

ORDINANCE NO. 2193

AN ORDINANCE adopting a new chapter of the Camas Municipal Code relating to neighborhood preservation.

WHEREAS, the City of Camas is committed to preserving and enhancing the quality of life of its residents, and

WHEREAS, neighborhood blight, deteriorating conditions, and the maintenance of public nuisances adversely impact the public health, safety and welfare, decrease property values, and contribute to criminal conduct, and

WHEREAS, the City has undertaken an exhaustive review of its existing ordinances relating to public nuisances. This process has involved (1) forming an ad hoc committee consisting of City Staff, City Council members, UCAN representatives, and Camas citizens, (2) drafting a Neighborhood Preservation Enforcement Policy and a neighborhood preservation ordinance, both of which have undergone six drafts, and (3) conducting several public hearings to solicit comments and criticisms from the public, and

WHEREAS, the Council desires to adopt a new neighborhood preservation ordinance, now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAMAS AS FOLLOWS:

Section I

There is hereby adopted a new chapter of the Camas Municipal Code to be entitled Chapter 8.06 Neighborhood Preservation. Such Chapter shall be in the form attached hereto as Exhibit "A".

Section II

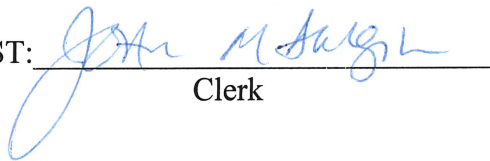
Chapter 8.04 of the Camas Municipal Code be and the same is hereby repealed.

Section III

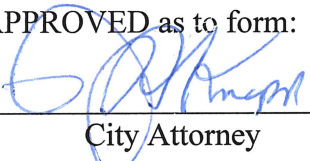
This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 23rd day of February, 1999.

SIGNED: 
Mayor

ATTEST: 
Clerk

APPROVED as to form:


City Attorney

Chapter 8.06 Neighborhood Preservation

8.06.010 General Provisions

This chapter shall be known as the "Neighborhood Preservation Ordinance" of the City of Camas, may be cited as such, and will be referred to hereinafter as "Ordinance."

8.06.020 Purpose and Scope

A. The purpose of this Ordinance is to promote the health, safety and welfare of the citizens of Camas, Washington, and to protect neighborhoods against hazards, blighting, and deteriorating influences or conditions that have a negative impact on families; encourage social disorder and crime; and decrease area property values, by establishing minimum standards for the maintenance of all residential and non-residential buildings, and structures, and vacant and improved land.

B. The Ordinance shall apply to all buildings, structures and lands within the City of Camas regardless of the use, the date of construction, improvement or alteration.

C. The Ordinance shall be fairly, sensibly, and reasonably applied to promote the maintenance of all existing buildings and land in the City of Camas. The intent is to ensure that individuals and families do not suffer undue hardship.

D. The Ordinance shall not require changes in existing buildings and utilities when alterations were installed and have been maintained in accordance with relevant Building Code in effect at the time of construction or alteration of the subject building or utilities. The only exception is when the building has been determined to be an imminent hazard, unsafe, unhealthy, or deteriorated.

8.06.030 - Definitions

The following are definitions for terms used in the ordinance. They are not intended to serve as regulations in and among themselves. Terms not listed in this chapter shall have their normal and customary meanings.

A. Abate "Abate" means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the enforcement officer, in his/her judgment, determines is necessary in the interest of the general health, safety and welfare of the community.

B. Agent "Agent" means a person residing within the State of Washington, authorized to make or order repairs, service to units and receive notices.

C. Animals "Animals" mean and include, but are not limited to geese, ducks, chickens, pigs, goats and sheep, horses, rabbits, cattle, exotic animals, chinchilla, nutria, fox, mink, deer, raptors, opossums, skunks, raccoons, venomous and nonvenomous snakes and other reptiles, insects such as bees, hornets, wasps, or any insects that might be injurious to the public or destroy buildings, landscaping or crops.

D. Backyard "Back yard" means the open space extending the full width of a lot between a building and the back property line.

E. Barbed or Razor Wire "Barbed Wire" means two or more strands of wire twisted together with sharp vertical barbs, most frequently used in agriculture to keep animals in an enclosure. "Razor Wire" means a single strand of flattened wire which has been shaped, sharpened and barbed.

F. Blight "Blight" means to cause to deteriorate, a condition resulting in withering, crumbling, decay or to descend to a less adequate level. To decompose, something that impairs or destroys, to suffer from or become lower in quality, character or condition.

G. Building "Building" means any structure designed for occupancy or any structure used or intended for supporting or sheltering any use or occupancy.

H. Building Materials "Building Materials" means and includes lumber, plumbing materials, wall board, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint and similar materials.

I. Civil Violation "Civil Violation" means a violation of a provision of Chapter 8.04, for which a monetary penalty may be imposed. Each 24 hour period in which a violation occurs or continues to exist is a separate violation.

J. Commercial Vehicles "Commercial Vehicles" means and shall include, but not be limited to truck tractors and/or trailers, dump trucks, and other construction equipment or the trailers they are transported on, and commercial vehicles over 10,000 pounds gross weight, or exceeding 20 feet in length and/or 7.5 feet in width, etc..

K. Compost Pile "Compost Pile" means the accumulation of vegetative matter piled in such a manner as to encourage decomposition, decay or rotting of the materials which are used as fertilizer for gardens and landscaping.

L. Debris "Debris" means substances of little or no apparent economic value, including but not limited to recycled lumber, scrap newspaper, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, vehicles or parts thereof, abandoned, broken or neglected equipment, or the scattered remains of items.

M. Deterioration "Deterioration" means a lowering in quality of the condition or appearance of a building, structure or parts thereof characterized by holes, breaks, rot, crumbling, or other evidence of physical decay or neglect or excessive use or lack of maintenance.

N. Dumping "Dumping" means the throwing out, dumping or discarding of unwanted articles on property other than your own, including but not limited to household trash, vehicles or vehicle parts, furniture, appliances, cut brush, grass, glass, papers, cans, bottles, or other items on any property that is not disposed of in an officially designated disposal site.

O. Dwelling "Dwelling" means any building or a portion thereof which is intended, or designated to be built, used, rented, leased, or hired out for human occupancy, or which is occupied, by a human being.

P. Enforcement Officer(s) "Enforcement Officer(s)" means any person(s) designated by the City Administrator, the Chief of Police, the Fire Chief, or the Public Works Director for the purpose of inspecting public and private property with the specific intent to abate public nuisances or zoning violations.

Q. Exotic Animal "Exotic animal" means any of the following:

1. Venomous or constricting species of snake; capable of inflicting serious physical harm or death to human beings;
2. Nonhuman primates and prosimians;
3. Bears;
4. Nondomestic species of felines, including but not limited to cougars, bobcats, lynx, etc.;
5. Nondomestic species of canines and their hybrids, including wolf and coyote hybrids;

6. The order of crocodilia, including alligators, crocodiles, caiman and gavials, or;
7. Any other nondomestic animal that, either by behavior or by complaints from a neighbor or other person in the vicinity, has demonstrated a dangerous propensity or conduct that poses a threat to the public welfare.

R. Fences, Walls, and Hedges "Fences, Walls, and Hedges" mean a self standing accessory structure including landscape planting, designed and intended to serve as a barrier or a means of enclosing a yard or other area, or other structure; or to serve as a boundary feature separating two or more properties.

S. Front Yard "Front Yard" means the open space extending the full width of a lot between a building and the front property line.

T. Graffiti "Graffiti" means a drawing, message, slogan, name or inscription written on some surface that can be viewed by an individual or by the public, not including utility locate markings. Often, but not always, written with spray paint, indelible marker, crayon, pen, or ink.

U. Health Hazard "Health Hazard" means the presence of any item(s) which adversely impact or jeopardize the well being or health of an individual. Such items include evidence of occupancy without adequate water and sanitation facilities, or may be inclusive of human or animal waste, medical or biological waste, poisons, sharps, gaseous or combustible materials, radioactive waste, dangerous or corrosive chemicals or liquids, flammable or explosive materials, friable asbestos, and decayed matter.

V. Imminent Hazard "Imminent Hazard" means a condition of real property that places a person's health, or property in high risk of danger when such condition is immediate, impending, or the point of happening and menacing.

W. Junk Vehicle "Junk Vehicle" means a vehicle meeting at least three of the following requirements:

1. Is three years old or older;
2. Is extensively damaged, such damage including but not limited to any of the following:
 - A. A broken window or windshield, or missing wheels, tires, motor, or transmission;
3. Is apparently inoperable;

4. Has an approximate fair market value equal only to the approximate value of the scrap in it.

X. Junk Yard "Junk Yard" means the dismantling, storage, or handling in any manner of junked vehicles, machinery or parts, for the purpose of storage or sales of dismantled material, junk and scrap.

Y. Litter "Litter" means all waste material, including, but not limited to cans, bottles, glass, paper, cut brush or grass, tires and other vehicle parts, or any other items tossed, thrown, or discarded in a place other than a legally designated disposal site.

Z. Motor Vehicle "Motor Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway.

AA. Non-Domesticated Species "Non-Domesticated Species" means any species of animals that are not commonly considered tame and not generally accustomed to living among humans and being raised by humans as pets or as livestock.

BB. Obstructions "Obstructions" means tables, chairs, signs, sandwich boards, barricades, sand, dirt, gravel, bark dust, brick or concrete block, cut brush, trash bags or garbage cans, lumber and other construction supplies, or any material or thing placed in the right-of-way without a valid encroachment permit.

CC. Open and Abandoned Ground Cavities "Open and Abandoned Ground Cavities" means and includes but is not limited to, unfilled wells, pits, vaults, basements, foundations, cesspools, basins, etc., which have been abandoned or are no longer used for the purpose for which they were constructed or which are maintained contrary to law.

DD. Owner "Owner" means a person, persons or legal entity listed as current title holder as recorded in the official records of Clark County, the State of Washington, or other legal entities.

EE. Premises "Premises" means any building, lot, parcel, real estate, land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

FF. Public Nuisance "Public Nuisance" means a thing, act, omission to act, occupation, or use of property which annoys, injures or endangers the safety, health, comfort, or repose of the public, offends public decency, is offensive to the senses, lawfully interferes with, obstructs, or renders dangerous any portion of the City, or in any way renders other persons insecure in life or use of property, or obstructs the free use of property so as to essentially interfere with the comfort and enjoyment of life and property.

GG. Recreational Vehicle "Recreational Vehicle" means and shall include but not be limited to, motor homes, travel trailers, camper vans, pickups and campers, motorcycles, snowmobiles, dune/sand buggies, boats and trailers, etc..

HH. Responsible Party "Responsible Party" means an occupant, agent, lessor, lessee, manager, licensee, or other person having control over a structure or parcel of land and in the case where the demolition of a structure is proposed as a means of abatement, any lien holder whose lien interest is recorded in the official records of the Clark County Real Property Listings.

II. Rubble "Rubble" means broken solid surface fragments usually resulting from the decay or deterioration of a building; miscellaneous mass of broken or apparently worthless materials.

JJ. Side Yard "Side Yard" means the open space extending from the front yard to the rear yard between a building and the nearest side property line.

KK. Tenant "Tenant" means one who is not the legal owner of record, but has legal possession of property for which he pays rent or which he holds by lease, usually the resident of the property.

LL. Trash Covered Premises "Trash Covered Premises" means and shall include but not be limited to, debris in the form of cans, bottles, glass, crockery, ashes, boxes, crates, packing material, waste paper, junk vehicles or the parts thereof, metal or plastic articles, broken stone or cement, lumber not neatly piled, lumber stored in front yards, broken or discarded building materials, discarded appliances or furniture, mattresses, bedding, clothing, rags, tree and vegetation trimmings, and all other trash and debris which may harbor insects, rodent or other harmful pest infestations or may become a fire hazard.

MM. Unsecured Structure "Unsecured Structure" means a structure that is vacant with a damaged or open door, window or other opening not secured in accordance with City standards to prevent unauthorized entry.

NN. Vehicle Storage "Vehicle Storage" means the keeping of passenger vehicles, recreational vehicles or commercial vehicles, or parts of vehicles on any portions of any parcel of property for a period longer than 30 days.

OO. Weeds and Trees "Weeds and Trees" means all noxious weeds and other rank growths upon public or private property to include, but not be limited to blackberry vines, Russian thistle, tansy, poison oak/ivy, deadly nightshade, or any toxic weed, or uncultivated plant (whether growing or otherwise) weeds, or uncultivated shrubs or growth, the existence of any dead, diseased, infested or dying tree that may constitute a danger to humans, homes, streets, sidewalks or any portion thereof.

8.06.040- Public Nuisances - Public Health, Safety, and Welfare Nuisances
The following provisions are declared public nuisances due to presence of a threat to public health, safety, and welfare. These nuisances also have been found to adversely affect property values in the City of Camas.

A. Animals The keeping or confining of any animals, insects, reptiles, birds or fowls on any premises which would pose a threat of injury to persons, damage to property or excessive or annoying noise or odor or would otherwise cause detriment to the health, safety and welfare of neighboring persons and properties is a public nuisance.

This ordinance shall not apply to:

1. Properly licensed public or private zoos, or museums.
2. School class room displays.
3. Laboratories and research facilities maintained by scientific or educational institutions are otherwise regulated by law.
4. Private or commercial activities such as circuses, fairs or zoological parks which institutions are otherwise regulated by law.
5. Any animal which is allowed by the zoning code.

B. Barbed and Razor Wire No person or individual shall install, attach or permit to be installed or attached any barbed or razor wire upon any portion of their property within the City limits, to do so is declared to be a public nuisance.

Exceptions include:

1. Agricultural property where barbed wire fences are used to contain livestock,
2. Commercial, military, civic or institutional property which has a solid material or chain link fence no less than 6 foot in height which may be topped with wire.

C. Basketball Hoops The erection, maintenance or allowing of any basketball hoop within the right-of-way of any public street that is so situated such that persons using the basketball hoop are playing within the improved portion of the public right-of-way is declared to be a public nuisance.

D. Building and Structure A building or structure is a public nuisance when it becomes deteriorated, damaged, in need of repair, left vacant, unsecured, or any portion of a building or structure remaining on a site after the demolition or destruction of a building, or whenever the building or structure has been damaged by any natural or man made disaster, or has become dilapidated or deteriorated so as to become an attractive nuisance to children, a harbor for vagrants, criminals, or to enable persons to resort to commit unlawful acts, which present a threat to the health, safety and welfare of the community. All buildings and structures are to be maintained in a condition that does not pose a threat to the health and safety of any person.

E. Foul or Annoying Animal Quarters The keeping, using or maintaining of any pen, stable, lot, place or premises in which any animals, livestock or fowl may be confined or kept in such manner as to be nauseous, foul or offensive is a public nuisance.

F. Graffiti All sidewalks, walls buildings, fences, signs, and their structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property. The allowing of graffiti to remain is declared to be a public nuisance.

G. Littering It shall be considered a public nuisance for any person to throw, dump, drop, deposit, discard or otherwise dispose of any litter upon any public or private property, including but not limited to, any street, sidewalk, alley, vacant land, recreational area, school, shoreline or waters in the City, except at a legally designated litter disposal site.

H. Maintenance of Swimming and Landscape Pools All swimming pools, landscape pools and spas shall be properly maintained so as not to create a safety hazard or harbor insect infestation, or create visibly deteriorated or blighted appearance. Pools not properly maintained are declared to be a public nuisance.

I. Obstructions - Public Rights-of Way Obstructing, blocking, barricading, or placing any item on the sidewalk, parking strip, or street in such a manner as to restrict the free and full use of the public rights-of-way without first obtaining an encroachment permit from the City is declared to be a public nuisance.

J. Open and Abandoned Ground Cavities Unfilled wells, pits, basements, vaults, cesspools, foundations, mines, caves or other cavities which have been abandoned or are no longer used for the purpose for which constructed, which pose a danger to life and health are declared to be a public nuisance.

K. Unfinished or Partially Destroyed Structures The causing, or permitting of any abandoned or partially destroyed building, bill board or structure, or any building or structure partially torn down or demolished or commenced and left unfinished, or that has been in part or as a whole moved from its original location to a new location within the City and not completed or readied for the use or occupancy for which was originally built, is declared to be a public nuisance.

L. Unsound, Putrid or Unwholesome Substances The keeping or allowing to be kept in any building, yard, enclosure, public place or private property of any unsound, putrid or unwholesome substances, swill, offal, and any accumulation of spoiled, partially or fully decomposed rotting or discarded animal, vegetable or other matter that attends the preparation, handling consumption, storage or decay of plant and animal matter including meats, fish, fowl, fruits, vegetable or dairy products and their waste wrappers or containers is a public nuisance. This does not include, however, properly maintained vegetative compost bins or piles.

M. Vegetation Obstructing Sidewalk - Removal Required It is a public nuisance and shall be the duty of every owner or occupant of any property within the City limits to remove or destroy all trees, plants, shrubs or vegetation, or parts thereof, which overhang, infringe upon or obstruct

access to any part of any street, parking strip or sidewalk, in such a manner as to limit their free and full use.

N. Refrigerators : Any icebox, refrigerator, deep freeze or other container, which has an airtight door or lid, snap lock or other automatic locking device, which may not be released from the inside, which is permitted to remain outside or within any unoccupied or abandoned building, dwelling, other structure, or in a place accessible to children is a public nuisance.

8.06.060- Public Nuisances - Non-Hazard Nuisances

The following provisions are declared public nuisances due to presence of a threat to public health, safety, and welfare. These nuisances also have been found to adversely affect property values in the City of Camas.

A. Fences, Walls, and Hedges All fences, walls and retaining walls on the premises shall be safe and structurally sound. Fences shall be maintained so that they do not constitute a hazard, blight or condition of disrepair, graffiti covered, leaning, missing slats or blocks, sagging, fallen, decayed, rotting, damaged or peeling paint. Fencing with discarded or mismatched pieces of wood or other materials, corrugated metal or plastic sheets, pipe, tires, bed springs, or other materials not originally intended as fencing constitutes a public nuisance.

B. Recreational Vehicles Where a rear yard is reasonably accessible or a side yard of sufficient size to accommodate a recreational vehicle the vehicle shall not be stored in the front yard of a lot. In no circumstance shall a recreational vehicle be stored in such a way that any portion of the vehicle encroaches upon a vision clearance area established by CMC 18.64.110, nor shall a recreational vehicle be stored on or over-hang any public right-of-way.

C. Trash Covered Premises All premises and vacant land, whether improved or unimproved, shall be maintained free from any accumulation of garbage, household trash, litter, rubble, debris, etc. The causing, maintaining, or permitting of trash-covered premises is declared to be a public nuisance.

This section does not apply to:

1. A vehicle stored in an enclosed garage;
2. The portion of the property that cannot be seen from the street, sidewalk, or a neighbors property.

It is an affirmative defense to a violation of this subsection based on the presence of a junk vehicle that the vehicle was registered to a resident of the property, that the vehicle was undergoing repair, and that the total period during which the vehicle was inoperable did not exceed 15 days. This affirmative defense may not be raised more than three times in any combination of civil or criminal proceedings in any one calendar year.

If there is a presence of a threat to public health or safety, this subsection may be moved to a public health, safety, and welfare nuisance.

D. Vehicle Parking The personal, noncommercial outdoor storage of vehicles and vehicle accessories is permitted provided the following standards are met:

1. All passenger vehicles including pickup trucks shall be parked in a designated driveway, parking space, carport or garage.
2. Junk vehicles, or parts thereof, and vehicle accessories such as tow dollies, engine pullers, etc., shall not be stored outside of an enclosed building except in an area which is not visible from any part of any private property, public streets, highways and sidewalks nor shall internal aisles or roadways be permitted in any required open space, front, back or side yards, setback area or landscaped area.
3. Canopies, shells, unmounted campers, dune buggies, ATV's and boats with or without trailers, motorcycles, etc., shall not be stored in the front yard or the side yard of a flanking street.
4. Storing a vehicle by covering it with a tarp, plastic sheets, or any item other than a commercially made car or RV cover that is in good repair, is not an acceptable substitute for an enclosed garage.
5. No property zoned R1 or MF may be used for the purpose of storing any vehicle, intended for commercial use, having more than two axles or exceeding 7.5 feet in width, such as truck tractor, truck trailer, dump trucks or construction equipment unless such vehicle is stored within a building or is otherwise screened so not to be visible from another property or from any public right-of-way.

E. Weeds, Trees, and Other Vegetation: Developed properties, yards and parking strips shall be kept free from noxious weeds, and dead, diseased, infested or dying trees. These present a visual blight upon the area, which may harbor insects or rodent infestations, or which may likely become a fire hazard or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants.

Blackberries which encroach upon the fence, yard or buildings of developed property are a public nuisance.

8.06.070 - Violations and Enforcement

The following provisions are intended to indicate the implementation of the Neighborhood Preservation Ordinance. The subsections provide for language with respect to violations, enforcement, and abatement, among other things.

A. Violation - Permitting Unlawful

1. It is unlawful for any person, firm or corporation, by themselves or by their agents, employees or as the agent or employee of another person, firm or corporation, to do or permit to be done upon any premises over which they have control, or to maintain, carry on, suffer or allow, at any place or places in the preceding sections 8.04.010 through 8.04.200 above, any of the acts or things declared in this chapter to be nuisances, or to do or cause or permit or suffer to be done, or maintain any act or thing which shall be detrimental or injurious to public health or offensive to the senses or contrary to public decency or morality.
2. In case the owner or agent of any premises is found to have had actual or constructive knowledge of the maintenance on or in said premises of any nuisance as defined in this chapter, he shall for the purpose of this chapter, be deemed one of the persons in control of the premises.

B. Enforcement - Civil Infraction

1. Any person who violates any of the provisions of this chapter shall be guilty of a civil infraction.
2. The Camas Municipal Court may impose costs in addition to the penalties set out below.
3. Owners, agents, and/or tenants failing to comply will be subject to the *following* penalties set forth in Camas Municipal Code Chapter 8.

- Day 1 through 10 clean up period (discretionary 4 day extension);
- Day 11 through 13 - fine \$100.00 per day; (Max.)
- Day 14 through 17 - fine \$200.00 per day; (Max.)
- Day 18 through 21 - fine \$300.00 per day; (Max.)
- Day 22 and up - fine \$500.00 per day (Max.)

C. Continued Duty to Correct Violation Payment of a monetary penalty pursuant to this chapter does not relieve a person of the duty to correct the violation as ordered by the Code Enforcement Officer.

D. Appeal Any appeal to the decision of the Camas Municipal Court shall be governed by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ).

E. Accrual of Penalty The City is authorized to collect the monetary penalty by use of appropriate legal remedies. Seeking legal redress by the City shall neither stay nor terminate the accrual of additional per diem monetary penalties so long as the violation continues.

F. Enforcement - Civil Abatement

1. In the event that any person violates any of the provisions of this chapter, within twenty- four months of a "committed finding for" the same prior offense, the City may proceed with enforcement pursuant to this section or, the City may file a complaint with the Camas Municipal Court alleging the maintenance of a public nuisance and violation of this chapter. Upon filing of the complaint, the municipal court shall issue a show cause order directing the defendant to appear at a time and place certain and then show cause, if there be any, why an order should not be entered directing abatement of the public nuisance. A copy of the show cause order shall be served upon the defendant not less than five (5) days prior to the show cause hearing.

2. If the defendant fails to appear at the show cause hearing, or appears and fails to show cause why the public nuisance should not be ordered abated, the court shall enter an order directing the defendant to abate the public nuisance.

3. If the court determines at the show cause hearing that a trial of the issues is necessary before an order of abatement should issue, the matter shall be set for a trial which shall be conducted in accordance with the civil procedure for justice courts.

4. In all complaints to abate public nuisances, the City shall have the burden of proving by preponderance of the evidence that the defendant is maintaining a public nuisance contrary to the provisions of this chapter. If following the trial, the court finds that the defendant is guilty of maintaining a public nuisance, then it shall enter an order directing the defendant to abate the nuisance. If the court finds that the City has failed to prove by a preponderance of the evidence that the defendant has maintained a public nuisance in violation of this chapter, then the complaint shall be dismissed without costs or attorneys' fees to either party.

G. Order of Abatement When judgment shall be rendered against any person, persons, firm or corporation finding them guilty of creating, keeping

maintaining, permitting, allowing or suffering a public nuisance as defined in this chapter, the municipal court shall enter an order of abatement requiring such person to abate the public nuisance within a time certain. The order of abatement shall further require such person to reappear before the court after expiration of the time specified in the abatement order, and at that time provide evidence that the public nuisance has been abated as ordered by the court.

H. Abatement by the City In the event any person fails to comply with order of abatement issued under the provisions of this chapter, then the City may abate such nuisance. The cost of abatement incurred by the City shall be assessed against the person failing to comply with the order of abatement, and shall be in addition to any other penalty or fine assessed for failure to comply with the order of abatement.

I. Failure to Abate - Penalty Any person who has been ordered to abate a public nuisance and fails to comply with such order within the time specified in such order shall be guilty of a misdemeanor, and upon conviction thereof shall be assessed a fine not exceeding five hundred dollars (\$500) or a jail term not exceeding ninety (90) days, or both such fine and jail term. It shall be a separate violation for each twenty-four (24) hour period following the expiration date in the order of abatement during which such person fails to abate the public nuisance as ordered.

8.06.080 Severability If any clause, part or section of this chapter shall be adjudged invalid, such judgment shall not affect nor invalidate the remainder of the chapter, but shall be confined in its operation to the clause, part or section directly involved in the controversy in which such judgment was rendered. If the operation of any clause, part or section of this chapter shall be held to impair the obligation of contract or to deny to any person any right or protection secured by the Constitution of the United States or by the Constitution of the State, it is declared that, had the invalidity of such clause, part or section been considered at the time of the adoption of this chapter, the remainder of the chapter would nevertheless have been adopted without such and any and all such invalid clauses, parts or sections.