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JACKSON COUNTY CLERK  
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## Chapter 635

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## CROSS REFERENCES

Enforcement - see ADM. 202.99 & Ch 203, ORS 30.932

### 635.01 TITLE AND POLICY.

- (a) It is the intent and purpose of this Ordinance to:
  - (1) make it unlawful for any person to propagate, cultivate, raise, or grow genetically engineered plants in Jackson County, and
  - (2) enable Jackson County to recoup expenses incurred in the abatement of genetically engineered plants due to non-cooperation or non-action of property owners, or any tenant, occupant, lessee or person in possession of subject property.
- (b) This Ordinance supports the Jackson County goals of protecting the health, safety, and welfare of its citizens. It also protects the economic security and commercial value of county agricultural enterprises whose products stand to be damaged, or diminished in value due to genetic contamination from genetically engineered crops.
- (c) This Ordinance is added to the Jackson County Codified Ordinances as Chapter 635.

### 635.02 FINDINGS.

- (a) Genetically engineered crops and products are being developed with precipitous speed, and have been introduced into the marketplace, often without the consumers' knowledge and before the potential risks and long term health and environmental effects of these products have been adequately studied.
- (b) Jackson County finds it to be in the public interest to protect the health, safety, and welfare of its citizens by protecting the economic welfare of organic farmers.
- (c) Planting genetically engineered crops is not a reasonable and prudent farm practice because genetic drift from windborne and insect carried pollens from one farm can create significant economic harm to organic farmers and to other farmers who choose to grow non-genetically engineered crops.
- (d) Planting genetically engineered crops is not a generally accepted method, nor will it become generally accepted, among certified organic farmers who use organic farm practices by complying with USDA regulations and certifications which explicitly ban the use of genetically engineered organisms to acquire and maintain their organic certification. As such, organic farm operations are not similar in nature to non-organic farm operations because they are controlled and regulated by specific rules not applied to others. Therefore, farming practices that utilize genetically engineered organisms compromise the welfare of the organic farmers who are citizens of Jackson County.
- (e) A ban on genetically engineered crops does not deprive farmers from obtaining a profit in money.
- (f) Jackson County recognizes that all citizens have the right to grow organic produce.
- (g) Pollen drift from genetically engineered crops can contaminate the plants of citizen gardeners who are within

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adopted urban growth boundaries in such manner as to interfere with the citizen's use of their lands within the urban growth boundary.

(h) For all of these reasons, the People of Jackson County find and declare that the propagation, cultivation, raising, and growing of genetically engineered plants in Jackson County threatens the welfare of our citizens who are organic farmers and of those citizens who choose to grow non-genetically engineered plants.

### 635.03 DEFINITIONS.

(a) "Board of Commissioners" or "Board" means the Jackson County Board of Commissioners.

(b) For the purposes of this Ordinance, "genetically engineered" shall be interpreted by the following definitions:

(1) "genetically engineered" means modification of living plants and organisms by genetic engineering, altering or amending DNA using recombinant DNA technology such as gene deletion, gene doubling, introducing a foreign gene, or changing the position of genes, and includes cell fusion (including protoplast fusion), microencapsulation, macroencapsulation, gene splicing,) or hybridization techniques that overcome natural physiological, reproductive or recombination barriers, where the donor cells/protoplasts do not fall within the same taxonomic family, in a way that does not occur by natural multiplication or natural recombination, "in vitro nucleic acid techniques" include but are not limited to recombinant DNA or RNA techniques that use vector systems and techniques involving the direct introduction into the organisms of hereditary materials prepared outside the organisms such as microinjection, macro-injection, chemoporation, electroporation, microencapsulation and liposome fusion, and any other technology or technique that results in an organism that contains genes from more than one species, or genes that are not naturally occurring. "Genetically engineered" does not include traditional selective breeding, conjugation, fermentation, hybridization or normal in vitro fertilization.

(2) "DNA" means deoxyribonucleic acid, the material naturally found within living cells which contains the genetic code and transmits hereditary patterns.

(3) "Organism" means any living thing, and their offspring, including bacteria, exclusive of animals, human beings and human fetuses.

(c) "Organic agriculture" or "organic farming" means farm practices that adhere to the regulations of USDA Organic Foods Production Act.

(d) "Organic" as it relates to garden produce means produce that is grown in a manner generally similar to that described in the regulations of The Organic Foods Production Act.

(e) "Plants" and "crops" are used interchangeably in this Ordinance.

(f) "Person" means an individual, partnership, corporation, or organization of any kind.

(g) "Franchised collector" means a person holding a license or franchise authorizing them to handle, transport and dispose of refuse.

### 635.04 Prohibitions.

It is a county violation for any person or entity to propagate, cultivate, raise, or grow genetically engineered plants within Jackson County.

### 635.05 Exemptions.

(a) State or federally licensed medical research institutions, medical laboratories, or medical manufacturing facilities engaged in licensed medical production, or medical research involving genetically engineered organisms are exempt from this Ordinance provided that such activities are conducted under secure, enclosed indoor laboratory conditions with the utmost precautions to prevent release of any part of genetically engineered organisms, especially but not limited to pollen, to the outside environment.

(b) Educational or scientific institutes, including but not limited to Oregon State University Extension, working with genetically engineered organisms are exempt from this Ordinance provided that such activities are conducted under secure, enclosed indoor laboratory conditions with the utmost precautions to prevent release of any part of genetically engineered organisms to the outside environment.

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(c) Licensed health practitioners for the purposes of diagnosis, care, or treatment to any human patient are exempt from this Ordinance.

### **635.06 Implementation.**

Upon enactment, existing genetically engineered plants must be harvested, destroyed or removed or from Jackson County within twelve (12) months of enactment of this Ordinance.

### **635.10 Jurisdiction.**

The circuit court of the State of Oregon shall have jurisdiction for all violations of this Ordinance.

### **635.11 Enforcement and Remedies.**

#### **(a) Penalty and Equitable Remedies.**

(1) Violation of any provision under this Ordinance, unless otherwise provided, is subject to penalties set forth under JCC 202.99, except subparagraph (h).

(2) In addition to the penalties provided in this Ordinance and in Chapter 202.99, violation of this Ordinance is subject to abatement procedures set forth under Sections 635.20 through 635.23 of this Ordinance.

(3) A violation and violation abatement shall not be construed to mean a nuisance or a trespass as those are defined by the common law or by ORS 30.932.

(b) The County of Jackson, any private person or group of private persons, shall have the authority to enforce this Ordinance through an action brought in a court of competent jurisdiction. In such a suit, neither party shall be entitled to recover damages or costs of litigation.

(c) Upon reasonable cause to believe that a violation of this Ordinance has occurred, the Code Enforcement Officer, or designee, is authorized to inspect any property within Jackson County at reasonable times, upon obtaining a valid search warrant from the Circuit Court of the State of Oregon.

(d) The County shall notify any person, corporation, association, or other entity that may be in violation of this Ordinance, that any organisms that violate this Ordinance are subject to confiscation or destruction and subject to applicable enforcement actions and penalties.

(e) Any person, corporation, association, or other entity that receives notification under subparagraph (d) shall have fifteen (15) business days to respond to such notification with evidence that such organisms are not in violation of this Ordinance, or have been destroyed, or have been entirely removed from Jackson County.

(f) After the time allowed for response under subparagraph (e), the County shall consider such evidence, if any, and any other evidence that is presented by the recipient of notification under subparagraph (d) or which is relevant to a determination of such violation. The County shall have fifteen (15) business days to consider any evidence and determine if the plants are in violation of this Ordinance, or have been destroyed or removed from Jackson County.

(g) Upon making a determination that a violation of this Ordinance exists, the County shall promptly serve notice of a violation of this Ordinance upon the defendant.

(h) Upon receipt of said notice under subparagraph (g), the defendant shall have fifteen (15) business days to appeal that decision to the Circuit Court of the State of Oregon.

(i) In the event that the defendant does not appeal a determination made under subparagraph (g), or if the County prevails in such an appeal, upon reasonable notice, the County shall thereafter promptly take all actions necessary to ensure that the genetically engineered plants are destroyed or removed from Jackson County in a manner that will minimize genetic contamination or other harm. Such destruction or confiscation shall be undertaken during daylight hours.

(j) Any person or persons knowingly and willfully responsible for the violation of this Ordinance may be held responsible for all administrative and abatement costs incurred by Jackson County. Costs of enforcement shall not be imposed upon any person whose violation is not knowing and willful.

(k) The provisions of this Ordinance are cumulative, and nothing in this Ordinance affects any other remedies that any individual or government entity may have against and any person, corporation, association, or other entity resulting from a violation of this Ordinance.

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(l) All other aspects of enforcement of this Ordinance shall comply with Chapter 203 of the Jackson County Code, except for the nuisance abatement procedures in that chapter.

### **635.20 Inspections; Violation Abatement; Costs.**

(a) The purpose of this section and Sections 635.21, 635.22 and 635.23 is to provide for violation abatement by County action and for the recovery of the cost of such abatement. This abatement procedure may be pursued as an alternative to the judicial remedies for a violation of any of the provisions of this Ordinance. If, after notice and hearing as prescribed by such sections, a violation is found to exist but is not abated within the time provided by the order of the County, the County may, after reasonable notice to the landowner, enter upon the property, abate the violation and, by order, charge the reasonable cost of abatement as a lien against the property or as a personal obligation of the generator. The first step in administrative abatement proceedings under such sections is an investigation, which may be conducted whenever the Development Services Director, herein known as "the Director" or his or her authorized agent, receives a complaint that a violation exists.

(b) Whenever the Director has inspected or caused to be inspected any property and has found and determined that a violation exists, the Director shall commence proceedings to cause the abatement of the violation. The Director shall issue a notice and order directed to the record owner of the property. The notice and order shall contain:

(1) The street address and a legal description sufficient for identification of the property upon which the violation is located.

(2) A statement that the Director has determined that a violation exists, with a brief and concise description of the conditions found which constitute a violation of this chapter.

(3) A statement of the action required to be taken to abate the violation as determined by the Director.

(4) Statements advising that if any required work is not completed within the time specified, the Director may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

(5) Statements advising:

A. That any person having any record title or legal interest in the property may appeal from the notice and order or any action of the Director, provided the appeal is made in writing as provided in this chapter and filed with the Director within ten days from the date of service of such notice and order; and

B. That failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

(c) The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner; and one copy thereof shall be served on each of the following if known to the Director or disclosed from official public records; the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the land on which the violation is located. The failure of the Director to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him or her by the provisions of this section.

(d) Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by first class and certified mail, postage prepaid, return receipt requested, to each such person at his or her address as it appears on the last equalized assessment roll of the County or as known to the Director. If no address of any such person so appears or is known to the Director, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the property involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by first class and certified mail in the manner herein provided shall be effective on the date of mailing.

(e) Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the County.

(f) Where the property owner does not comply with the abatement order issued under Section 635.20(b), within the time specified in the order, the Director may direct County personnel to remove the organisms causing the violation, using County equipment. The Director may also contact the franchised collector assigned to the area where the



violation exists. If the franchised collector has the equipment and personnel available to remove the organisms, the collector shall be given the option of either removing the violation or refusing the job. If the collector accepts the job, the generator shall be charged the approved hourly rate for such service. If the collector refuses the job, or does not have the equipment or personnel available, the Director may contract with another person to abate the violation. The cost of such abatement initially shall be paid by the Development Services Department, but the Jackson County Board of Commissioners may make the cost a special assessment against the property involved or a personal obligation of the generator.

(g) In an emergency, the Director may order the immediate abatement of a violation. The Director shall give notice of the requirement for immediate abatement to the owner.

(h) In an emergency, and in lieu of action under subsection (g) hereof, the Director may proceed with immediate abatement of the violation. The Director shall then immediately send written notice of abatement to the owner of the property. When such removal is performed by the County or its contractor, neither the County nor its contractor shall be liable for any trespass or conversion as to any real or personal property, and the costs of removal may be collected from the owner of the real property or any other person having possession of the property at the time the abatement measures are taken. Such costs may also be collected from the person causing or permitting the violation to exist.

(i) The provisions of this section are in addition to and not in lieu of the penalty and enforcement procedures provided for in this chapter or elsewhere in these Codified Ordinances.

### **635.21 Appeals on Notices of Abatement.**

(a) Any person entitled to service under Section 635.20(c) may appeal from any notice and order or any action of the Director under these Codified Ordinances by filing at the office of the Director a written appeal containing:

(1) A heading in the words: "Before the Hearings Officer of the Development Services Department of Jackson County."

(2) A caption reading: "Appeal of," giving the names of all appellants participating in the appeal.

(3) A brief statement setting forth the legal interest of each of the appellants in the land involved in the notice and order.

(4) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

(5) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

(6) The signatures of all parties named as appellants and their official mailing addresses.

(7) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal. The appeal shall be filed within ten days from the date of the service of such order or action of the Director. Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of his or her right to an administrative hearing and adjudication of the notice and order or any portion thereof.

(b) The Director shall, upon receipt of a request for a hearing, promptly appoint a hearings officer who shall set a time and place for a hearing at the earliest possible time, and the hearings officer shall promptly notify the person requesting the hearing as to the time and place of the hearing.

(c) The date of such hearing shall be not less than ten days nor more than thirty days from the date the appeal was filed with the Director. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant by the Director either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his or her address shown on the appeal. Notice may also be given to such persons as the hearings officer determines to be interested persons.

(d) Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

(e) Enforcement of any notice and order of the Director issued under this section shall be stayed during the pendency of an appeal there from which is properly and timely filed.

**635.22 Hearings.**

**(a) General.**

- (1) The hearings officer shall exercise all powers relating to the conduct of hearings.
- (2) A record of the entire proceedings shall be made by tape recording by any other means of permanent recording determined to be appropriate by the hearings officer.
- (3) The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefore. Such fees may be established by the Board, but shall in no event be greater than the cost involved.
- (4) The hearings officer may grant continuances for good cause shown.
- (5) In any proceedings under this chapter, the hearings officer has the power to administer oaths and affirmations and to certify to official acts.
- (6) The hearings officer shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.
- (7) The notice to appellant shall be substantially in the following form, but may include other information: "You are hereby notified that a hearing will be held before (name of hearing officer) at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour \_\_\_\_\_, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefore with (name of hearings officer)."

(b) Subpoenas. The hearings officer may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefore which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in his or her possession or under his or her control. A subpoena need not be issued when the affidavit is defective in any particular.

**(c) Conduct of Hearing.**

- (1) Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (2) Oral evidence shall be taken only on oath or affirmation.
- (3) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this State.
- (4) Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (5) Irrelevant and unduly repetitious evidence shall be excluded.
- (6) Each party shall have these rights, among others:
  - A. To call and examine witnesses on any matter relevant to the issues of the hearings;
  - B. To introduce documentary and physical evidence;
  - C. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
  - D. To impeach any witness regardless of which party first called him or her to testify;
  - E. To rebut the evidence against him or her;
  - F. To represent himself or herself or to be represented by anyone of his or her choice who is lawfully permitted to do so.

**(7) Official notice may be taken as follows:**

- A. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this State, or of official records of the Board or departments, or of Ordinances of the County or of rules and regulations of the Board.

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B. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

C. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board or hearings officer.

D. The hearings officer may inspect any premises involved in the appeal during the course of the hearing, provided that:

1. Notice of such inspection shall be given to the parties before the inspection is made;

2. The parties are given an opportunity to be present during the inspection; and

3. The hearings officer shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the hearings officer.

### (d) Method and Form of Decision.

(1) The hearings officer shall within a reasonable time (not to exceed sixty days from the date the hearing is closed) prepare a written report. All hearings officers' reports shall be matters of public record. The decision shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him or her by certified mail, postage prepaid, return receipt requested.

(2) The decision of the hearings officer shall be final; the effective date of the decision shall be as stated therein.

(3) After any order of the Director or the hearings officer made pursuant to these Codified Ordinances shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a class A misdemeanor.

(4) If, after any order of the Director or a hearings officer made pursuant to this chapter has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Director may:

- A. Cause such person to be prosecuted under paragraph (d)(3) hereof; or

- B. Institute any appropriate action to abate such public violation.

### 635.23 Recovery of Cost of Abatement.

(a) The Director shall keep an itemized account of the expense incurred by the County or the contractors in the abatement of any violation done pursuant to the provisions of Section 635.20.

Upon the completion of the work of abatement, the Director shall prepare and file with the County Administrator a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the violation is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 635.20(c).

(b) Upon receipt of said report, the County Administrator shall present it to the Board of County Commissioners for consideration. The Board shall fix a time, date and place for hearing said report and any protests or objections thereto. The County Administrator shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in Jackson County, and served by first class and certified mail, postage prepaid, addressed to the owner of the property as his or her name and address appear on the last equalized assessment roll of the County, if such so appear, or as known to the County Administrator. Such notice shall be given at least ten days prior to the date set for hearing and shall specify the day, hour and place when the Board will hear and pass upon the Director's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

(c) Any person interested in or affected by the proposed charge may file written protests or objections with the County Administrator at any time prior to the time set for the hearing on the report of the Director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The County Administrator shall endorse on every such protest or objection the date it was received by him or her. He or she shall present such protest or objection to the Board at the time set for hearing, and no other protest or objection shall be considered.



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(d) Upon the day and hour fixed for the hearing the Board of County Commissioners shall hear and pass upon the report of the Director, together with any such objections or protests. The Board may make such revision, correction or modification in the report or the charge as it may deem just, and when the Board is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified), together with the charge, shall be confirmed or rejected. The decision of the Board of this jurisdiction on the report and the charge, and on all protests or objections, shall be final and conclusive.

(e) The Board of County Commissioners may thereupon order that said charge shall be made a personal obligation of the property owner or the person causing the violation, or assess said charge against the property involved.

(f) If the Board orders that the charge shall be a personal obligation of the property owner or the person causing the violation it shall direct County Counsel to collect the same on behalf of the Board by use of all appropriate legal remedies.

(g) If the Board orders that the charge shall be assessed against the property it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

(h) The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within thirty days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within thirty days after the entry of such judgment.

(i) The Board of County Commissioners, in its discretion, may determine that assessments in amounts of five hundred dollars (\$500.00) or more shall be payable in not to exceed five equal annual installments. The Board's determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof, shall be by a resolution adopted prior to the confirmation of the assessment.

(j) Immediately upon its being placed on the assessment roll the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens, except for State, County, property taxes and irrigation districts, with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

(k) All such assessments remaining unpaid after thirty days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of nine percent per annum from and after said date.

(l) After confirmation of the report, certified copies of the assessment shall be given to the Assessor and the Tax Collector for Jackson County, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes. A certified copy of the assessment shall be filed with the County Auditor on or before August 10 of every year. The descriptions of the parcels reported shall be those used for the same parcels on the County Assessor's map books for the current year.

(m) The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment. If the Board of County Commissioners has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary property taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for sale as provided for ordinary property taxes.

### 635.99 Severability.

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

===== End of Ordinance =====