

ORDINANCE NO. 899

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE (“SMC”) TITLE 8, “HEALTH AND SAFETY,” CHAPTER 8.04 “NUISANCES” AND DECLARING AN EMERGENCY.

WHEREAS, the Stayton City Council, in November 1992, adopted Ordinance No. 711, creating SMC Chapter 8.04, Nuisances;

WHEREAS, Chapter 8.04, Nuisances has been amended from time to time by the City Council to reflect changes in public values and policies;

WHEREAS, the Stayton City Council has determined that current provisions in the Code regarding the abatement of dangerous, dilapidated, and abandoned buildings, and noxious vegetation need to be updated and clarified;

WHEREAS, numerous other changes to Chapter 8.04 are desirable to protect the public health, safety and welfare, and to otherwise update and improve the internal consistency of the Chapter; and,

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance so that it is in full force and effect immediately from and after its adoption by the Stayton City Council and the Mayor’s signing.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1: The Stayton Municipal Code section 8.04.010 is hereby amended and restated to read as follows: (new text is underlined; deleted text is ~~crossed-out~~)

CHAPTER 8.04
NUISANCES

SECTIONS

8.04.010	Definitions
8.04.020	Public Health Nuisances
8.04.030	Attractive Nuisances
8.04.040	Snow and Ice
8.04.050	Scattering Rubbish
8.04.055	Prohibiting Consumption of Alcoholic Beverages on Public Property
8.04.060	Trees and Vegetation Obstructing View
8.04.070	Barbed Wire or Electric Fences
8.04.080	Inadequate Drainage
8.04.090	Obstruction of Sidewalks and Alleys
8.04.100	Obstructing Waterways or Public Thoroughfares
8.04.110	Utility Wires Strung Too Low

8.04.120	<u>Damaged, Derelict, and Dangerous Structures</u>
8.04.130	Noxious Vegetation
8.04.140	Noise and Vibrations
8.04.150	Posted Notices
8.04.160	Advertising: Public Property, Prohibition
8.04.170	Advertising: Private Property, Prohibition
8.04.180	Advertising: Public Property, Exceptions
8.04.190	Advertising: Removal
8.04.200	Junk Accumulations
8.04.210	Discarded Vehicles
8.04.220	Unenumerated Nuisances
8.04.230	Abatement: Notice
<u>8.04.235</u>	<u>Abatement of Dangerous Structures</u>
8.04.240	Abatement: Protest Hearing
8.04.250	Abatement: Joint Responsibility
8.04.260	Abatement by City: Procedure
8.04.270	Abatement by City: Assessment of Costs
8.04.280	Summary Abatement
8.04.290	Abatement as Additional Remedy
8.04.300	RESERVED
8.04.310	RESERVED
8.04.320	RESERVED
8.04.330	RESERVED
8.04.340	RESERVED
8.04.350	RESERVED
8.04.360	RESERVED
8.04.370	<u>Occupancy of Residential Property after Notice of Violation</u> RESERVED
8.04.380	<u>Interference with Repair, Demolition, or Abatement Prohibited</u> RESERVED
8.04.390	Violation: Penalty

8.04.010 DEFINITIONS

For the purposes of this title, the following words and phrases mean:

ADVERTISING: Any method, procedure, or substance used to announce, present, or display any fact, opinion, or other information by means of pictures, words, or designs, or otherwise, whether written, printed, painted, or in any other way expressed.

AIR POLLUTION: ~~The presence of one or more air-borne contaminants in the outdoor atmosphere in quantities, of characteristics, and of a duration that are injurious to human, plant, or animal life or property.~~

BUILDING OFFICIAL: The individual(s) designated by the City Administrator to administer and enforce the building codes, and inspect buildings.

CESSPOOLS: ~~Cesspools or s~~Septic tanks or other subsurface sewage disposal facilities that are in an unsanitary condition or which cause an offensive odor.

CITY ADMINISTRATOR: That official of the City hired or appointed by the Council to serve at the pleasure of the Council as chief administrative officer of the City or the administrator's designee.

DEBRIS: Accumulations of ~~debris,~~ rubbish, manure, and other refuse that are not removed within a reasonable time and that have the potential to affect the health of residents of the Ceity or the cleanliness or visual attractiveness of the area.

DECAYED FOOD: Spoiled or unwholesome food not fit for human consumption.

DISCARDED VEHICLE: Any vehicle which is in one or more of the following conditions:

- a. Inoperative
- b. Wrecked
- c. Dismantled
- d. Partially dismantled
- e. Abandoned
- f. Junked
- g. ~~Unlicensed~~Not displaying a current registration plate from a state Department or Division of Motor Vehicles

"Discarded vehicles" ~~may be deemed to also~~ includes major parts of vehicles, including but not limited to bodies, engines, body parts, transmissions, or rear ends.

ENFORCEMENT OFFICER: The individual designated by the City Administrator to enforce the provisions of this Chapter.

JUNK: ~~Old m~~Motor vehicle parts, ~~old~~ machinery, ~~old~~ machinery parts, ~~old~~ appliances or parts thereof, ~~old~~ iron or other metal, glass, paper, lumber, wood, or other waste or discarded material.

LOUD, DISTURBING NOISES: A noise that creates a plainly audible sound within any dwelling unit which does not contain the source of the sound.

ODOR: Premises that are in such a state or condition as to cause an offensive odor, or that are in an unsanitary condition.

PERSON IN CHARGE OF PROPERTY: An agent, occupant, lessee, contract purchaser, or other person having possession or control of property or the supervision of any construction project.

PERSON RESPONSIBLE: The persons responsible for abating a nuisance, including:

- a. The owner;
- b. The person in charge of property; or
- c. The person who caused a nuisance to come into or continue in existence.

PLAINLY AUDIBLE SOUND: Any sound that is clearly distinguishable from other sounds, such as but not limited to, amplified speech sufficiently loud to be understood by a person with normal hearing, or when a person with normal hearing can readily discern whether an amplified or reproduced human voice is raised or normal, or any musical sound sufficiently loud to permit the melody or rhythm to be recognized by a person with normal hearing, or any other sound sufficiently loud to materially affect the ability of a person with normal hearing to understand a verbal communication made in a normal conversational tone from a distance of ~~ten~~ 10 feet or less.

PRIVIES: An open vault or receptacle for human waste constructed and maintained within the Ceity, except those constructed or maintained in connection with construction projects or outdoor, community gatherings of large groups of people, in accordance with the State Health Division regulations.

PUBLIC PLACE: A building, way, place, or accommodation, whether publicly or privately owned, open and available to the general public.

PUBLIC THOROUGHFARE: A street, alley, bicycle path, pedestrian way, or trail that is open to the public.

REFUSE/RUBBISH: Any material discarded or rejected as useless or worthless.

SLAUGHTERHOUSES: ~~A slaughterhouse, tannery, or pigsty.~~ An establishment where animals are killed and processed for meat, where animal byproducts are rendered, or where animal hides are tanned. For purposes of this Chapter, or an establishment where swine livestock are kept in a confined manner shall also be considered a slaughterhouse.

SOUND PRODUCTION OR REPRODUCTION DEVICE: Any radio, stereo, loudspeaker, amplifier, television, tape player, or other similar machine or mechanical or electrical device intended for the production, reproduction, or amplification of sound.

STAGNANT WATER: Water that affords a breeding place for mosquitoes and other insect pests.

SURFACE DRAINAGE: Drainage of liquid wastes from private premises.

VEHICLE: Any device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

~~**WATER POLLUTION:** Pollution of a body of water, well, spring, stream, or drainage ditch by sewage, industrial wastes, or other substances placed in or near the water in a manner that will cause harmful material to pollute the water. (Ord. 711, November, 1992)~~

8.04.020 PUBLIC HEALTH NUISANCES

No person shall cause or permit on property owned or controlled by that person any nuisance affecting the public health. ~~Air pollution, Cesspools, debris, decayed food, odor, privies, slaughterhouses and other similar establishments, stagnant water, and surface drainage, and water pollution~~ are nuisances affecting the public health and ~~may~~ shall be abated as provided in Sections 8.04.240 through 8.04.290 ~~of this chapter.~~ (Ord 711, November, 1992)

8.04.030 ATTRACTIVE NUISANCES

1. No person shall create an attractive nuisance or hazard by:
 - a. Maintaining or leaving in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside, including specifically any used icebox, refrigerator or freezer of any size or shape; or
 - b. Being the owner or otherwise having possession of property upon which there is a well, cistern, cesspool, excavation, or other hole of a depth of four feet or more and a top width of twelve inches or more and failing or refusing to cover or fence it with a suitable protective construction.
2. No owner or person in charge of property shall permit on the property:
 - a. Unguarded machinery, equipment, or other devices ~~that are~~ that is attractive, dangerous, and accessible to ~~children~~ the public;
 - b. Lumber, logs, or piling placed or stored in a manner so as to be attractive, dangerous, or accessible to ~~children~~ the public;
 - c. An open pit, quarry, cistern, or other excavation without safeguards or barriers to prevent such places from being ~~used by children~~ accessed by the public.

This subsection shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to ~~playing children~~ the public. (Ord. 711, November, 1992)

8.04.040 SNOW AND ICE

No owner or person in charge of property, improved or unimproved, abutting on a public sidewalk shall permit:

1. Snow to remain on the sidewalk for a period longer than the first 12 hours after daybreak after the snow has fallen;
2. Ice to remain on the sidewalk for more than 12 hours of after daybreak after the ice has formed unless the ice is covered with sand, ashes, or other suitable material to assure safe travel. (Ord. 711, November, 1992)

8.04.050 SCATTERING RUBBISH

No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, or would be likely to injure a person, animal, or vehicle traveling upon a public way. (Ord. 711, November, 1992)

8.04.055 PROHIBITING CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY

No person shall drink or consume alcoholic beverages in or upon any public street or sidewalk, alley, public grounds, parks, City-owned facilities and properties, except the Stayton Community Center when a permit for that purpose, at that location only, has been properly obtained from the City. The Council may authorize, by lease, the consumption of alcoholic beverages at a City-owned facility for which an exclusive lease is granted to a non-profit organization. (Ord. 760, §1, April 1996). (Ord. 871, November 22, 2004)

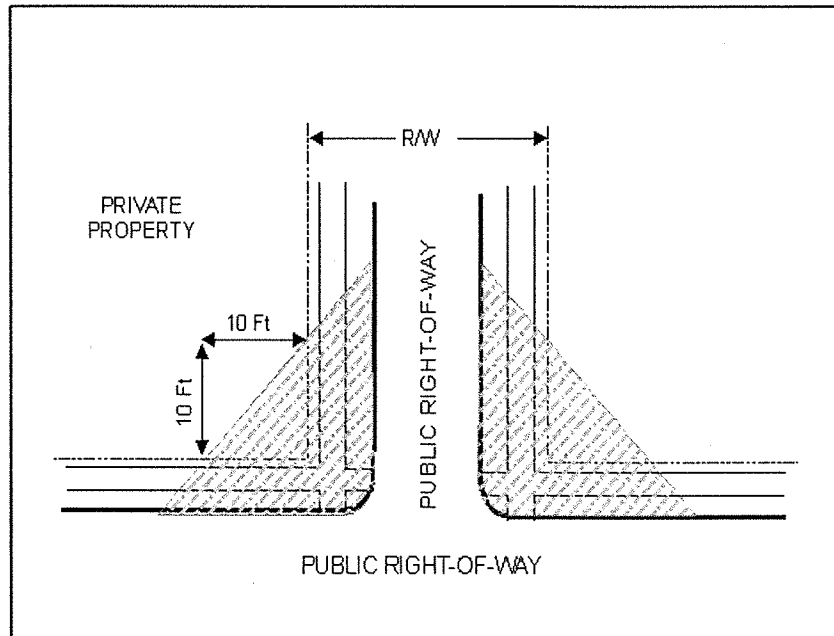
1. Upon application to the City, the City Administrator, ~~or designee~~, pursuant to subsection (2) below, may grant a revocable facility use permit to responsible persons or organizations for an event or activity at which alcoholic beverages may be served and consumed at the Stayton Community Center. (Ord. 871, November 22, 2004)
2. The ~~Stayton City~~ Council shall adopt rules governing facility use permits by Resolution. (Ord. 871, November 22, 2004)

8.04.060 TREES AND VEGETATION OBSTRUCTING VIEW

1. No owner or person in charge of property that abuts on a street or public sidewalk shall permit trees or vegetation on the property to interfere with street or sidewalk traffic.

The owner or person in charge of property shall keep all trees and vegetation on the property, including the adjoining parking strip, trimmed to a height of not less than ~~eight~~ 8 feet above the sidewalk and not less than ~~ten~~ 10 feet above the roadway.

2. The owner or person in charge of property shall keep all trees and vegetation on the property, including the adjoining parking strip, trimmed to a height that does not impede ~~site sight~~ distance, or pedestrian, or vehicular traffic, per the requirements contained in Section 17.26.020.4.c) and d). (Ord. 798, May 17, 1999).
3. No owner or person in charge of property shall allow ~~to stand~~ any hedge or other obstructing vegetation within the vision clearance area (also known as the sight distance triangle) described in this section ~~in order to provide safe visibility for vehicular and pedestrian traffic per the requirements contained in Section 17.26.020.c) and d).~~
 - a. ~~There shall be a vision clearance area at all intersecting and intercepting streets and highways. Such vision clearance areas shall have a minimum of ten feet (10') along each street or highway intersection.~~
 - b. ~~The vision clearance area shall not contain temporary or permanent obstructions to vision exceeding thirty (2430") inches in height above the curb level or street shoulder where there is no curb, except a supporting pillar or post not greater than 12 inches in diameter or 12 inches on the diagonal of a rectangular pillar or post; and further excepting utility poles and those posts, poles, tree trunks, street signs, street lights, and traffic control signs.~~
 - eb. Vision clearance shall not be required at a height 7 feet or more above the curb level or 7 feet 6 inches above the shoulder of a street that does not have curbs.
 - dc. The vision clearance provisions of this section shall not be construed as waiving or altering any yard, landscaping or setback requirements that may be required in Title 17 or any other section of this code.



e. Where the clearance areas as described in Figure 1. would not in the opinion of the chief of police or designate provide for intersection visibility, the chief may prescribe the dimensions and conditions which will comply with the intent of the vision clearance area described in this section. (Ord. 711, November, 1992)

8.04.070 BARBED WIRE OR ELECTRIC FENCES

1. No owner or person in charge of property shall construct or maintain a barbed wire fence, or permit barbed wire to remain as a part of a fence, within three feet of a sidewalk or public way, except such wire may be placed above the top of other fencing not less than ~~six~~ 6 feet high.
2. No owner or person in charge of property shall construct, maintain, or operate an electric fence ~~along a sidewalk or public way or along the adjoining property line of another person~~ except to contain livestock permitted under Section 6.04.185. (Ord. 711, November, 1992)

8.04.080 INADEQUATE DRAINAGE

1. No owner or person in charge of property shall cause or permit any water from any ditch, canal, flume, reservoir pipeline, or conduit above or below the ground to leak or flow over or under any premises, public street, sidewalk, or other public property where such leak ~~of or~~ flow shall endanger the public health, safety, welfare, or convenience.
2. No owner or person in charge of a building or structure shall cause or permit rainwater, ice, or snow to fall from the building or structure onto a ~~street or~~ public sidewalk or to flow across the sidewalk. The owner or person in charge of any structure shall install and maintain in proper repair adequate drainpipes or a drainage system, so that any overflow water accumulating on the roof or about the building is not carried across or upon the sidewalk ~~or street.~~ (Ord. 711, November, 1992)

8.04.090 OBSTRUCTION OF SIDEWALKS AND ALLEYS

1. Except as specifically provided in this section, no person shall place or maintain any item obstructing a sidewalk or alley that extends more than ~~thirty-six~~ 36 inches into the public right-of-way.
2. No person may obstruct any portion of a sidewalk, street, or alley with any building material in connection with the alteration or construction of buildings without first obtaining a permit from the City Administrator.

3. If obstruction is permitted under subsection 2- of this section, not more than one-third of the street or alley shall be occupied or obstructed with material, and only in front of the property where the building is being altered or constructed.
4. Any person who maintains an obstruction under subsection 2- of this section shall, upon request of the Ceity Aadministrator, give written proof of carrying liability insurance to cover any hazard.
5. If a permit is granted to allow obstruction, the person so obstructing shall maintain a substantial temporary sidewalk around construction. A guard railing and amber light as a danger signal shall be kept at each end of the obstruction during the hours between sunset to sunrise.
6. Nothing in this section shall be construed to prohibit the display of goods and materials upon private property, nor shall it apply to persons receiving or discharging goods or merchandise across a sidewalk or alley in accordance with all applicable laws and ordinances. (Ord. 711, November, 1992)

8.04.100 OBSTRUCTING WATERWAYS OR PUBLIC THOROUGHFARES

No person shall interfere with, obstruct, create a congested condition or render dangerous for passage any ~~lake,~~ ~~navigable river,~~ stream, canal, or any public park, square, sidewalk, public way, alley, street, or highway (Ord. 727, February 1993. §1).

8.04.110 UTILITY WIRES STRUNG TOO LOW

No wires used for the transmission of electricity or for any communication purposes shall be strung less than ~~five~~ 15 feet above the surface of the ground. (Ord. 711, November, 1992)

8.04.120 DAMAGED, DERELICT, AND DANGEROUS STRUCTURES

1. No property shall contain any dangerous or derelict structure as described in this Chapter. All such buildings or structures shall be repaired or demolished.

2. Derelict Structures.

a. A derelict structure is any unoccupied nonresidential building, structure, or portion thereof that meets any of the following criteria or any residential building which is at least 50% unoccupied and meets any of the following criteria:

- i. Has been ordered vacated by the Enforcement Officer pursuant to Section 8.04.235.2; or,
- ii. Has been issued a notice of infraction by the Enforcement Officer pursuant to Section 8.04.230; or,
- iii. Is unsecured; or,
- iv. Is boarded unless the boarding is required by the Enforcement Officer; or,
- v. Has, while vacant, had a nuisance declared by the City on the property upon which it is located.

b. Any property which has been declared by the Building Official to include a derelict structure shall be considered in violation of this Chapter until:

- i. The structure has been lawfully occupied;
- ii. The structure has been demolished and the lot cleared and graded after approval is issued by the City, with final inspection and approval by the Building Official, or,
- iii. The owner has demonstrated to the satisfaction of the Building Official that the property is free of all conditions causing its status as a derelict structure.

3. Dangerous Structures.

a. Any structure which through damage, neglect, or lack of maintenance, has any or all of the following conditions or defects to the extent that life, health, property, or safety of the public or the structure's occupants are endangered, shall be deemed to be a dangerous structure, declared a nuisance, and such condition or defects shall be abated pursuant to Section 8.04.230.

- i. High loads. Whenever the stress in any materials, member, or portion of a structure, due to all dead and live loads, is more than 1-1/2 times the working stress or stresses allowed by the current Oregon building codes for new buildings of similar structure, purpose, or location.
- ii. Weakened or unstable structural members or appendages.
 - a. Whenever any portion of a structure has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability is materially less than it was before such catastrophe and is less than the minimum requirements of the current Oregon building codes for new buildings of similar structure, purpose, or location; or
 - b. Whenever appendages including parapet walls, cornices, spires, towers, tanks, statuary, or other appendages or structural members which are supported by, attached to, or part of a building, and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the current Oregon building codes.
- iii. Buckled or leaning walls, structural members. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- iv. Vulnerability to earthquakes, high winds.
 - a. Whenever any portion of a structure is wrecked, warped, buckled, or has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction; or
 - b. Whenever any portion of a building, or any member, appurtenance, or ornamentation of the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the current Oregon building codes for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the current Oregon building codes for such buildings.
- v. Insufficient strength or fire resistance. Whenever any structure which, whether or not erected in accordance with all applicable laws and ordinances:
 - a. Has in any non-supporting part, member, or portion, less than 50% of the strength or the fire-resisting qualities or characteristics required by law for a newly constructed building of like area, height, and occupancy in the same location; or
 - b. Has in any supporting part, member, or portion less than 66% of the strength or the fire-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
- vi. Risk of failure or collapse.
 - a. Whenever any portion or member or appurtenance thereof is likely to fail, or to become disabled or dislodged, or to collapse and thereby injure persons or damage property; or
 - b. Whenever the structure, or any portion thereof, is likely to partially or completely collapse as a result of any cause, including but not limited to:
 - 1. Dilapidation, deterioration, or decay;
 - 2. Faulty construction;
 - 3. The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such structure; or
 - 4. The deterioration, decay, or inadequacy of its foundation.
- vii. Excessive damage or deterioration. Whenever the structure exclusive of the foundation:
 - a. Shows 33% or more damage or deterioration of its supporting member or members;
 - b. 50% damage or deterioration of its non-supporting members; or

- c. 50% damage or deterioration of its enclosing or outside wall coverings.
- viii. Demolition remnants on site. Whenever any portion of a structure, including unfilled excavations, remains on a site for more than 30 days after the demolition or destruction of the structure;
- ix. Fire hazard. Whenever any structure is a fire hazard as a result of any cause, including but not limited to dilapidated condition, deterioration, or damage; inadequate exits; lack of sufficient fire-resistive construction; or faulty electric wiring, gas connections, or heating apparatus.
- x. Other hazards to health, safety, or public welfare.
 - a. Whenever, for any reason, the structure, or any portion thereof, is manifestly unsafe for the purpose for which it is lawfully constructed or currently is being used; or
 - b. Whenever a structure is structurally unsafe or is otherwise hazardous to human life, including but not limited to whenever a structure constitutes a hazard to health, safety, or public welfare by reason of inadequate maintenance, dilapidation, unsanitary conditions, obsolescence, fire hazard, disaster, damage, or abandonment.
- xi. Public nuisance. Whenever the structure has been so damaged by fire, wind, earthquake or flood or any other cause, or has become so dilapidated or deteriorated as to become an attractive nuisance or a harbor for vagrants or criminals.
- xii. Chronic dereliction. Whenever a derelict structure remains unoccupied for a period in excess of 6 months or period less than 6 months when the structure or portion thereof constitutes an attractive nuisance or hazard to the public.
- xiii. Violations of codes, laws. Whenever any structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such structure provided by the building regulations of this City, as specified in the current Oregon building codes or any law or ordinance of this State or City relating to the condition, location, or structure or buildings.

4. Abatement of Dangerous Structures.

All structures or portions thereof which are determined after inspection by the Building Official to be dangerous as defined in this Chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified herein. If the Building Official determines that a structure is dangerous, as defined by this Chapter, the Enforcement Officer shall commence proceedings to cause the repair, vacation or demolition of the structure.

~~No owner or person in charge of property shall allow to stand any building, wall, or other structure that has been damaged by fire, decay, or otherwise to an extent exceeding one half its true cash value prior to its damage, or that is so situated as to endanger the public health or safety. (Ord. 711, November, 1992)~~

8.04.130 NOXIOUS VEGETATION

1. The term "noxious vegetation" does not include vegetation that constitutes an agricultural crop nor vegetation on a parcel of property or any portion of a parcel of property that is greater than 100' feet from a public right-of-way, alley, property line, or dwelling unit, unless that vegetation is a health hazard, a fire hazard, or a traffic hazard ~~within the meaning of section 8.04.130(2) and the requirements contained in Section 17.26.020.4.c) and d).~~
2. The term "noxious vegetation" does include, ~~any time between June 1st and September 30th of any year:~~
 - a. weeds more than ~~ten~~ 10 inches high;
 - b. grass more than ~~ten~~ 10 inches high and not within the exception stated in subsection 1. of this section;
 - c. poison oak;
 - d. poison ivy;
 - e. blackberry bushes that extend into a public thoroughfare or across a property line;
 - f. vegetation that is:

- i. a ~~health-safety hazard because of the possibility of falling branches;~~
 - ii. a fire hazard because it is near other combustibles;
 - iii. a traffic hazard because it impairs the view of a public thoroughfare, ~~or otherwise makes use of the thoroughfare hazardous, or does not meet the sight distance triangle requirements contained in Section 17.26.020.4.c) and d).~~
3. ~~Between June 1st and September 30th of any year, no~~ No owner or person in charge of property shall allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. An owner or person in charge of property shall cut down or destroy grass, shrubbery, brush, bushes, weeds, or other noxious vegetation as often as needed to prevent them from becoming unsightly, from becoming a fire hazard, or, in the case of weeds or other noxious vegetation, from maturing or going to seed.
 4. Between March 1st and April 15th ~~and June 1st~~ of each year, the Ceity Aadministrator may publish three times, in a newspaper of general circulation, in the Ceity a copy of subsection 3- as a notice to all owners and persons in charge of property of the duty to keep their property free from noxious vegetation. The notice shall state that the Ceity is willing to abate the nuisance on a particular parcel of property at the request of the owner or person in charge of the property for a fee sufficient to cover the Ceity's abatement costs. The notice shall also state that, in the absence of request, the Ceity intends to abate all nuisances ~~ten~~ 10 or more days after the final publication of the notice and to charge the cost of doing so to the owner or the person responsible for the property, or on the property itself.
 5. In lieu of providing notice as provided in subsection 4- of this section, between March 1st and April 15th ~~and June 1st~~ of each year, the Ceity Aadministrator may obtain a list of property owners within the Ceity and may then mail a notice to each listed property owner. The notice shall include a copy of subsection 3- advising property owners of their duty to keep their property free from noxious vegetation. The notice shall also state that the Ceity is willing to abate the nuisance on a particular parcel of property for a fee sufficient to cover the Ceity's abatement costs. The notice shall also state that, in the absence of such request, the Ceity intends to abate all such nuisances at any time ~~after June 15th~~ and the Ceity will charge the cost of abating the nuisance on a particular parcel of property to the owner or the person responsible for the property, or on the property itself.
 6. During any time of each year, the Ceity Aadministrator may provide notice for abatement of noxious vegetation as provided in ~~code~~ Ssection 8.04.240.
 7. If the notices provided for in subsections 4- or 5- are used, they shall be in lieu of the notice required by ~~code~~ Ssection 8.04.240. (Ord. 711, November, 1992)

8.04.140 NOISE AND VIBRATIONS

1. No person shall make, assist in making, continue, or cause to be made any loud, disturbing, or unnecessary noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others between the hours of 10:00 p.m. and 7:00 a.m. except as otherwise provided. (Ord. 773, 4 August, 1997)
2. Loud, disturbing and unnecessary noises include, but are not limited to:
 - a. The keeping of any animal which, by causing frequent or ~~long~~-continued noise, ~~shall disturb~~ the comfort and repose of any person in the vicinity.
 - b. The attaching of a bell to an animal or allowing a bell to remain on an animal.
 - c. The use of a vehicle or engine, either stationary or moving, so out of repair, loaded, or operated as to create any loud or unnecessary grating, grinding, rattling, or other noise.
 - d. The sounding of a horn or signaling device on a vehicle on a street, public place, or private place, except as a necessary warning of danger.
 - e. ~~The blowing of a steam whistle attached to a stationary boiler, except to give notice of the time to begin or stop work, as a warning of danger, or upon request of proper city authorities.~~
 - f. The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise created thereby is effectively muffled.

- g. The erection, including excavation, demolition, alteration, or repair of a building in residential districts other than between the hours of 7:00 a.m. and 6:00 p.m., except in case of urgent necessity in the interest of the public welfare and safety, and then only with permit granted by the Ceity Aadministrator for a period not to exceed ~~ten~~ 10 days. The permit may be renewed for periods of five days while the emergency continues to exist. If the Ceity Aadministrator determines that the public health, safety, and welfare will not be impaired by the erection, demolition, alteration, or repair of a building between the hours of 6:00 p.m. and 7:00 a.m., and if the Ceity Aadministrator shall further determine that loss or inconvenience would result to any person unless the work is permitted within those hours, the Ceity Aadministrator may grant permission for such work to be done within specified hours between 6:00 p.m. and 7:00 a.m., upon application therefore being made at the time the permit for the work is awarded or during the progress of the work. The ~~actual~~ owner of property may do work on property actually occupied by the owner between the hours of 6:00 p.m. and 10:00 p.m. without obtaining a permit.
 - h. The use of a gong or siren upon a vehicle other than an emergency services vehicle except when used as part of a community function such as a parade or other special promotion for which a permit has been issued under ~~title S.M.C. Chapter 10.36 of this code.~~
 - i. The creation of loud or disturbing noises on a street adjacent to a school, institution of learning, church, or court of justice, while the same are in use, or on a street adjacent to a hospital, nursing home, or other institution for the care of the sick or infirm, which interferes with the safe operation of such institution or disturbs or unduly annoys occupants.
 - j. The discharge in the open air of the exhaust of a steam engine, internal combustion engine, motorboat, or motor vehicle, except through muffler or other device which will effectively prevent loud or explosive noises.
 - k. The use or operation of an automatic or electric piano, phonograph, ~~gramophone, Victrola,~~ radio, television, loudspeaker, or any instrument for sound producing, or any sound-amplifying production device so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the use thereof a nuisance. However, upon application to the Cehief of Ppolice, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches, or general entertainment as a part of a national, state, or citymunicipal event, public festivals, or outstanding events of a noncommercial nature.
 - l. The making of a noise by crying, calling, or shouting or by means of a whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of advertising goods, wares, or merchandise, attracting attention, or inviting patronage of a person to a business.
 - m. The conducting, operating, or maintaining of ~~an automobile repair shop or service station~~ a commercial or industrial business within 100 feet of a private residence, apartment, rooming house, or hotel in such manner as to cause loud or disturbing noises to be emitted there from between the hours of 10:00 p.m. and 7:00 a.m.
3. No person shall make, assist in making, continue, or cause to be made any loud, disturbing, or unnecessary noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others at any time in the following manner:(Ord. 773, August 4, 1997)
- a. The use or operation of any sound production or reproduction device, car alarm or horn on public property or on a public right-of-way so as to cause a plainly audible sound fifty feet or more from such device, except as allowed by permits in section 2, subsection k. ~~of this section~~ or in the case of an actual emergency. (Ord. 711, November, 1992)(Ord. 773, 4 August 1997)
 - b. The operation, or to permit the use or operation of any device designed for sound production or reproduction, including, but not limited to any radio, television set, musical instrument, phonograph, loud speaker, bell, chime, horn, in such a manner as to cause a noise disturbance and as defined in Section 8.04.140.2.d ~~section 2, subsections d and k~~, except as allowed by permits in Section 2, subsection k8.04.140.2.k, so as to be plainly audible within any dwelling unit which is not the source of the sound. (Ord. 773, 4 August, 1997)

8.04.150 POSTED NOTICES

No person shall affix a sign, placard, bill, or poster upon personal or real property, private or public, without first obtaining permission from the owner thereof or from the proper public authority. (Ord. 711, November, 1992)

8.04.160 ADVERTISING: PUBLIC PROPERTY, PROHIBITION

Except as otherwise specifically permitted, no person may:

1. Place, display, scatter, or distribute any advertising matter on or across any public street, sidewalk, or other public thoroughfare.
2. Erect, place, or display any structure or device which is used to display advertising matter on or across any public street, sidewalk, or other public thoroughfare.
3. Attach any advertising matter to any tree, pole, or post situated on any public property within the Ceity. (Ord. 711, November, 1992)

8.04.170 ADVERTISING: PRIVATE PROPERTY, PROHIBITION

No person may display any advertising matter on or across any private property within the Ceity without the express consent of the owner or person in charge of such property. (Ord. 711, November, 1992)

8.04.180 ADVERTISING: PUBLIC PROPERTY, EXCEPTIONS

1. The Ceity Aadministrator may permit any person to display or distribute advertising on City-owned property for meetings or entertainment, ~~notwithstanding any of the provisions of sections 8.04.170~~. If the request is denied, the applicant may appeal to the Ceity Ceouncil.
2. The City Ceouncil may, upon request, permit any person to erect a sign or device adjacent to any property to display advertising matter pertaining to the business or activity carried on at said premises, and which will extend over or across any portion of a public thoroughfare. Any person desiring such permission shall apply to the Ceity Aadministrator who shall forward the request to the City Ceouncil. If the City Ceouncil finds that such sign or device is not likely to endanger any person or property, it may grant the application, dictating the terms and conditions for such erection and use, or it may reject the application.
3. Any sign or device permitted under this Ssection must conform to standards in the Oregon Structural Specialty Uniform Building Code as adopted by ~~the city~~ Marion County, where such standards are applicable.
4. Nothing in Ssections 8.04.170 through 8.04.190 of this Cchapter ~~will shall~~ prohibit the proper display of notices of any election to be held by the federal or state governments or any subdivision thereof, or of notices of judicial sales, or any other notices or advertisements issued or displayed pursuant to law or ordinance. (Ord. 711, November, 1992)

8.04.190 ADVERTISING: REMOVAL

The Ppolice Cchief or designate may immediately remove and dispose of any advertising matter or sign or other device displayed or erected within the Ceity in violation of any of the terms of ~~sections 8.04.150 through 8.04.190~~ this Chapter. (Ord. 711, November, 1992)

8.04.200 JUNK ACCUMULATION

1. No person shall keep any junk outdoors on any street, lot, or premises, or in a building that is not wholly or entirely enclosed, except doors used for ingress and egress.
2. This section shall not apply to junk kept by a junk dealer licensed under S.M.C. Chapter 5.36. (Ord. 711, November, 1992)

8.04.210 DISCARDED VEHICLES

1. No person shall store or permit the storing of a discarded vehicle on any private property for more than seventy-two hours, unless it is completely enclosed within a building or in a space entirely enclosed by a solid fence, hedge, or screen, not less than ~~six~~ 6 feet in height, or unless it is in connection with a business enterprise dealing in junked vehicles lawfully conducted within the Ceity.

2. In addition to or in lieu of the procedures contained in Sections 8.04.240 through 8.04.290 of this chapter for abating nuisances, vehicles found in violation of subsection 1- of this section may be impounded and disposed of in accordance with the applicable state law for vehicles abandoned in public places. (Ord. 711, November, 1992)

8.04.220 UNENUMERATED NUISANCES

1. The acts, conditions, or objects, specifically enumerated and defined in Sections 8.04.040-020 through 8.04.220-210 of this chapter are declared public nuisances, and such acts, conditions, or objects may be abated by any of the procedures set forth in Sections 8.04.240 through 8.04.290 of this chapter.
2. In addition to the nuisances specifically enumerated in this codeChapter, every other thing, substance, or act which is determined by the Council to be injurious or detrimental to the public health, safety, or welfare is declared a nuisance and may be abated as provided in this Cehapter. (Ord. 711, November, 1992)

8.04.230 ABATEMENT: NOTICE

1. If ~~the city administrator or his designate~~ is satisfied that a nuisance exists, ~~he~~ the Enforcement Officer shall cause a notice to be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance.
2. At the time of posting, the Enforcement Officer~~city administrator~~ shall cause a copy of the notice to be forwarded by registered or certified mail to the person responsible at ~~his~~ the last known address, or the notice ~~can~~ may be personally served.
3. The notice to abate shall contain:
 - a. A description of the real property, by street address or otherwise, on which the nuisance exists.
 - b. A direction to abate the nuisance within ~~ten~~ (10) days from the date of the notice.
 - c. A description of the nuisance.
 - d. A statement that, unless the nuisance is removed, the Ceity may abate the nuisance and the cost of the abatement will be charged to the person responsible.
 - e. A statement that failure to abate a nuisance may warrant imposition of a fine.
 - f. A statement that the person responsible may protest the order to abate by giving written notice to the Ceity Administrator within ~~ten~~ (10) days from the date of the notice.
4. If the person responsible is not the owner, an additional notice shall be served on the owner, whose name and address appear on the Ceounty tax records, stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.
5. Upon completion of the posting and mailing, the ~~persons posting and mailing~~ Enforcement Officer shall execute and file certificates stating the date and place of the mailing and posting.
6. If there is an inaccuracy in the name or address of the person responsible, the posted notice shall be sufficient. (Ord. 711, November, 1992)

8.04.235 ABATEMENT OF DANGEROUS STRUCTURES.

All structures or portions thereof which are determined after inspection by the Building Official to be dangerous as defined in this Chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified herein. If the Building Official determines that a structure is dangerous, as defined by this Chapter, the Enforcement Officer shall commence proceedings to cause the repair, vacation or demolition of the structure.

1 Notice of Status as Derelict or Dangerous Structure.

- a. When the Building Official determines that a structure is a derelict or dangerous structure, the Enforcement officer shall give notice of the infraction to the owner pursuant to this Chapter. Additional notice to other affected persons, such as tenants and holders of a security interest shall be given. In addition to the notice required by Section 8.04.230, the Enforcement Officer shall give the statement of actions required to cure or remedy the condition and, if necessary, the order to vacate described in Section 8.04.235.2.

b. Statement Of Actions Required.

- i. Notice of the statement of action shall be given in conjunction with the notice of infraction pursuant to Section 8.04.230.
- ii. The statement of the action required to cure or remedy a condition giving rise to classification of a structure as derelict or dangerous shall include the following:
 - (a) If the Building Official has determined that the building or structure must be repaired, the statement shall require that all required permits be secured and the work physically commenced within such time from the date of the statement and completed within such time as the Enforcement Officer shall determine is reasonable under all of the circumstances, but no more than 10 days, or the building or structure be demolished.
 - (b) If the Building Official has determined that the building or structure must be vacated, the statement shall order that the building or structure shall be vacated within a time certain from the date of the statement as determined by the Enforcement Officer to be reasonable, but no more than 7 days.
 - (c) If the Building Official has determined that
 - (1) the building or structure is vacant,
 - (2) that building or structure is structurally sound and does not present a fire hazard, and
 - (3) the building or structure has presented or is likely to present a danger to individuals who may enter the building or structure even though they are unauthorized to do so, the statement shall require that the building or structure be secured against unauthorized entry by means which may include but are not limited to the boarding up of doors and windows.
 - (d) If the Building Official has determined that the building or structure must be demolished, the statement shall order that the building be vacated within such time as the Enforcement Officer shall determine is reasonable from the date of the statement; that all required permits be secured from the date of the statement, and that the demolition be completed within such time as the Enforcement Officer shall determine is reasonable.
 - (e) Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Enforcement Officer will order the building vacated and posted to prevent further occupancy until the work is completed, and may proceed to cause the work to be done and charge the costs thereof against the property or its owners.

2 Notice of Unsafe Occupancy.

- a. Posting Notice. In conjunction with an order to vacate, a notice shall be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY
It is a violation of Chapter 8.04 of the Stayton Municipal Code to enter or occupy this building or to remove or deface this notice.
Enforcement Officer
City of Stayton

b. Compliance.

- i. Upon an order to vacate and the posting of an unsafe building notice, no person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit.

- ii. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and either a final inspection has been conducted in the case of residential structure or a certificate of occupancy issued pursuant to the provisions of the building code ordinance.

8.04.240 ABATEMENT: PROTEST HEARING.

1. Within the time limit set by the notice under section 8.04.240~~230~~ or 8.04.235, the person responsible shall remove the nuisance or show that no nuisance exists.
2. A person responsible, protesting that no nuisance exists, shall file with the Ceity Administrator a written statement that specifies the basis for so protesting.
3. The statement shall be referred to the Ceouncil as a part of its regular agenda at its next succeeding meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the Ceouncil. The Ceouncil shall determine whether or not a nuisance exists, or whether abatement of any nuisance will work a hardship on the property owner or person in charge of property out of proportion to the benefit to the public. Council determinations shall be required only in those cases where a written statement has been filed as provided.
4. If the Ceouncil determines that a nuisance does exist and that abatement will not work an unreasonable hardship, the person responsible shall abate the nuisance within ~~ten~~(10) days after the Ceouncil determination, or within such other time limit as may be set by the Ceouncil. (Ord. 711, November, 1992)

8.04.250 ABATEMENT: JOINT RESPONSIBILITY

If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance, or for the costs incurred by the Ceity in abating the nuisance. (Ord. 711, November, 1992)

8.04.260 ABATEMENT BY CITY: PROCEDURE

1. If, within the time allowed, the nuisance has not been abated by the person responsible, the Ceouncil may cause the nuisance to be abated.
2. The Enforcement Officer ~~charged with abatement of the nuisance~~ has the right at reasonable times to enter into or upon the property to investigate or cause the removal of a nuisance in accordance with S.M.C. Chapter 1.24 of this code.
3. The person charged with removing any nuisance shall use all reasonable care so as to do a minimum of damage to any ornamental grass or bushes or any structure or other item not the subject of the abatement.
4. The Ceity Administrator shall keep an accurate record of the expense incurred by the Ceity in physically abating the nuisance and shall include therein a charge of ~~ten dollars~~\$100 or ~~10% percent~~ of those expenses, whichever is greater, for administrative overhead.
5. The cost of any abatement by the Ceity shall be paid from the general fund, and all income resulting from the enforcement of Section 8.04.280 ~~of this chapter~~ and the collection of such costs shall be credited to said fund. (Ord. 711, November, 1992)

8.04.270 ABATEMENT BY CITY: ASSESSMENT OF COSTS

1. The Ceity Administrator shall deliver, by personal service or by mail, both regular and certified mail (return receipt requested), to the person responsible and to the owner a notice stating:
 - a. The total cost of abatement, including the administrative overhead;
 - b. That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice.
 - c. That if the person responsible objects to the cost of the abatement as indicated, ~~he~~that person may file a notice of objection with the Ceity Administrator not more than ~~ten~~10 days from the date of the notice.
2. Upon the expiration of ~~ten~~10 days after the date of the notice, the Ceouncil, in the regular course of business, shall hear and determine any objections to the costs assessed.

3. If the costs of the abatement are not paid within thirty days from the date of the notice an assessment of the costs as stated or determined by the Council shall be made by resolution and shall then be entered in the docket of City liens against the property from which the nuisance was removed or abated.
4. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of ~~seven percent (7%)~~ per year. The interest shall be computed from the date of entry of the lien in the lien docket.
5. If there is an inaccuracy in the name of the owner or person responsible, if such persons do not receive the notice of the proposed assessment, the assessment shall remain a valid lien against the property.
6. If neither the person responsible nor the ~~owner~~ owner has received notice of the proposed assessment, then the City shall publish the notice of the proposed assessment once in a newspaper of general circulation. (Ord. 711, November, 1992)

8.04.280 SUMMARY ABATEMENT

The procedure provided by Sections 8.04.240 through 8.04.280-270 is not exclusive, but is in addition to procedures provided by other sections of this ~~code~~ Chapter for the removal of nuisances, and the Chief of Police or the City Administrator may proceed summarily to abate a health or other nuisance which unmistakably exists, and which imminently endangers human life or property. (Ord. 711, November, 1992)

8.04.290 ABATEMENT AS ADDITIONAL REMEDY

The abatement of a nuisance is not a penalty for violating this Chapter, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within the time set by the notice to abate, or if a written protest has been filed, abatement within ~~ten (10)~~ days of Council determination that a nuisance exists, will relieve the person responsible from the imposition of any fine for such nuisance. (Ord. 711, November, 1992)

SECTIONS 8.04.300 THROUGH ~~8.04.380~~ 8.04.360 RESERVED FOR EXPANSION

8.04.370 OCCUPANCY OF RESIDENTIAL PROPERTY AFTER NOTICE OF VIOLATION

1. If a notice of violation of Section 8.04.120 has been issued, and if the affected dwelling unit(s) is or becomes vacant, it shall be unlawful to reoccupy or permit re-occupancy of the unit(s) for residential purposes until the necessary permits are obtained, corrections made, and permit inspection approvals given.
2. Notwithstanding Subsection 8.04.370.1, the Enforcement Officer may permit re-occupancy of the dwelling unit if in the Building Official's opinion, all nuisance conditions have been addressed and rectified.

8.04.380 INTERFERENCE WITH REPAIR, DEMOLITION, OR ABATEMENT PROHIBITED.

It is unlawful for any person to obstruct, impede, or interfere with any person lawfully engaged in:

1. The work of repairing, vacating, warehousing, or demolishing any structure pursuant to the provisions of this Chapter;
2. The abatement of a nuisance pursuant to the provisions of this Chapter.
3. The performance of any necessary act preliminary to or incidental to such work as authorized by this Chapter or directed pursuant to it.

8.04.390 PENALTY

1. Any person, firm, or corporation who violates any provision of this Chapter is punishable upon conviction by a fine as provided in subsection 2 of this section. This penalty may be assessed against the owner and the person in charge of the property. Each day that the violation persists after notification shall be deemed as a separate offense.
2. A violation of ~~sections 8.04.010 through 8.04.230~~ of this Chapter shall be punishable as an infraction by a fine not to exceed ~~less than \$500.00~~ nor more than \$1,000.00 for each infraction.
2. ~~In addition to other remedies and fees provided for in this chapter, any person authorized to enforce the provisions of this chapter may issue an enforcement complaint as defined in section 8.04.020, to any person found in violation of the provisions of this chapter. (Ord. 711, November, 1992)~~

SECTION 4: An emergency is declared to exist to allow abatement of nuisance conditions that may jeopardize the public health, safety and welfare. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become immediately effective.

ADOPTED BY THE STAYTON CITY COUNCIL this 1st day of October, 2007.

CITY OF STAYTON

Signed: Oct 1, 2007

BY: Virginia L. Honeywell
Virginia L. Honeywell, Mayor

Signed: Oct 2, 2007

ATTEST: Chris Childs
Chris Childs, City Administrator

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney

