



ORDINANCE NO. 69

AN ORDINANCE DEFINING NUISANCES; PROVIDING FOR THEIR  
ABATEMENT; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

ARTICLE 1 DESIGNATED NUISANCES

Sections:

- 1.01 Designated
- 1.02 Noxious Vegetation
- 1.03 Hazards
- 1.04 Open Storage of Junk
- 1.05 Maintenance of Construction Sites
- 1.06 Maintenance

Section 1.01 Designated. The following are declared to be nuisances affecting the public health and safety and may be abated in the manner prescribed in Article 2:

1. Maintenance of any open vault or privy; maintenance or keeping of any animal, substance, or condition causing an odor unreasonably offensive to the public.
2. Maintenance or keeping of any livestock and pets or buildings for the purpose of housing such livestock or pets or maintaining the premises in such a manner as to be a breeding place or likely breeding place for rodents, or pests, or to be otherwise in violation of Section 6.03 of the Zoning Ordinance (No. 23).
3. Maintenance of any dead animal or bird, exposed for any period of time longer than reasonably necessary to accomplish the removal or disposal of the carcass.
4. Maintenance of any condition, activity, operation or vocation which causes noise unreasonably offensive to the public, except for the following:
  1. Emergency equipment not operating on a regular or scheduled basis;
  2. Sounds originating on construction sites and reasonably necessary to the accomplishment of work in progress;
  3. Emergency repair equipment not operated on a regular or scheduled basis;
  4. Lawn, garden or household equipment associated with the normal repair, upkeep, or maintenance of property;
  5. Normal farm operation;
5. Maintenance of grass, weeds and noxious vegetation contrary to the provisions of Section 1.02.
6. Maintenance of any hazardous condition contrary to the provisions of Section 1.03.

7. Open storage of junk contrary to the provisions of Section 1.04.
8. Maintenance of construction sites contrary to the provisions of Section 1.05.

Section 1.02 Noxious Vegetation. The owner, person in possession or agent of the owner of any lot, tract, or parcel of land, improved or unimproved, shall cut and remove, and keep cut and removed therefrom and from the half of the street or streets abutting the property, all weeds and other noxious vegetation, and all dead bushes, dead trees, stumps and any thing likely to cause fire.

Nothing herein contained shall be considered to apply to bushes, trees, shrubbery and/or other vegetation grown for food, fuel or ornament or for the production of food, fuel or ornament, providing that the health and safety of the public be not thereby endangered by the maintenance of such growth or vegetation.

Section 1.03 Hazards. During all months of the year, such person shall remove and keep removed therefrom all filth, rubbish, waste material, and any other substance which may endanger or injure neighboring property, passersby or the health, safety or welfare of the public. He shall keep the sidewalk and half of the street or streets abutting such property free from earth, rock and other debris and from projecting and/or overhanging bushes, brush and limbs that may obstruct or render unsafe the passage of persons or vehicles except as addressed under Section 1.05.

Section 1.04 Open storage of junk. A person violates this section if as the owner, tenant, person in possession, or person in charge of or having the care of any real property, he deposits, stores, maintains or keeps on any real property within the city, outside a site obscuring enclosure, building or garbage receptacle, any of the following:

1. Inoperable, unusable, partially dismantled automobiles, cars, trucks, trailers and other vehicular equipment or parts thereof in a state of disrepair for more than ten days as to any one automobile, car, truck, trailer or piece of vehicular equipment.
2. Used or dismantled household appliances, furniture or parts thereof, or discards, garbage, debris, rubbish, junk, trash or refuse, for more than five days.

Section 1.05 Maintenance of Construction Sites. No lumber, debris, building materials, or any equipment other than work trucks or cars will be stored on the city street at any time during construction. Any drop boxes placed on the street for collection of debris should have reflectors on all sides so as not to constitute a safety hazard. Open ditches, trenches or other traffic hazards shall be marked with reflectors and barriers. Streets shall be cleaned by the end of the work week.

Section 1.06 Maintenance. (a) Any person who is an owner, tenant, person in possession or person having the care of any real property, commits the crime of maintaining a nuisance if he maintains or fails to remove or abate any of the nuisances set forth in Section 1.01. (b) Maintaining a nuisance is a Class C misdemeanor. (c) Each day's violation of this section shall constitute a separate crime. (d) Nothing contained in any section of this Article shall be construed as permitting any activity otherwise proscribed or regulated by other ordinances or statutes applicable within the city.

ARTICLE 2 ABATEMENT PROCEDURE

Sections:

- 2.01 Nuisances
- 2.02 Notice
- 2.03 Hearing
- 2.04 Abatement by city
- 2.05 Notice of assessment
- 2.06 Summary abatement

Section 2.01 Nuisances. Any of the nuisances described in Sections 1.01, 1.02, 1.03, 1.04, 1.05 or 1.06 of Article I may be abated as prescribed in this Article.

Section 2.02 Notice. (1) Whenever it is declared by ordinance or resolution of the Council that anything is a nuisance and the building official has knowledge that such nuisance exists, unless the ordinance authorizes summary abatement, he shall cause to be posted upon the property liable for the abatement of such nuisance, a notice in legible characters directing the removal of such nuisance, which notice shall be substantially in the following form:

"NOTICE TO REMOVE NUISANCE

"To the owner, agent of owner and occupant of the following described real property \_\_\_\_\_

\_\_\_\_\_ in the City of Wilsonville, Oregon:

You are hereby notified to remove and abate the nuisance existing on above described property within ten (10) days from date of this notice, which nuisance consists of \_\_\_\_\_

\_\_\_\_\_ or show to the Wilsonville City Council that no nuisance exists under Article I of Ordinance \_\_\_\_\_. In case of failure to remove said nuisance within said time, you will be subject to fine or imprisonment and the City of Wilsonville will cause the same to be abated and charge the cost thereof against the property herein described.

Dated \_\_\_\_\_ " \_\_\_\_\_  
Building Official

(2) The building official shall also at approximately the time of posting such notice notify the city recorder thereof and the recorder shall thereupon cause to be mailed a copy of the notice so posted, postage prepaid, to the owner or agent of the owner of the real property, directed to the last known post office address of such owner or agent, or, if the post office address of both is unknown, to such owner or agent at Wilsonville, Oregon.

The building official may delegate any city employee to post or mail such notice. The person posting such notice and the person mailing the same shall forthwith file in the city recorder's office a certificate stating the date and place of such mailing and posting.

An error in the name of the owner or agent or the use of a name other than that of the true owner or agent of such property shall not render void such notice, but in such case the posted notice shall be deemed sufficient.

Section 2.03 Nuisance to be abated within ten days -- hearing.  
(1) Within ten days after posting and mailing of such notice, the

owner, agent of the owner, or occupant of any such property shall remove and abate such nuisance or show that no nuisance in fact exists. Such showing may be made by filing a written statement that no nuisance exists, which statement shall be in duplicate and one copy thereof filed with the building official and the other filed with the city recorder. Thereupon, the recorder shall place the matter upon the calendar of the city council to be heard by the council in regular course of business. At the time set for hearing such person may appear and be heard by the council, and the council shall thereupon determine whether or not such nuisance exists.

(2) If it be determined by the council that such nuisance exists, the proceedings hereinafter specified shall be followed. The city recorder shall forthwith notify the building official of the action by the council thereon.

Section 2.04 Abatement by city. If within the time fixed in the notice the nuisance described in the notice has not been removed and abated, or cause shown, as specified in Section 2.03, why such nuisance should not be removed and abated, the building official shall cause the nuisance to be removed and abated.

Where summary abatement is authorized and no notice to abate is given, the building official shall cause the nuisance to be removed and abated. The building official shall keep an accurate account of all expenses incurred, including the overhead charge of ten percent for administration. The building official shall, after completion of removal and abatement, file a statement of the cost thereof with the city recorder.

Section 2.05 Notice of assessment. (1) Upon receipt of such statement, the city recorder shall forthwith mail to the owner of such property therein mentioned, a notice setting forth the expense incurred and stating that the council proposes to assess against his property the amounts mentioned in Section 2.04 and that objection to the proposed assessment may be made in writing and filed with the city recorder on or before twenty days from date of mailing such notice.

(2) Upon expiration of the twenty-day period, objections to the proposed assessment shall be heard and determined by the council in regular course of business.

(3) Any assessment for such cost and overhead expenses shall be made by ordinance and shall be entered in the lien docket of the city, and upon such entry the same shall constitute a lien upon the property from which the nuisance was removed and abated, which lien shall be collected in all respects as provided for street improvement liens, and shall bear interest at the rate of one percent per month from ten days after date of entry in the lien docket.

An error in the name of the owner or in the use of a name other than that of the true owner of such property or the failure of the owner to receive notice of such assessment shall not render the assessment void but the same shall be a valid and existing lien against the property.

Section 2.06 Summary abatement. The procedures provided by this Article are not exclusive, and in addition to procedures provided by this or other ordinance the City's building official, fire chief or any police officers of this city may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

ARTICLE 3 PENALTIES AND INJUNCTIONS

Sections:

- 3.01 Penalties
- 3.02 Civil Injunction

Section 3.01 Penalties. Any person who creates or maintains a nuisance as defined by this ordinance or any other ordinance or resolution of the city council and who fails or neglects to abate such nuisance upon notice thereof and within the time prescribed in such notice shall be deemed guilty of a Class C Misdemeanor and upon conviction shall be punished accordingly.

Section 3.02 Civil Injunction. The abatement procedures provided in other Articles of this ordinance or any other ordinance of the city are not exclusive remedies of the city in order to abate a nuisance. The city council may authorize the city attorney to institute and prosecute on behalf of the city and in it's name an appropriate suit in a state court of this state to enjoin the creation, maintenance or continuance of any nuisance as defined by this ordinance or any other ordinance or resolution of the city council; and for the recovery of the city's costs of suit and the city's reasonable attorney's fee as may be allowed by the trial court and an appellant court on appeal.

Passed on first reading at a special meeting of the Wilsonville City Council this 18th day of October , 1976; order posted in three (3) public and conspicuous places in the City of Wilsonville for a period of Five (5) consecutive days as required by the Wilsonville City Charter, and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof to be held on the 1st day of November , 1976, at the hour of 7:30 o'clock p.m. at the Council's regular meeting place in the Wilsonville Grade School.

  
PHILLIP R. BALSIGER - Mayor

ATTEST:

  
DEANNA J. THOM - City Recorder

Passed on final reading of the Wilsonville City Council at a regular meeting thereof held on the 1st day of November , 1976, by the following vote: Yeas 4 . Nays 0 .

  
PHILLIP R. BALSIGER - Mayor

ATTEST:

  
DEANNA J. THOM - City Recorder