

ORDINANCE NO. 369**AN ORDINANCE DEFINING NUISANCES; PROVIDING FOR THEIR ABATEMENT; PRESCRIBING PENALTIES; REPEALING ORDINANCES NO. 154 AND 264 AND DECLARING AN EMERGENCY.**

The city of Aumsville, Oregon, ordains as follows:

Section 1. Definitions. Except where the context indicates otherwise, the singular number includes the plural and the masculine gender includes the feminine and the following mean:

Animal. Any one of the lower animals as distinguished from and not including man, belonging to the animal kingdom of the living beings, typically differing from plant, and including mammals, fowl, reptiles, and fish.

City. The city of Aumsville, Marion County, state of Oregon.

Council. The governing body of the city.

Dog. The word "dog" shall include both the male and female sex of the species.

Domestic Animal. An animal conditioned so as to live and breed in a tame environment and normally amenable to human habitats.

Dwelling Unit. A group of one or more rooms designed or intended for use as a residence, including a single-family home, a townhouse, a duplex, a condominium and an apartment.

Infraction Complaint. The document which when properly served upon the alleged ordinance violator brings the matter before the appropriate court for resolution. The elements of an infraction complaint are set forth in Section 15 of this ordinance.

Inoperable Vehicle. A unit designed and built to transport people or objects from one place to another which:

- (A) Has been left on private property for more than 30 days; and
- (B) Has broken or missing window(s), or an engine that will not run, or lacks a transmission, or is missing tire(s) or wheel(s); or
- (C) Is unlicensed for the current year; constitutes a presumption that the vehicle is inoperable.

Livestock. Horses, mules, jackasses, burros, cattle, sheep, goats, donkeys, swine, or any animal of similar size or larger maintained, commercially or otherwise.

Owner. Any person who has legal or equitable interest in real property or a vehicle or an animal, or possessory interest therein.

Person. Includes:

- (A) The owner, title holder, contract seller, or contract buyer of the land upon which the violation is occurring, is equally responsible for the nuisance violation, as is the possessor, user of the land, or the person who is taking the action, conduct or omission which constitutes a nuisance.

- (B) The United States or agencies thereof, any state, public or private corporation, local governmental unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity, contractor, subcontractor or combination thereof.

Person in Charge of Property. An agent, occupant, lessee, contract purchaser, or person other than the owner, having possession or control of the property.

Person Responsible. The person responsible includes:

- (A) The owner.
- (B) The person in charge of property, as defined in this section.
- (C) The person who caused a nuisance to come into or continue in existence.

Public Place. A building, place, or accommodation, whether publicly or privately owned, open and available to the general public.

Poultry. Domestic fowl, such as chickens, turkeys, ducks, geese or other fowl raised for meat or eggs.

Structure. Anything constructed or built, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

[Section 1 amended by Ord. No. 435, passed November 4, 1996]

Section 2. Animals and Bees.

- (1) No person shall keep or allow a stand or hive of bees, wasps or any bee like insect on property within 20 feet of the boundary line of the premises.
- (2) No person may keep or maintain hogs within the city limits; except the having or keeping of hogs/swine commonly referred to as miniature Vietnamese, Chinese or Oriental pot-bellied pigs (*sus scrofa vittatus*) is allowed subject to the following:
 - (a) Pot-bellied pig or swine shall be considered to fall within the above exception if their maximum height is not greater than 18 inches at the shoulder and it weighs no more than 95 pounds;
 - (b) No more than three pigs shall be kept at any one address for any period in excess of three days.
- (3) No person may keep or maintain any livestock or poultry within the city unless:
 - (a) Such animals are kept on lots having an area of one acre or more; and
 - (b) The total number of such animals over six months of age to be kept or maintained shall not exceed four per acre;
 - (c) The farm is preexisting and immune under state law from local laws that make a farm practice a nuisance.
- (4) No person shall ride or lead livestock on sidewalks of the city.
- (5) No person shall ride or lead livestock in any of the designated park areas of the city.
- (6) Any owner of an animal or person responsible shall remove excrement or other solid waste deposited by that animal on public or private property.

- (7) No person who keeps, possesses, or otherwise maintains any animal shall allow the accumulation of raw or untreated animal manure which creates an offensive odor to occur upon any property whether public or private.
 - (8) No owner shall permit any animal or bird that is afflicted with a communicable disease to come in contact with another animal, bird or human that is susceptible to the affliction.
 - (9) No dog, domestic animal, livestock, or poultry shall run at large within the city upon any public street or other public place or trespass upon private property not owned or controlled by the owner or person responsible of such animal.
 - (10) Limitation on number of dogs kept per dwelling unit:
 - (a) It shall be unlawful for any person to keep more than four dogs and one litter of puppies under six months of age per dwelling unit on property in the city.
 - (b) Any person who, on the effective date of this ordinance, is lawfully keeping more than the number of dogs permitted by this section shall be entitled to continue to keep all such dogs so long as they are duly licensed and a compliance permit has been obtained from the city administrator. However, it shall be unlawful for any such person to keep any dog acquired after the effective date of this ordinance, unless the total number of dogs kept by the person does not exceed the number of dogs permitted by subsection (a) of this section.
 - (11) Exercising dogs: Dogs may be walked upon the streets of the city, but must be retained on a leash no longer than six feet, and must be handled by persons who can control the animal in all situations.
- [Section 2 amended by Ord. No. 388, passed September 10, 1991; Ord. No. 435, passed November 4, 1996]

NUISANCES AFFECTING PUBLIC HEALTH

Section 3. Nuisances Affecting Public Health and Welfare. No person shall cause or permit a nuisance affecting public health on property owned or controlled by him. The following are nuisances affecting public health:

- (1) Accumulations of debris, rubbish, manure or other refuse that are not removed within a reasonable time and that affect the health or welfare of the city.
- (2) Stagnant water that affords a breeding place for mosquitoes and other insect pests.
- (3) Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial waste, or other substances placed in or near the water in a manner that will cause harmful materials to pollute the water.
- (4) Premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition.

- (5) Drainage of liquid wastes from private premises.
- (6) Plastics, oil, grease or petroleum products allowed to be introduced into the storm or sewer system.

[Section 3 amended by Ord. No. 435, passed November 4, 1996]

Section 3A. Unreasonable Noise.

- (1) No person shall allow, cause, create or permit the continuance of unreasonable noise. The following enumerated noises are not exclusive by illustrative of unreasonable noises.
 - (a) The keeping of any bird or animal which by causing frequent or long-continued noise shall disturb the comfort and repose of any person in the vicinity.
 - (b) The use of a vehicle or engine, either stationary or moving, so out of repair, loaded, or operated as to create any loud or unnecessary noise.
 - (c) The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise thereby created is effectively muffled. Using a dynamic braking device, primarily on trucks and buses to convert a motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes, except to avoid imminent danger to persons or property.
 - (d) Construction, excavation, demolition, alteration, or repair of a building, vehicle or machinery, including the starting of an engine, other than between the hours of 7:00 a.m. and 6:00 p.m. weekdays and between 9:00 a.m. and 7:00 p.m. on weekends, or in residential, commercial or industrial garages or in a building between the hours of 7:00 a.m. and 9:00 p.m.; except within the limitations of a noise permit issued by the city administrator.
 - (e) The use of a gong or siren upon a vehicle, other than police, fire, or other emergency vehicle.
 - (f) The creation of excessive noise on a street adjacent to a school, institution of learning, church, or court of justice, while the same are in use, or on a street adjacent to a hospital, nursing home, or other institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution or disturbs or unduly annoys patients.
 - (g) The discharge in the open air of the exhaust of a steam engine, internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises.
 - (h) The use or operation of an automatic or electric piano, television, phonograph, loud speaker, stereo or sound amplifying device so loudly that the sound, when measured at or within the boundary of

- (i) property which is not the source of the sound is located, exceeds the maximum permitted sound level of 70 dBA sound level decibels; or is plainly audible at any time at a distance of 100 feet from the source of the sound.
- (2) Sound produced in conjunction with officially organized sporting events, parades, festivals, fairs and other events when issued a noise permit from the city administrator are exempt from these noise limitations; but must adhere to permit conditions and/or limitations.
- (3) Nothing in this section shall be construed to prohibit the Aumsville Rural Fire Department from using or cause to be used the siren located at the fire department for emergency reasons when necessary for the health, safety or welfare of the city.

[Section 3A added by Ord. No. 435, passed November 4, 1996; Section 3A(d) amended by Ord. No. 550, passed July 11, 2005 and Ord. No. 569, passed January 8, 2007]

NUISANCES AFFECTING PUBLIC SAFETY

Section 4. Nuisances Affecting Public Safety. No person shall create a safety hazard by:

- (1) Maintaining or leaving in a place accessible to children, a container with a compartment of more than one and one-half cubic feet in capacity and a door or lid that locks or fastens automatically when closed and that cannot be easily opened from the inside.
- (2) Being the owner or otherwise having possession of property on which there is a well, cistern, cesspool, excavation, or other holes of a depth of 4 feet or more, and a top width of 12 inches or more and failing to cover or fence it with a suitable protective construction.
- (3) Leaving a structure or materials in the public right of way, including sidewalks in the city.

[Section 4 amended by Ord. No. 435, passed November 4, 1996, Ord. No. 519, passed June 23, 2003]

Section 5. Attractive Nuisances.

- (1) No owner or person in charge of property shall permit on the property:
 - (a) Unguarded machinery, equipment or other devices that are attractive, dangerous and accessible to children.
 - (b) Lumber, logs or piling placed or stored in a manner so as to be attractive, dangerous and accessible to children.
- (2) This section does not apply to authorized construction projects with reasonable safeguard to prevent injury or death to children.

[Section 5 amended by Ord. No. 435, passed November 4, 1996]

Section 6. Defective Sidewalks.

- (1) No owner of property, improved or unimproved, abutting on a public sidewalk or right of way, shall permit the sidewalk to deteriorate to such a

- (2) condition that, because of cracks, chipping, weeds, settling, covering by dirt, or other similar occurrences, the sidewalk becomes a hazard to persons using it.
- (3) The city shall not be liable to any person for loss or injury to a person or property suffered or sustained by reason of any accident on sidewalks caused by ice, snow, encumbrances, obstructions, cracks, chipping, weeds, settling, holes covered by dirt or other similar conditions. Abutting property owners shall maintain sidewalks free from such conditions and are liable for any and all injuries to persons or property arising as a result of their failure to so maintain the sidewalks.

[Section 6 amended by Ord. No. 462, passed October 11, 1999]

Section 7. Noxious Vegetation.

- (1) The term noxious vegetation does not include vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard or a fire hazard or traffic hazard within the meaning of subsection (2).
- (2) The term noxious vegetation does include at any time of the year:
 - (a) Weeds more than 10 inches high;
 - (b) Grass more than 10 inches high and not within the exception stated in subsection (1) of this section;
 - (c) Poison ivy / poison oak;
 - (d) Blackberry bushes, or any other berry, wild or planted and maintained, that extend into a public thoroughfare or across a property line;
 - (e) Scotch broom and other various vegetation;
 - (f) Vegetation that is:
 - (i) A health hazard;
 - (ii) A fire hazard because it is near other combustibles;
 - (iii) A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes the thoroughfare hazardous.
- (3) No owner or person in charge of property shall allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting the property. An owner or person in charge of property shall cut down or destroy grass, shrubbery, brush, weeds or other noxious vegetation as often as needed to prevent them from becoming unsightly, from becoming a fire hazard, or in the case of weeds or other noxious vegetation, from maturing or going to seed.
- (4) The city administrator may cause to be published in the January and February Aumsville Newsletters the text in subsection (3) as a notice to all owners or persons in charge of property of the duty to keep their property free from noxious vegetation. The notice shall state the city is willing to remove the nuisance of a particular parcel of property at the request of the owner or person in charge of the property for a fee sufficient to cover the city's abatement costs. The notice shall also state that even in the absence of such requests the city may abate all such nuisances 10 or

- (5) more days after the final publication of the notice and charge the cost of doing so on a particular parcel of property to the owner or person in charge of the property itself. Prior to the city abating the nuisance, a letter shall be sent to the owner or person in charge of the property. This letter shall be deemed sufficient notice for this violation and any reoccurring violations in each calendar year.

[Section 7 amended by Ord. No. 409, passed January 9, 1995; Ord. No. 489, passed March 12, 2001]

Section 8. Unauthorized Dumping.

- (1) No person shall deposit, on public or private property, rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, or that would be likely to injure a person, animal or vehicle traveling on a public way.
- (2) No person shall deposit trash, rubbish, debris, or refuse which was generated from a residence or business into public trash receptacles in city parks.
- (3) No person shall put, place, sweep, throw, brush, blow, or in any other manner deposit any yard waste or other vegetative and non-vegetative matter (i.e. grass, leaves, bark dust, mulch, dirt, sand, gravel) upon any sidewalk, street, alley or gutter.

[Section 8 amended by Ord. No. 435, passed November 4, 1996; Amended by Ord. No. 621, passed October 22, 2012]

Section 9. Trees, Bushes and Shrubs.

- (1) No owner or person in charge of property that abuts a street or public sidewalk shall allow or permit trees or bushes or shrubs on property to interfere with vehicular or pedestrian traffic. The person responsible shall keep all trees, bushes or shrubs on the premises, which includes the adjoining parking strip, and trimmed so that any overhanging portions are at least eight feet above the sidewalk and at least fourteen (14) feet above the roadway.
- (2) No owner or person in charge of property shall allow a dead or decaying tree to stand if it is a hazard to the public or to persons or property on or near the property.

[Section 9 amended by Ord. No. 409, passed January 9, 1995; Ord. No. 435, passed November 4, 1996]

Section 10. Fences.

- (1) No owner or person in charge of property shall construct or maintain a barbed wire fence, or permit barbed wire to remain as part of a fence, along a sidewalk or public way.
- (2) No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person.

- (3) No owner or person in charge of property shall construct or maintain a fence that will do bodily harm such as broken glass, spikes, razor wire or other hazardous or dangerous materials.

[Section 10 amended by Ord. No. 467, passed February 14, 2000]

Section 11. Surface Water, Drainage.

- (1) No owner or person in charge of a building or structure shall permit rainwater, ice or snow to fall from the building or structure on a street or public sidewalk or to flow across the sidewalk.
- (2) The owner or person in charge of property shall install and maintain in a proper state of repair, adequate drain pipes or a drainage system, so that overflow water accumulating on the roof or about the building is not carried across or on the sidewalk.

Section 12. Radio and Television Interference.

- (1) No person shall operate or use an electrical mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.
- (2) This section does not apply to devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.

Section 13. Junk.

- (1) No person shall keep junk outdoors on a street lot, or premises or in a building that is not wholly or entirely enclosed except for doors used for ingress and egress.
- (2) The term junk, as used in this section, includes all inoperable vehicles, old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances or appliance parts, old iron or other metal, glass, paper, lumber, wood or other waste or discarded material.
- (3) Inoperable vehicle and machinery exceptions:
 - (a) Vehicle or machinery which are being or are in the process of being repaired or restored. Being repaired or restored means the person is actively seeking parts or is reshaping, welding or fixing the body or other parts of the vehicle and/or machinery. If the vehicle or machinery is not repaired or restored within 180 days after the person is given a notice of abatement the vehicle or machinery will be presumed not being repaired or restored.
 - (b) The exception of inoperable vehicle does not apply to parts meaning: body, frame, door, motor, glass, electrical, upholstery, mechanical components or a vehicle which has lost or had removed 15 percent of its original equipment.
- (4) This section does not apply to junk kept in a licensed junk yard or automobile wrecking house.

[Section 13 amended by Ord. No. 435, passed November 4, 1996]

Section 14. Public Nuisance – Unlawful Activities.

- (1) It is a public nuisance for any person in charge of property to permit or any person to cause to exist any place or business where patrons, employees, residents, or occupants engage in a pattern of behavior in the neighborhood involving the commission of three or more of the following offenses:
 - (a) Loitering to solicit prostitution;
 - (b) Unlawful prostitution procurement activities;
 - (c) Unreasonable noise;
 - (d) Assault, ORS 163.160, 163.165, 163.175 or 163.185;
 - (e) Sexual abuse, ORS 163.415, 163.425 or 163.427;
 - (f) Public indecency, ORS 163.465;
 - (g) Criminal trespass, ORS 164.245 or 164.255;
 - (h) Criminal mischief, ORS 164.345, 164.354 or 164.365;
 - (i) Disorderly conduct, ORS 166.025;
 - (j) Harassment, ORS 166.065;
 - (k) Minor in possession of alcohol, ORS 471.430;
 - (l) Unlawful manufacture, delivery, or possession of a controlled substance, ORS 475.992;
 - (m) Public urination/defecation; or
 - (n) No person shall lodge in a car, outbuilding, or other place not intended for that purpose without permission of the owner or person entitled to the possession thereof. In addition, there will be no overnight camping or tenting on public property without prior approval of the city council.
- (2) For purposes of this section, pattern of behavior in the neighborhood means one or more patrons, employees, residents, or occupants of the place or business having been arrested or issued a citation for violation of three or more of any of the offenses specified in subsection (1) that occur over any six-month period at the place or business or within 300 feet thereof.
- (3) It is unlawful for any place or business to be a public nuisance or to be used as a public nuisance. If any place or business is found to be a public nuisance or to be used as such, it shall be subject to closure for a period of up to one year. Public nuisance closure will be subject to the enforcement procedures in Section 15 through Section 22.
- (4) The acts, conditions or objects specifically enumerated and defined in Section 2 to Section 14 are declared public nuisances and will be subject to the enforcement procedures in Section 15 through Section 22.
- (5) In addition to the nuisances specifically enumerated in this ordinance, every other thing, substance or act that is determined to be injurious or detrimental to the public health, safety or welfare of the city is declared a nuisance and will be subject to the enforcement procedures in Section 15 through Section 22.

[Section 14 amended by Ord. No. 435, passed November 4, 1996; Ord. No. 507, passed July 18, 2002]

ABATEMENT PROCEDURE

Section 15. Inspection, Infraction Complaint, Abatement and Other Remedies.

One or more of the following procedures may be used to enforce this ordinance:

- (1) Inspection:
 - (a) Inspections not requiring entry upon private land do not require the responsible property owner's authorization.
 - (b) In non-emergency situations attempted personal, telephone or written contact will be made to contact the person responsible for fifteen days prior to entering onto private land for inspection. After such attempt, the city administrator, or designee, or any police officer shall have the power to enter onto private land for the purpose of investigating or abating any nuisance during regular working hours, but they shall not enter into any building or dwelling without legal authorization or permission of the owner or occupant of the premises.
 - (c) In emergency situations, where there is a possibility of eminent danger to human life or property; the city administrator, or designee, or any police officer shall have the power to enter onto private land for the purpose of investigating. The investigation may proceed at any time.
- (2) Infraction Complaint:
 - (a) An infraction complaint may be used for violation of this ordinance.
 - (b) Infraction complaints may be filed against the same person for repeated or continued violations of this ordinance.
 - (c) Each 24-hour period constitutes a separate occurrence.
 - (d) The infraction complaint shall consist of the following four parts: the complaint, the abstract of record, the officer's record and the summons.
- (3) Abatement:
 - (a) On determination by the chief of police, city administrator or designee that a nuisance exists, they shall cause a notice to be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance.
 - (b) At the time of posting, the staff member shall cause a copy of the notice to be forwarded by registered or certified mail to the person responsible at the person's last known address.
 - (c) The notice to abate shall contain:
 - (1) A description of the real property, by street address or otherwise, on which the nuisance exists;
 - (2) A direction to abate the nuisance within 10 days or other timeframe contained within this ordinance from the date of the notice;
 - (3) A description of the nuisance;

- (4) A statement that, unless the nuisance is removed, the city may abate the nuisance and the cost of abatement will be charged to the person responsible.
- (5) A statement that the person responsible may protest the order to abate by giving notice to the city administrator within 10 days from the date of the notice.
- (d) If the person responsible is not the owner, an additional notice shall be sent to the owner, stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.
- (e) Upon completion of the posting and mailing, the person posting and mailing shall execute and file certificates stating the date of mailing and place of the posting.
- (f) An error in the name or address of the person responsible shall not make the notice void, and in such case the posted notice shall be sufficient.
- (4) Other Remedies. Institute a complaint in the circuit court for any other remedy provided by law, including injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate the violation.

[Section 15 amended by Ord. No. 435 passed November 4, 1996; Ord. No. 507, passed July 18, 2002; Ord. No. 542, passed September 27, 2004]

Section 16. Abatement by the Person Responsible.

- (1) Within 10 days after the posting and mailing of notice as provided in Section 15, the person responsible shall remove the nuisance or show that no nuisance exists.
- (2) A person responsible, protesting that no nuisance exists, shall file a written notice that specifies the basis for the protest with the city administrator.
- (3) The statement shall be referred to the council as a part of its regular agenda at its next scheduled meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the council. The council shall determine whether a nuisance in fact exists, and the determination shall be entered in the official minutes of the council. Council determination shall be required only in cases where a written statement has been filed as provided.
- (4) If the council determines that a nuisance in fact exists, the person responsible shall abate the nuisance within 10 days after the council determination.

[Section 16 amended by Ord. No. 542, passed September 27, 2004]

Section 17. Joint Responsibility.

- (1) If more than one person is responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the city in abating the nuisance.

Section 18. Abatement by the City.

- (1) If the nuisance has not been abated by the person responsible within the time allowed, the city administrator, chief of police, or designee may cause the nuisance to be abated.
- (2) The officer charged with abatement of the nuisance shall have the right to enter into or upon property at reasonable times to investigate or cause the removal of a nuisance.
- (3) The city shall keep an accurate record of the expense incurred by the city in physically abating the nuisance and shall include a charge of 20 percent of those expenses for administrative costs.

[Section 18 amended by Ord. No. 542, passed September 27, 2004]

Section 19. Assessment of Costs.

- (1) The city administrator or designee shall forward to the owner and the person responsible, by registered or certified mail, a notice stating:
 - (a) The total cost of abatement, including the administrative costs;
 - (b) That the costs as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice;
 - (c) That if the owner or person responsible objects to the cost of the abatement as indicated, a notice of objection may be filed with the city administrator not more than 10 days from the date of the notice.
- (2) No sooner than 30 days after the date of the notice, the council, in the regular course of business, shall hear and make a decision on the objection to the costs assessed.
- (3) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs as stated or as decided by the council, shall be made by resolution and shall be entered in the docket of city liens. When the entry is made, it shall constitute a lien on the property from which the nuisance was removed or abated.
- (4) The lien shall be enforced and shall bear interest at the rate of up to nine percent per annum. The interest shall begin to accrue from the date of entry in the lien docket.
- (5) An error in the name of the owner or person responsible or a failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property.

[Section 19(4) amended by Ord. No. 500, sec. 1, passed December 10, 2001; Ord. No. 542, passed September 27, 2004; Ord. No. 601, passed August 9, 2010]

GENERAL

Section 20. Summary Abatement. The procedure provided by this ordinance is not exclusive, but is in addition to procedure provided by other ordinances. The chief of the fire department, a law enforcement office, or any other city official may proceed summarily to abate a health or other nuisance which unmistakably exists and which eminently endangers human life or property.

Section 21. Penalties. A violation of a provision of this ordinance is punishable by a fine not to exceed \$500.00. The abatement of a nuisance is not a penalty for violating this ordinance, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance. However, abatement of a nuisance within 10 days of the date of a notice to abate, or if a written protest has been filed, then abatement within 10 days of council determination that a nuisance exists, will relieve the person responsible from the imposition of a penalty under this section. The city administrator, chief of police, or the council, if referred to them, may at any time, whether before or after the issuance of one or more infraction complaints or notices to abate, extend the abatement of a nuisance to more than 10 days. [Section 21 amended by Ord. No. 435 passed November 4, 1996; Ord. No. 542, passed September 27, 2004]

Section 22. Separate Violation. Each day's violation of a provision of this ordinance constitutes a separate offense. [Section 22 amended by Ord. No. 435 passed November 4, 1996]

Section 23. Severability. The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 24. Repeal. Ordinance Nos. 154 and 264 are hereby repealed.

Section 25. Emergency Clause. Whereas it is necessary for the immediate preservation of the public health, peace and safety of the citizens of the city of Aumsville, that this ordinance become effective at the earliest time possible, therefore, this ordinance shall become effective immediately upon passage by the council and signature of the mayor.

PASSED by the council December 11, 1989 and signed by the mayor December 13, 1989.