

ORDINANCE 949

AN ORDINANCE OF THE CITY OF POMEROY, WASHINGTON, AMENDING CHAPTER 8.16 OF THE POMEROY MUNICIPAL CODE UPDATING NUISANCE DEFINITIONS AND ENFORCEMENT PROCESSES AND PROCEDURES, ESTABLISHING PENALTIES FOR VIOLATIONS; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE

WHEREAS, regulation of nuisances is authorized by RCW 35.22.280(30); and

WHEREAS, prevention and correction of nuisances are necessary to protect public health and safety; and

WHEREAS, the Mayor and City staff recently reviewed the nuisance process and procedures set forth in Chapter 8.16 of the Pomeroy Municipal Code ("PMC"); and

WHEREAS, as existing, Chapter 8.16 PMC excludes a variety of types of nuisances, and does not establish clear procedures for the City code enforcement officer to use to enforce or abate nuisance conditions on property; and

WHEREAS, the Mayor and City staff have reviewed the existing City code provisions related to nuisances and determined that the provisions in this Ordinance amending Chapter 8.16 PMC are necessary to further protect the public health and safety, and welfare of the citizens of the City; and

WHEREAS, the City Council concurs with the recommendation of the Mayor and City staff and reasonably believes that adoption of this Ordinance is in furtherance of the health, safety, and welfare of citizens of the City, now, therefore,

THE CITY COUNCIL OF THE CITY OF POMEROY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 8.16 of the Pomeroy Municipal Code is hereby amended to read as follows:

**Chapter 8.16
PUBLIC NUISANCES**

Sections:

- 8.16.010** ~~Person defined~~Construction.
- 8.16.020** ~~Defined~~Definitions.
- 8.16.030** Specific types designated.
- 8.16.040** Secure closure of unoccupied buildings required.
- 8.16.050** Entering unoccupied building – Committing nuisance.
- 8.16.060** Abatement – Successive owner’s liability.
- 8.16.070** Maintaining, causing prohibited.
- 8.16.080** Abatement – Procedure – Expenses.
- 8.16.090** Moneys – Disposition.
- 8.16.100** Provisions cumulative.
- 8.16.105** Correction notice.
- 8.16.110** Violation – Penalty.
- 8.16.115** Repeat violation.
- 8.16.120** Enforcement personnel.
- 8.16.130** Venue.

8.16.010 ~~Person defined~~Construction.

~~For the purpose of this chapter, “person” whenever used herein, means and includes natural persons of either sex, firms, co-partnerships and corporations, and all associations of natural persons, whether acting by themselves or by a servant or employee. This ordinance is an exercise of the police power of the City of Pomeroy and is deemed necessary for the continued peace, health, safety, and welfare of the City. Therefore all of its provisions shall be liberally construed for the accomplishment of such purposes.~~

8.16.020 ~~Defined~~itions.

The words and phrases used in this Chapter, unless the context otherwise indicates, shall have the following meanings:

A. "Abate" or "Abatement" 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 or her judgment, determines is necessary in the interest of the general health, safety, and welfare of the community.

B. "Building" means any building dwelling, Structure, or mobile home, factory built house, or part thereof, built for the support, shelter, or enclosure of Persons, animals, chattels, or Property of any kind.

C. "Building Materials" means and includes, but is not limited to, lumber, plumbing materials, wall board, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing materials, cans of paint, and similar materials.

D. "City" means the City of Pomeroy, Washington.

E. "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the State of Washington Department of Ecology.

F. "Enforcement Officer" means the "Code Enforcement Officer" of the City of Pomeroy or his/her designee.

G. "Litter" means all waste material including, but not limited to, Disposable packages or containers thrown or deposited on public or private Property, including depositing handbills on vehicles or public Property, but not including the waste of primary processes of mining, logging, saw milling, farming, or manufacturing.

A- H. "nuisanceNuisance" means:

consists in doing an 1. Performing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to exist, which act, omission, condition or thing either:

Aa. Annoys, injures or endangers the comfort, repose, health or safety of others;

Bb. Offends decency;

Cc. Is offensive to the senses;

Dd. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the eCity;

Ee. In any way renders other persons insecure in life or the use of pProperty; or

F-f. Obstructs the free use of pProperty so as to essentially interfere with the comfortable enjoyments of life and pProperty.

2. The erecting, maintaining, using, placing, depositing, causing, allowing, leaving or permitting to be or remain in or upon any private lot, Building, Structure, or Premises, or in or upon any street, right of way, alley, avenue, park, parkway, public water (including lakes, rivers, streams, drainage ways, and/or gulleys), or other public or private place in the City, any one or more of the conditions referenced in Section 8.16.030 PMC.

3. The keeping or maintenance in any area on private Premises which is not screened and is clearly visible from a public street, right of way, alley, sidewalk, park or other public area of any accumulation, collection or untidy storage of any of the following: Refuse, old appliances or parts thereof; old iron, steel, aluminum or other metal; apparently inoperable or junk vehicles, including dismantled, apparently unlicensed, and/or wrecked vehicles, vehicle parts, machinery or equipment; mattresses, bedding, clothing, rags, or cloth; straw, packing material, cardboard or paper; tin cans, wire, bottles, glass, cement; and wood or timber not neatly stacked or piled. The term "screened" shall be defined as the construction of a wood fence of appropriate height, designed to not allow the enclosed area to be visible between boards, or the construction of a steel fence of chain link or welded link fabric of appropriate height designed to receive slats and which has slats in place of the appropriate size designed to, as nearly as possible, completely obstruct the view of the enclosed area. Any fence shall conform to local zoning and building code standards.

I. "Occupant" means any Person having actual or constructive possession of the Property, including but not limited to an Owner, agent, or lessee.

J. "Owner" means any Person having any ownership interest in the Property in question as indicated on the property tax records maintained by Garfield County.

K. "Person" means any individual, firm, partnership, corporation, association or other entity, public or private, whether acting by themselves or by a servant or employee.

L. "Person responsible for the violation" or "person responsible for the Nuisance" means any person who has an interest in or resides on the Premises, whether as Owner, lessor, tenant, Occupant or other Person entitled to control, use and/or occupy the Premises.

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

N. "Property" means any object of value that a Person may lawfully acquire and hold.

O. "Refuse" means vegetable offal, animal offal, discarded food, cans, bottles, wastepaper, boards and boxes, tree limbs and all other waste substances from private and public establishments and from residences; but shall not include small amounts of

weeds, twigs, grass, or other material resulting from the normal tending of lawns or gardens.

P. "Repeat violation" means a violation of the same regulation in any location by the same Person for which voluntary compliance previously has been sought or a notice of civil violation has been issued, within the immediately preceding twelve consecutive month period.

Q. "Structure" means that which is built or constructed, 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.

8.16.030 Specific types designated.

The following specific acts, omissions, places, conditions and things are declared and defined to be nuisances.

The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, ~~b~~Building, ~~s~~Structure or ~~p~~Premises, or in or upon any street, avenue, alley, park, parkway, or other public or private place, in the ~~e~~City, of any one or more of the following disordered, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:

A. Any putrid, unsound, or unwholesome bones, meat, hides, skins, or the whole or any part of any dead animal, fish or fowl, and/or carcasses of animals not buried or destroyed within twenty-four (24) hours after death;

B. Privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous;

C. Filthy, littered or trash-covered cellars, house yards, barn yards, stable yards, factory yards, vacant areas in rear of stores, vacant lots, houses, ~~b~~Buildings or ~~p~~Premises;

D. Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ~~e~~City ordinance;

E. Poison oak or poison ivy (whether growing or otherwise), liquid household waste, human excreta, garbage, butchers' trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided nothing herein contained shall prevent the temporary retention of waste in receptacles in the manner approved by the county health officer, nor the dumping of nonputrefying waste in a place and manner approved by the health officer;

F. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all such trash or abandoned material, unless the same be kept in covered

bins or galvanized iron receptacles approved by the health officer;

G. Trash, ~~l~~Litter, rags, accumulations of empty barrels, boxes, crates, packing cased, mattresses, bedding, excelsior, packing hay, straw, or other packing material, lumber not neatly piled, scrap iron, tin and other metal not neatly piled or anything whatsoever in which flies or rats may breed or multiply or which may be a fire danger;

H. Any dangerous or unsightly ~~b~~B~~u~~ilding, billboard, or other ~~s~~S~~u~~tructure, or any old, abandoned or partially destroyed ~~b~~B~~u~~ilding, ~~s~~S~~u~~tructure or fence in a dilapidated state of disrepair, or any ~~b~~B~~u~~ilding or ~~s~~S~~u~~tructure commenced and left unfinished;

I. All places used or maintained as junkyards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other ~~p~~P~~e~~ersons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or ~~p~~P~~r~~operty by others; or, the non-emergency repair of an automobile, truck, or other motor vehicle of any kind upon the public streets, alleys or other public Property of the City;

J. Permitting any dog or dogs to run at large in the ~~e~~C~~i~~ty;

K. When visible from a public street, sidewalk, alley, park or other public area: any accumulations of unused Refuse, debris, objects or equipment including but not limited to tires, household furniture (i.e., overstuffed chairs, sofas); stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers, and televisions;

L. When visible from a public street, sidewalk, alley, park or other public area: construction, remodeling or demolition materials or debris, and/or used or unused ~~b~~B~~u~~ilding materials if stored for sixty days or longer except when stored in conjunction with a construction or demolishment project for which a current permit has been issued and is being pursued and/or when such storage is upon the ~~p~~P~~r~~emises of a bona fide lumberyard or ~~b~~B~~u~~ilding ~~m~~M~~a~~terials dealer;

M. All grasses, weeds and/or uncultivated vegetation not maintained to an average height of less than twelve inches, if within view from any public roadway or sidewalk except that portion of a ~~p~~P~~r~~operty that has not been developed. (See also Chapter 8.04 PMC, Weed Control)

N. All limbs of trees overhanging a public sidewalk which are less than ten (10) feet above the surface of said sidewalk, or overhang a City Street which are less than fifteen (15) feet above the surface of said street;

O. The existence of any vines or climbing plants growing into or over any street, public hydrant, power or light pole; or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, stand pipe, sprinkler system connection or any

other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto; or obstruct or interfere with the proper diffusion from the light from any street lamp;

P. Any use of Property abutting on a public street, road, alley, right-of-way, or sidewalk, or any use of such public street, road, alley, right-of-way, or sidewalk which causes any obstruction of traffic and the free use of the streets, roads, alleys, right-of-ways, or sidewalks; provided that this Subsection shall not apply to events, programs or parades authorized by the City Council;

Q. Any poisonous or harmful substance which is reasonably accessible to Persons or to animals;

R. Any attractive nuisances which may prove detrimental to children which are left in any place exposed or accessible to children. This includes but is not limited to unused or abandoned refrigerators, freezers, or like containers, or other large appliances or equipment or parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; any lumber, trash, debris or vegetation which may prove a hazard for minors;

S. The existence of any fence, Structure, or other thing which creates any traffic safety problem through obscured sight distance;

U. The existence of any fence or other Structure which is in a sagging, leaning, fallen, decayed, or other dilapidated or unsafe condition on private Property abutting or fronting upon any public street, sidewalk or place;

V. The existence of any fence or other Structures located in a public right of way without specific approval from the City;

W. Any accumulation of Litter or other material on Property that leads to infestation by mice, rats, rodents, raccoons, stray animals, and/or insects.

8.16.040 Secure closure of unoccupied buildings required.

Every agent or ~~e~~O~~w~~ner of any unoccupied ~~b~~B~~u~~ilding, Structure, or Premises in the ~~e~~C~~i~~ty shall keep the ~~b~~B~~u~~ilding, Structure, or Premises securely closed at all times against ~~p~~P~~e~~rs~~o~~ns who may enter and commit a ~~n~~N~~u~~isance therein.

8.16.050 Entering unoccupied building – Committing nuisance.

It is unlawful for any ~~p~~P~~e~~rs~~o~~n to enter any unoccupied ~~b~~B~~u~~ilding, Structure, or Premises and commit a ~~n~~N~~u~~isance therein.

8.16.060 Abatement – Successive owner’s liability.

Every successive ~~e~~O~~w~~ner of ~~p~~P~~r~~operty who neglects to ~~A~~a~~b~~ate a continuing ~~n~~N~~u~~isance upon or in the use of such ~~p~~P~~r~~operty caused by a former ~~e~~O~~w~~ner, is liable therefor in the same manner as the ~~e~~O~~w~~ner who created it.

8.16.070 Maintaining, causing prohibited - Exemptions.

A. It is unlawful for any ~~p~~P~~r~~erson to erect, contrive, cause, continue, or maintain a ~~n~~N~~u~~isance as herein defined or prohibited. Unless otherwise permitted by law and whenever the Enforcement Officer determines that any Nuisance exists upon any Premises, the Enforcement Officer may require or provide for the Abatement thereof pursuant to this Chapter.

B. This Chapter shall not apply to the United States, the State of Washington, Garfield County, the City, or any of their respective officers, employees, or contractors when engaged in snow removal, street cleaning, emergency repair to any street, Building or Structure, fire suppression, or any other emergency for the preservation of life or Property. Government owned or authorized stockpiling of materials for street construction and/or maintenance activities shall be exempt from this Chapter.

8.16.080 Abatement – Procedure – Expenses.

~~Whenever a nuisance exists as defined in this chapter, the city may proceed by a suit in equity in the superior court of Garfield County to enjoin and abate the nuisance in the manner provided by law.~~A. Abatement. The City may Abate a Nuisance when:

1. The terms of voluntary correction agreement pursuant to PMC 8.16.105 have not been met; or

2. A notice of civil violation has been issued pursuant to PMC 8.16.110 and sustained through either failure to timely appeal the notice, or by order of the Court or Hearing Examiner, and the required correction has not been completed by the date specified in the notice or order and the City obtains an order from the Garfield County District Court authorizing the Abatement activity to occur; or

3. The condition is subject to summary Abatement as provided for in subsection B of this section.

B. Summary Abatement. Whenever a Nuisance is occurring which constitutes an immediate and emergent threat to the public health, safety, or welfare, or to the environment, the City may summarily and without prior notice Abate the condition. Notice of such Abatement, including the reason for it, shall be given to the Person responsible for the Nuisance as soon as reasonably possible after the Abatement.

C. Authorized Action by City. Using any lawful means, the City may enter upon the

subject Property and may remove or correct the condition which is subject to Abatement. The City may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

D. Recovery of Costs and Expenses. The costs, including incidental expenses, of correcting the violation shall be billed to the Person responsible for the violation and/or the Owner, lessor, tenant or other Person entitled to control, use, and/or occupy the Premises and shall become due and payable to the City within 10 calendar days following billing. In any action brought by the City in Garfield County District Court to enforce a voluntary correction agreement, a notice of civil violation that was not the subject of an appeal to the District Court or Hearing Examiner, or an order of a District Court or Hearing Examiner, the City shall be entitled to the entry of an order or orders awarding the City its costs and incidental expenses identified in this section as additional civil penalties. The term "incidental expenses" includes but is not limited to:

1. City personnel costs, both direct and indirect, incurred by the City and related to the enforcement and/or Abatement actions;

2. All actual reasonable attorneys fees and costs incurred by the City and related to the enforcement action;

3. Costs incurred in documenting the violation;

4. Hauling, storage and disposal expenses incurred by the City and/or paid to any third party to Abate the Nuisance;

5. Actual expenses and costs of the City in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and

6. The costs of any required personal service, printing, and mailing; ~~and~~.

E. The City's costs for Abatement, including incidental expenses, shall be treated as "special assessment" (as authorized by RCW 35A.21. 405) that constitutes a lien against the Property, and is binding upon successors in title only from the date the lien is recorded in the county where the affected real Property is located. Up to two thousand dollars of the recorded lien is of equal rank with state, county, and municipal taxes. The amount of the special assessment shall equal the cost of Abatement.

F. Obstruction Violation. Any Person who knowingly obstructs, impedes, or interferes with the City or its agents, or with the Person responsible for the Nuisance in the performance of duties imposed by this chapter, or a decision and order issued by the District Court or Hearing Examiner (as applicable), or an agreement between the City and the Person responsible for the Nuisance, shall be subject to the penalties as set forth in PMC 1.12.010.

~~Whenever it is established that a nuisance exists as defined in this chapter, the court shall, together with the fine or penalty imposed, if any, enter an order of abatement as a~~

~~part of the judgment in the case, which order shall direct either:~~

~~A. That such nuisance may be abated or removed by the defendant within the time limited by the court, and not exceeding thirty days; or~~

~~B. That the nuisance may be abated by the city at the cost of the defendant, and shall assess and enter the same as a part of the penalty imposed, and the same shall be a part of the judgment in the case, and shall be collected and enforced in the same manner that fines and costs are by law collected and enforced.~~

8.16.090 Moneys – Disposition.

All moneys collected for ~~a~~Abatement purposes, as provided in this chapter, shall be separately stated and itemized by the clerk/treasurer of the police court in ~~his~~their report to the ~~e~~City clerk/treasurer and shall be credited by the ~~e~~City clerk/treasurer to the department or division of the ~~e~~City government which shall be actually employed in the ~~a~~Abatement of such ~~n~~Nuisance.

8.16.100 Provisions cumulative.

The provisions of this chapter shall be cumulative and in addition to the provisions of now existing ~~e~~City ordinances, and shall not have the effect of repealing any ~~e~~City ordinance now in effect. The Abatement of a Nuisance does not prejudice the right of any Person to recover damages for its past existence.

8.16.105 Correction notice.

A. Whenever the ~~e~~City designated ~~e~~Code Enforcement ~~e~~Officer determines a ~~n~~Nuisance is occurring, prior to issuing a notice of civil violation as set forth in Section 8.16.110 PMC, the ~~e~~Code Enforcement ~~e~~Officer shall pursue a reasonable attempt to secure voluntary correction by contacting the ~~p~~Person responsible for the violation where possible, explaining the violation, and requesting correction. The correction notice shall be in writing, and shall include the following information:

1. The first date of the violation; and

2. The name and address of the ~~p~~Person responsible for the violation. If the ~~p~~Person cannot be found or ascertained after consulting the county assessor's records, the correction notice may be conspicuously affixed or posted on the ~~b~~Building, ~~s~~Structure, ~~p~~Premises, personal ~~p~~Property or land upon or within which the violation has occurred or is occurring; and

3. The street address or other description sufficient for identification of the ~~b~~Building, ~~s~~Structure, ~~p~~Premises, personal ~~p~~Property or land upon or within which the violation has occurred or is occurring; and

4. A description of the violation and a reference to the violated code section or sections; and

5. The necessary corrective action to be taken and the date by which the action must be completed. (The aforementioned date may be up to fourteen (14) days ~~two weeks~~ after the date of the notice.); and

6. A summary of the enforcement actions, including criminal prosecution, the ~~e~~City may use if the violation is not remedied in the time provided for in the correction notice, including that the City may Abate the Nuisance in accordance with Section 8.16.080 if the terms of the voluntary correction agreement are not met; and

7. If the terms of the voluntary correction agreement are not met the Person responsible for the Nuisance shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with Section 8.16.110, plus all costs and expenses of Abatement, as set forth in Section 8.16.080; and

~~78.~~ Any other appropriate information the ~~e~~City designated code officer may include.

B. If a ~~p~~Person fails to complete corrections as specified in a correction notice and the designated ~~e~~Code Enforcement ~~o~~Officer determines there is valid reason for the ~~p~~Person not being able to complete the corrections by the date when the action was to have been completed, then the designated ~~e~~Code Enforcement ~~o~~Officer may (upon application by the ~~p~~Person responsible for the violation) extend time (up to two weeks) to a new date by which the action must be completed. A written record must be kept of such action.

8.16.110 Violation – Penalty.

A. Every ~~p~~Person who shall violate any of the provisions of this chapter ~~for a first offense within a calendar year~~ and fails to complete specified corrections within fourteen (14) days of the issuance as specified in the latest of the correction notice or approved correction notice extension shall be subject to the following violations and penalties: charged with a civil infraction and subject to a fine of \$100. A second offense within a calendar year shall be given a correction notice and failure to complete specified corrections shall constitute a civil infraction and be subject to a fine of \$250.00.

1. The Person responsible shall receive civil violation and be subject to a fine of \$100.00. A notice will accompany the violation, providing fourteen (14) days to Abate the Nuisance.

2. If the Nuisance has not been abated within fourteen (14) days, the Person responsible shall receive a second civil violation and be subject to a fine of \$250.00. A notice will accompany the violation, providing 14 days to Abate the Nuisance.

3. If the Nuisance has not been abated within fourteen (14) days, the Person responsible shall be charged with a criminal misdemeanor and upon conviction be punished by a fine not to exceed \$500.00 or by imprisonment in jail for a period not exceeding thirty days, or by both such fine and imprisonment. At such time, the City

may proceed with a suit in Garfield County District Court to Abate the Nuisance at the Owner's expense. Any fines assessed shall be separate and in addition to such sum as may be fixed for the Abatement of said Nuisance.

~~A third or subsequent offense shall constitute a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$500.00 or by imprisonment in jail for a period not exceeding thirty days, or by both such fine and imprisonment. Any fines assessed shall be separate and in addition to such sum as may be fixed for the abatement of said nuisance.~~

B. Each day's or part of day's continuance of anything prohibited by this chapter shall be a separate offense hereunder. However, a ~~p~~Person shall not be subject to the additional penalties of a second or subsequent offense until after the expiration of ~~fifteen~~fourteen (14) days from prior notice of ~~infraction~~civil violation or criminal citation.

C. The provisions of this Chapter are not exclusive, and may be used in addition to other enforcement alternatives authorized by the Pomeroy Municipal Code or state law.

8.16.115 Repeat violation.

Any Nuisance violation as defined in this chapter, that, after an Abatement has been performed, and the Property has been brought into compliance, has any other violations requiring the action of the City, whether in whole or in part, shall be considered as a Repeat violation. Each and every Repeat violation as defined in this chapter may constitute a civil violation. The designated Code Enforcement Officer is not required to issue a correction notice, and the Person responsible will be subject to the following violations and penalties:

1. A second Nuisance violation within a one year period shall receive a notice of civil violation and be subject to a fine of \$250.00.

2. A third or subsequent Nuisance violation within a one year period shall be charged with a criminal misdemeanor and upon conviction be punished by a fine not to exceed \$500.00 or by imprisonment in jail for a period not exceeding thirty days, or by both such fine and imprisonment.

8.16.120 Enforcement personnel.

The county sheriff or any deputy sheriff, the ~~e~~City administrator or the ~~e~~City's designated code ~~enforcement Officer~~personnel are authorized to enforce this chapter and issue civil or criminal notices or citations as provided herein to take appropriate ~~a~~Abatement procedures. Such enforcement action or actions may be taken by either of the sheriff's deputies or code officials listed herein upon observation of the acts or things declared to be a ~~n~~Nuisance.

8.16.130 Venue.

All civil ~~infractions-violations~~ and criminal citations issued pursuant to this chapter shall be filed with the Garfield County district court.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall become effective five (5) days after passage and publication of the attached summary consisting of the title, which is hereby approved.

Signed:



Jack Peasley, Mayor

Attest:



Diane L Taylor, City Clerk/Treasurer