

## ORDINANCE NO. 1019

### AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLES 6, 8, AND 15, PROMOTING THE MAINTENANCE OF BUILDINGS AND PUBLIC SPACES

WHEREAS, the City of Stayton has adopted Title 6 of the Stayton Municipal Code (SMC) regarding animal control;

WHEREAS, there is currently no requirement in the SMC regarding owners of animals picking up their animals' waste;

WHEREAS, the City of Stayton has adopted Title 8, Chapter 8.12 regarding the use of public parks, public property and waterways;

WHEREAS, the SMC prohibits the use of tobacco products in public parks;

WHEREAS, Oregon law prohibits smoking within 10 feet of the entrance, exits, open windows and ventilators of public places or places of employment.

WHEREAS, the City has adopted a Downtown Transportation and Revitalization Plan that envisions that downtown streets are designed for pedestrians and promote safety and comfort.

WHEREAS, the City is interested in promoting the downtown area and maintaining the appearance of buildings and spaces around buildings to increase the attractiveness of the downtown area; and

WHEREAS, the Stayton City Council, does find that the provisions of this Ordinance are reasonable regulations to promote the public health, safety and welfare.

NOW, THEREFORE, the City of Stayton ordains:

**Section 1. Removal of Animal Waste Required.** Stayton Municipal Code Title 6, Chapter 6.04, Section 6.04.220 is hereby enacted.

#### 6.04.220                      REMOVAL OF ANIMAL WASTE

The owner of every animal shall be responsible for the removal of any solid waste deposited by the owner's animal on public walks or within any public right of way, or in a park or other public place, or on private property not owned by the animal's owner.

**Section 2. Smoking Prohibited.** Stayton Municipal Code Title 8, Chapter 8.12, Section 8.12.040.5 is hereby amended, to prohibit smoking or vaping on sidewalks in the downtown area:

5. Smoking of tobacco, marijuana, or any other substances including E-Cigarettes and use of smokeless tobacco is prohibited at any City-owned property, park and facilities. Smoking or vaping is prohibited outside the front street facade of any building in the area designated as Downtown in the Comprehensive Plan Map and properties on both sides of N First Ave between Water St and Washington St. Smoking is defined as inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, E-cigarette, vape pen, or other tobacco product in any manner or in any form.

**Section 3. Commercial Property Maintenance Required.** Stayton Municipal Code Title 15, Chapter 15.12 is hereby enacted, establishing regulations for the maintenance of non-residential properties in the downtown area:

## CHAPTER 15.12

### NON-RESIDENTIAL PROPERTY MAINTENANCE

#### 15.12.010 PURPOSE

This Chapter is intended to protect the Downtown Core from blight, deterioration, and decay as a result of properties in a condition or state that potentially would have an adverse effect on the value, utility, and habitability of property within the City. Such properties may:

1. Pose hazards to the public health, safety, and welfare.
2. Cause potential damage to adjoining and nearby properties. A property which is merely unkempt or vacant for long periods may reduce the value of adjoining and nearby property, and the habitability and economic well-being of the City may be materially and adversely affected.
3. Be a cause and source of blight in both residential and non-residential neighborhoods, especially when the person in charge of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood.
4. Discourage economic development and retard appreciation of property values.
5. Serve as a potential fire hazards and can jeopardize the ability of owners of neighboring property from securing or maintaining affordable fire insurance.
6. Potentially cause increased need for police protection due to misuse of the property by persons not having permission or right to use the property.
7. Be the core and cause of spreading blight

It is the responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare. It is also in the community's best interest not to lose unique buildings, and in the best interest of the owner to maintain their investment.

#### 15.12.020 SCOPE OF REGULATIONS

The regulations included in this Chapter shall be in effect and control the use of property and public places only within the Downtown Core of the City. The Downtown Core is defined as that area designated Downtown on the Stayton Comprehensive Plan Map and both sides of N First Ave from Water St to Washington St.

#### 15.12.030 PROPERTY TO BE KEPT FREE FROM DEBRIS

The exterior of any non-residential property shall be kept free of debris, trash, building materials, or the storage of other goods. The building exterior and/or property shall be kept free of any accumulation of newspapers, circulars or flyers, graffiti, discarded items including but not limited to cigarette butts, scrap paper, food or beverage containers, furniture, clothing, and appliances.

#### 15.12.040 WEEDS AND PLANTS TO BE CONTROLLED

Plant material shall be cut down or destroyed between the building facade and the street unless planted in a container or tree well by the building owner, occupant, or city. Plant material shall be removed between buildings, and in alleyways. Planted materials in landscape beds and planters shall be maintained to keep them healthy and attractive.

15.12.050 ILLUMINATION AND MAINTENANCE OF AWNINGS

1. Awnings shall be in good repair and free of moss or algae.
2. Awnings shall not be internally illuminated. However, lighting which provides illumination to the sidewalk and signage is required from dusk to midnight.

15.12.060 ENFORCEMENT

The Ordinance Enforcement Officer shall enforce the standards of this Chapter, with or without a complaint being filed, when apparent violations are visible from a public street or property with public access.

1. Investigations.

Once a violation has been identified, the Ordinance Enforcement Officer will issue a written determination of violation.

2. Determination of Violation.

a. When the Ordinance Enforcement Officer has determined that a violation of this Chapter exists, the Ordinance Enforcement Officer shall issue a written determination of violation to the property owner with an order to abate the violation. The written determination shall be mailed by first class mail to the owner at the address of record in the Marion County Assessor's records and shall include the following:

1) Street address.

2) A statement that the Ordinance Enforcement Officer has found the building or premises to be in violation of this Chapter.

3) A thorough description of the violation.

4) Statements advising the owner that if the required repairs or corrective actions are not completed within thirty days, the Ordinance Enforcement Officer will issue a Notice of Violation and Order of Abatement.

5) Statements that issuance of a Notice of Violation and Order of Abatement may result in:

a) Recording of the Notice and Order against the property.

b) Issuance of a citation to the owner to appear in Stayton Municipal Court.

c) Initiation of action to recover all City costs associated with the processing of the complaint, investigation and the resolution of the matter.

6) The date by which the repairs or corrective actions must be completed and a reinspection scheduled.

3. Notice of Violation and Order of Abatement.

If there is not compliance with the determination of violation and order by the date specified in the written determination, the Ordinance Enforcement Officer shall issue a Notice of Violation and Order of Abatement to the property owner. The Notice and Order shall be served upon the owner by certified mail, at the address of record in the Marion County Assessor's records and shall include the following:

- a. Street address.
  - b. A statement that the Ordinance Enforcement Officer has found the building or premises to be in violation of this Chapter.
  - c. A thorough description of the violation.
  - d. Statements advising the owner that if the required repairs or corrective actions are not completed within thirty days, plus three days for mailing from the date of the Notice and Order, the Ordinance Enforcement Officer shall:
    - 1) Record the Notice and Order against the property.
    - 2) Coordinate the issuance of a citation to the owner to appear in Stayton Municipal Court.
    - 3) Initiate action to recover all City costs associated with the processing of the complaint, investigation and the resolution of the matter.
  - e. Statements that the owner may appeal the Notice and Order as specified in this Chapter.
  - f. The date by which the repairs or corrective actions must be completed and a reinspection scheduled.
4. Failure to Comply.

If there is not compliance with the Notice of Violation and Order by the specified date, the Ordinance Enforcement Officer shall:

- a. Coordinate the issuance of a citation to the owner to appear in Stayton Municipal Court;
  - b. Record the Notice and Order against the property with all recording costs to be the responsibility of the owner; and
  - c. Initiate an accounting for all costs associated with the processing of the complaint, investigation and the resolution of the matter with the intent and purpose of recovering these costs from the owner. A lien shall be placed on the subject property.
5. Compliance.
- a. Upon compliance with the Order of Abatement, the Ordinance Enforcement Officer will issue a Notice of Compliance to the owner.
  - b. If a Notice and Order was recorded against the property, the City Manager will record the Notice of Compliance against the property.
  - c. If an accounting was initiated for all costs associated with the processing of the complaint, investigation and the resolution of the matter, the Finance Director will proceed with collecting these costs from the owner using adopted City procedures, including lien foreclosure.
6. Penalties. Any person violating any of the provisions of this Chapter shall, upon court conviction thereof, be punished by a fine as specified by Council Resolution. Each day that a violation remains unrectified after notification is a separate offense.

#### 15.12.070 APPEALS

1. Appeal to City Administrator.

Any owner who has been issued a Notice of Violation by the Ordinance Enforcement Officer may file a written appeal to the City Manager within 10 business days of the date the Notice of Violation was mailed.

2. The City Manager shall consider the appeal within 15 business days from the date of the City's receipt of the appeal. The City Manager may, at the City Manager's sole discretion:

- a. Remand the matter back to the Ordinance Enforcement Officer for reconsideration;
- b. Grant the request on appeal, with or without conditions; or
- c. Deny the request on appeal.

The City Manager shall issue a written Notice of Decision regarding the appeal. The City Manager's decision is final.

**Section 4. Effective Date.** This Ordinance shall become effective on the 30<sup>th</sup> day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor.

ADOPTED BY THE STAYTON CITY COUNCIL this 4<sup>th</sup> day of June, 2018.

Signed: 6/4, 2018

CITY OF STAYTON  
BY: Henry A. Porter  
Henry A. Porter, Mayor

Signed: 6/11, 2018

ATTEST: Keith D. Campbell  
Keith D. Campbell, City Manager