on October 30-31, 2006 at the Crowne Plaza Hotel in LAX. Campuses are invited to send their planning team to obtain the required information, training, and resources for the successful implementation of this initiative. Please RSVP with the names of those who will be attending to Ms. Roma Wallace at rwallace@calstate.edu or call (562) 951-4253. For additional information, please go to www.calstate.edu/accessibility.

cc: Chancellor Charles B. Reed
Provosts/Vice Presidents of Academic Affairs
Vice Presidents of Administration
Vice Presidents of Student Affairs
Vice Presidents of Development
Chief Information Officers
Chair, CSU Academic Senate
Campus Academic Senate Chairs
Chancellor's Office Staff

MEMORANDUM

DATE: October 4, 2006

TO: Gilbert Valadez, Chair
Academic Senate

FROM: Neal R. Hoss
Vice President

SUBJECT: Traffic Concerns on Campus

In response to Academic Senate Executive Committee concerns regarding traffic on the campus, in particular the intersection of Craven Road and Palm Canyon Drive, please let me assure that the safety of our campus community is of greatest importance to all of us. The entire campus has been going through a period of adjustment to an increased population and schedules that now have a large percentage of faculty, staff, and students entering and exiting the campus at similar times. Some have altered their arrival and departure times to the extent possible and some have found that Campus Way serves as an acceptable alternate entrance and exit during busy periods. We acknowledge that this may not work for all, but it does work for some.

Our response to the specific questions raised is shown below:

1. *What is planned for ensuring the safety of pedestrians crossing Palm Canyon and Craven Drives?*

Currently, the University Police Department (UPD) monitors the intersection throughout the day. During the busiest times, an officer or officers direct traffic for both pedestrians and vehicles as necessary. Officers can be dispatched within five minutes when there is a need for traffic control. We are considering feasibility of mounting a web camera on Craven Hall that would be monitored from UPD.

Attached are the results of our initial assessment of the traffic flow at Craven Road and Palm Canyon Drive. We are presently involved in a more detailed assessment of the intersection in order to fine tune the times a bit more. By monitoring the intersection, we are able to identify when traffic control is needed.

2. *What is planned to alleviate the traffic flow problems from Craven Drive onto Palm Canyon Drive?*

The campus' traffic consultant is completing its plans for installation of a traffic signal at the corner of Craven Road and Palm Canyon Drive. We hope to have the signaled traffic controls installed that will manage both vehicular and pedestrian traffic by March 2007.

3. *Has consideration been given to providing two left turn lanes from Palm Canyon onto Craven Drive West and, similarly, two right turn lanes from Craven Drive East onto Palm Canyon Drive?*

No. The current roadway configuration does not allow two turning lanes onto westbound Craven Road. Allowing two vehicles to turn into the westbound lanes would create a conflict and additional congestion when vehicles in the number two lane (right) attempt to move over to the number one lane (left) to proceed straight across Twins Oaks Valley Road. Two right turn lanes from Craven onto Palm Canyon may be considered once the traffic control device is installed in the intersection.

4. *Has consideration been given to opening the service road to La Moree in order to alleviate traffic congestion?*

No. The use of the service road is not acceptable as it was not designed to handle continuous traffic flow. The road is not completely curbed, striped or lighted; it twists and turns frequently with the hillside, and often serves as a construction delivery road.

Additionally, since the road is a service road it is often closer to the academic buildings than a standard road would be in order to permit deliveries. While acceptable for use by Facility Services, UPD, and delivery vehicles, frequent use of this road for normal traffic would actually create a safety issue for the campus community.

5. *What is the plan for emergency evacuation of vehicles from the campus?*

One component of our campus Emergency Management Plan is Traffic Control, which includes safely evacuating citizens from campus buildings, and providing traffic control for exiting vehicles on to city streets. As with any vehicular evacuation from a localized area, ingress into the area is shut down. No vehicular traffic is allowed into the area. All roadways are then used for evacuation in one direction. This doubles the number of vehicles leaving the area and lessens the amount of time it takes to complete the evacuation.

Academic Senate
October 4, 2006
Page Three

Finally, reducing the number of the number of private vehicle trips and therefore the number of vehicles on campus would reduce traffic problems. The campus is now undertaking a Transportation Demand Management Program with SANDAG, the City of San Marcos and NCTD to develop alternatives to private vehicle use including shuttles, subsidizing bus use, and incorporating the future light rail with a station at the edge of campus. We will continue to work toward identifying other options to mitigate the congestion while we rely upon pedestrian and vehicular adherence to the existing intersection traffic controls.

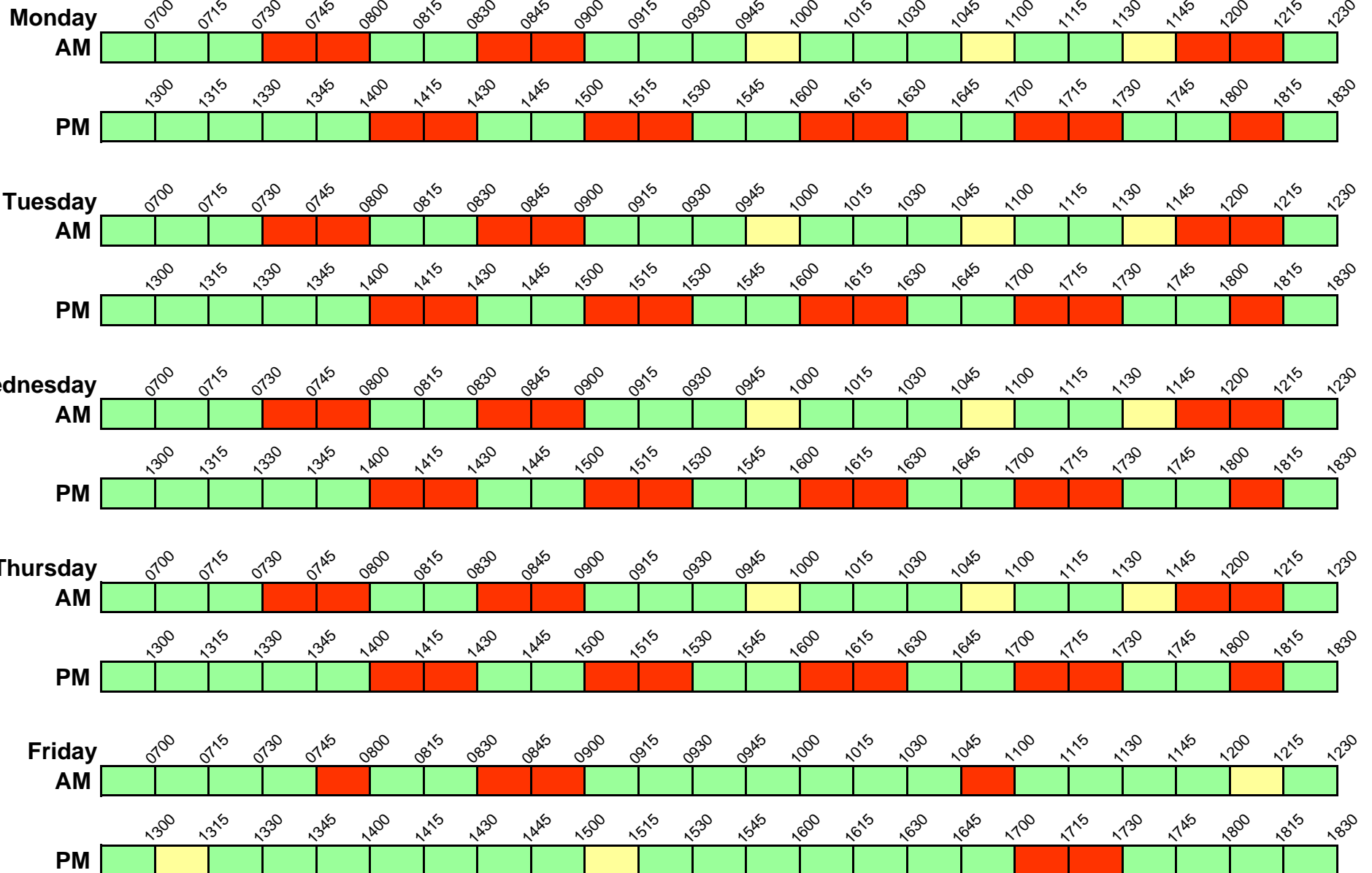
Please let me know if you have additional comments or suggestions, or if you would like to meet to discuss further. Thank you.

Attachment

NRH:kjh

Traffic Control Needs Assessment Craven Road @ Palm Canyon Drive

Traffic Flow:  Light  Moderate  Heavy



ORDINANCE NO. 2006-38

AN ORDINANCE OF THE CITY OF ESCONDIDO, CALIFORNIA
ESTABLISHING PENALTIES FOR THE HARBORING OF
ILLEGAL ALIENS IN THE CITY OF ESCONDIDO

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. FINDINGS. The people of the City of Escondido find and declare:

1. Federal law requires that certain conditions be met before an alien may be authorized to be a lawful permanent resident, or be lawfully present, in the United States. Those conditions are found principally at United States Code Title 8, section I 101 et. seq.
2. Illegal aliens, as defined by federal law, do not normally meet such conditions as a matter of law when present in the City.
3. The harboring of illegal aliens in dwelling units in the City, and crime committed by illegal aliens harm the health, safety and welfare of legal residents in the City. Because such individuals are not in this country lawfully, there is an increased chance that they will reside in dwelling units without typical leasing, payment and other tenancy arrangements that enable the civil and regulatory processes of this City to be effective. The regulations of the City regarding housing and property maintenance often depend upon reporting by residents and neighbors as a means of bringing unlawful conditions to the City's attention. Because illegal aliens do not wish to call attention to their presence, such individuals are less likely to report such conditions, and notify authorities, or to participate in subsequent proceedings to remedy such conditions. This creates an increased likelihood that housing and property maintenance violations will remain unreported and, because such conditions are unreported, an increased chance that such conditions will multiply in the future. Because of the lack of tenancy arrangements which are subject to normal civil and regulatory processes (such as written leases, records of rent receipts, and related documentation which normally accompany a tenancy arrangement) there is a greater chance that such individuals will occupy residential units in excessively large numbers, or under living conditions, that do not meet applicable building and health and safety codes. This creates unanticipated burdens on the units and the public infrastructure supporting such dwellings.
4. The state and federal government lack the resources to properly protect the citizens of the City of Escondido from the adverse effects of the harboring of illegal aliens, and the criminal activities of some illegal aliens.
5. The City finds that it is in the best interest of and will serve and benefit the health, safety and welfare of the public and law-abiding business entities and property owners to adopt policies and procedures to deter and prevent the harboring of illegal aliens, and criminal activity by illegal aliens.
6. United States Code Title 8, subsection 1324(a)(1)(A) prohibits the harboring of illegal aliens. The provision of housing to illegal aliens is a fundamental component of harboring.
7. The City shall not construe this Ordinance to prohibit the rendering of emergency medical care, emergency assistance, or legal assistance to any person.

SECTION 2. DEFINITIONS. The following definition shall be added to Section 16-3, and shall be construed so as to be consistent with state and federal law, including federal immigration law:

Illegal Alien: An alien who is not lawfully present in the United States, according to the terms of United States Code Title 8, section 1101 et seq. The City shall not conclude that a person is an illegal alien unless and until an authorized representative of the City has verified with the federal government, pursuant to United States Code Title 8, subsection 1373(c), that the person is an alien who is not lawfully present in the United States.

SECTION 3. HARBORING ILLEGAL ALIENS. The Escondido Municipal Code is amended to add Chapter 16E, commencing with Section 16E-1 to read as follows: **Section 16E-1.**

HARBORING ILLEGAL ALIENS. It is unlawful for any person or business entity that owns a dwelling unit in the City and is subject to Section 16-17, to harbor an illegal alien in the dwelling unit, knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, unless such harboring is otherwise expressly permitted by federal law.

a. For the purposes of this section, to let, lease, or rent a dwelling unit to an illegal alien, knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, shall be deemed to constitute harboring. To suffer or permit the occupancy of the dwelling unit by an illegal alien, knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, shall also be deemed to constitute harboring.

b. A separate violation shall be deemed to have been committed on each day that such harboring occurs, and for each adult illegal alien harbored in the dwelling unit, beginning one business day after receipt of a notice of violation from the City.

c. A separate violation of this section shall be deemed to have been committed for each business day on which the property owner has failed, following written notice from the City, to provide the City with identity data needed to obtain a federal verification of immigration status, beginning five business days after the property owner receives written notice from the City.

Section 16E-2 Enforcement. The Business License Division shall enforce the requirements of this section.

a. An enforcement action shall be initiated by means of a written signed complaint to the City submitted by any official, business entity, or resident of the City. A valid complaint shall include an allegation that describes the alleged violator(s) as well as the actions constituting the violation, and the date and location where such actions occurred.

b. A complaint which alleges a violation solely or primarily on the basis of national origin, ethnicity, or race shall be deemed invalid and shall not be enforced.

c. Upon receipt of a valid written complaint, the City shall, pursuant to United States Code Title 8, section 1373(c), verify with the federal government the lawful immigration status of a person seeking to use, occupy, lease, or rent a dwelling unit in the City. The Business License Division shall submit identity data required by the federal government to verify immigration status. The City shall forward identity data provided by the property owner to the federal government, and shall provide the property owner with written confirmation of such request for verification.

d. If after five business days following receipt of written notice from the City that a violation has occurred and that the immigration status of any alleged illegal alien has been verified, pursuant to United States Code Title 8, section 1373(c), the owner of the dwelling unit fails to correct a violation of this section, the City shall deny or suspend the business license of the dwelling unit as provided in Section 16-235.

- e. For the period of suspension, the owner of the dwelling unit shall not be permitted to collect any rent, payment, fee, or any other form of compensation from, or on behalf of, any tenant or occupant in the dwelling unit.
- f. The denial or suspension shall terminate one business day after a legal representative of the dwelling unit owner submits, to the Business License Division, a sworn affidavit stating that each and every violation has ended. The affidavit shall include a description of the specific measures and actions taken by the business entity to end the violation, and shall include the name, address and other adequate identifying information for the illegal aliens who were the subject of the complaint.
- g. The City shall forward the affidavit, complaint, and associated documents to the appropriate state or federal enforcement agency.
- h. Any dwelling unit owner who commits a second or subsequent violation of this section shall be subject to penalties as provided in Section 16-249 for each separate violation. The suspension provisions of this section applicable to a first violation shall also apply.
- i. Upon the request of a dwelling unit owner subject to this Section, the City shall, pursuant to United States Code Title 8, section 1373(c), verify with the federal government the lawful immigration status of a person seeking to use, occupy, lease, or rent a dwelling unit in the City. The penalties in this section shall not apply in the case of occupants of a dwelling unit whose status as an alien lawfully present in the United States has been verified.

SECTION 4. CONSTRUCTION. The requirements and obligations of this section shall be implemented in a manner fully consistent with federal law regulating immigration and protecting the civil rights of all citizens and aliens.

SECTION 5. CERTIFICATION. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in the North County Times, a newspaper of general circulation, printed and published in the City of Escondido.

SECTION 6. SEPARABILITY. If any section, subsection sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.