

ORDINANCE NO. 711

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 8., "HEALTH AND SAFETY," AND TITLE 9., "PUBLIC PEACE AND WELFARE."

WHEREAS, the Stayton City Council recognizes the need to amend certain sections of the Stayton Municipal Code related to abatement of conditions which have the potential of threatening public health and safety; and

WHEREAS, the Stayton City Council likewise recognizes the need to amend certain sections of the Stayton Municipal Code related to the protection of public peace, morals, and welfare;

NOW, THEREFORE, THE STAYTON CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1: Stayton Municipal Code Title 8., "Health and Safety," is hereby amended to read:

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.

CESSPOOLS: Cesspools or septic tanks that are in an unsanitary condition or which cause an offensive odor.

DEBRIS: Accumulations of debris, rubbish, manure, and other refuse that are not removed within a reasonable time and that affect the health of the city.

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

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

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JUNK: Old 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 feet or less.

PRIVIES: An open vault or receptacle for human waste constructed and maintained within the city, 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.

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

SLAUGHTERHOUSES: A slaughterhouse, tannery, or pigsty.

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.

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, surface drainage, and water pollution are nuisances affecting the public health and may be abated as provided in Sections 8.04.240 through 8.04.290 of this chapter.

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 attractive, dangerous, and accessible to children;
 - b. Lumber, logs, or piling placed or stored in a manner so as to be attractive, dangerous, or accessible to children;
 - c. An open pit, quarry, cistern, or other excavation without safeguards or barriers to prevent such places from being used by children.

This subsection shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.

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.

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.

8.04.060 TREES AND VEGETATION OBSTRUCTING VIEW

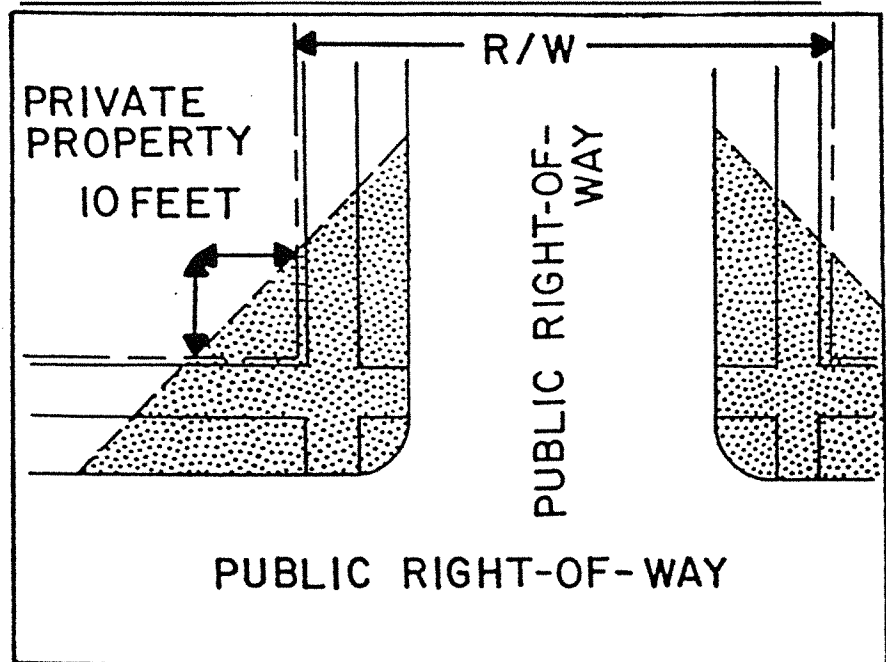
1. No owner or person in charge of property that abuts on a street or public sidewalk shall permit trees or vegetation on the property to interfere with street or sidewalk traffic. The owner or person in charge of property shall keep all trees and vegetation on the property, including the adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk and not less than ten feet above the roadway.
2. No owner or person in charge of property shall allow to stand a dead or decaying tree that is a hazard to the public or to persons or property on or near the property.
3. No owner or person in charge of property shall allow to stand any hedge or other obstructing vegetation within the vision clearance area described in this section in order to provide safe visibility for vehicular and pedestrian traffic.
 - 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 (30") 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.
 - c. 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.
 - d. 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.

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- 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.



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 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.

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 or flow shall endanger the public health, safety, welfare, or convenience.

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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.

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 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 city administrator, 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.

8.04.100 OBSTRUCTING WATERWAYS OR PUBLIC THOROUGHFARES.

No person shall interfere with, obstruct, or render dangerous for passage any lake, navigable river, stream, canal, or any public park, square, street, or highway.

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 fifteen feet above the surface of the ground.

8.04.120 DAMAGED STRUCTURES

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.

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' 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).
2. The term "noxious vegetation" does include, any time between June 1st and September 30th of any year:
 - a. weeds more than ten inches high;
 - b. grass more than ten 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 hazard;
 - 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.
3. Between June 1st and September 30th of any year, 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 April 15th and June 1st of each year, the city administrator may publish three times, in a newspaper of general circulation, in the city 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 city 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 city's abatement costs. The notice shall also state that, in the absence of request, the city intends to abate all nuisances ten 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.

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5. In lieu of providing notice as provided in subsection 4. of this section, between April 15th and June 1st of each year, the city administrator may obtain a list of property owners within the city 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 city is willing to abate the nuisance on a particular parcel of property for a fee sufficient to cover the city's abatement costs. The notice shall also state that, in the absence of such request, the city intends to abate all such nuisances at any time after June 15th and the city 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 city administrator may provide notice for abatement of noxious vegetation as provided in code section 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 section 8.04.240.

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 p.m. and 7:00 a.m.
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 city administrator for a period not to exceed ten days. The permit may be renewed for periods of five days while the emergency continues to exist. If the city administrator 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 city administrator shall further determine that loss or inconvenience would result to any person unless the work is permitted within those hours, the city administrator 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 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 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 chief of police, 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 city 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 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 therefrom between the hours of 10:00 p.m. and 7:00 a.m.
- n. The use or operation of any sound production or reproduction device 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 subsection k. of this section.

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.

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 city.

8.04.170 ADVERTISING: PRIVATE PROPERTY, PROHIBITION

No person may display any advertising matter on or across any private property within the city without the express consent of the owner or person in charge of such property.

8.04.180 ADVERTISING: PUBLIC PROPERTY, EXCEPTIONS

- 1. The city administrator may permit any person to display or distribute advertising for meetings or entertainment, notwithstanding any of the provisions of sections 8.04.170. If the request is denied, applicant may appeal to the city council.
- 2. The council 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 city administrator who shall forward the request to the council. If the council 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 section must conform to standards in the Uniform Building Code as adopted by the city, where such standards are applicable.
4. Nothing in sections 8.04.170 through 8.04.190 of this chapter will 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.

8.04.190 ADVERTISING: REMOVAL

The police chief or designate may immediately remove and dispose of any advertising matter or sign or other device displayed or erected within the city in violation of any of the terms of sections 8.04.160 through 8.04.190.

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 Chapter 5.36.

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 feet in height, or unless it is in connection with a business enterprise dealing in junked vehicles lawfully conducted within the city.
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.

8.04.220 UNENUMERATED NUISANCES

1. The acts, conditions, or objects, specifically enumerated and defined in sections 8.04.010 through 8.04.220 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 code, 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 chapter.

8.04.230

ABATEMENT: NOTICE

1. If the city administrator or his designate is satisfied that a nuisance exists, he 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 city administrator shall cause a copy of the notice to be forwarded by registered or certified mail to the person responsible at his last known address, or the notice can 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 city 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 city 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 county 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 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.

8.04.240

ABATEMENT: PROTEST HEARING.

1. Within the time limit set by the notice under section 8.04.240, 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 city administrator a written statement that specifies the basis for so protesting.

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3. The statement shall be referred to the council 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 council. The council 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 council 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 council determination, or within such other time limit as may be set by the council.

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 city in abating the nuisance.

8.04.260 ABATEMENT BY CITY: PROCEDURE

1. If, within the time allowed, the nuisance has not been abated by the person responsible, the council may cause the nuisance to be abated.
2. The 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 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 city administrator shall keep an accurate record of the expense incurred by the city in physically abating the nuisance and shall include therein a charge of ten dollars or 10 percent of those expenses, whichever is greater, for administrative overhead.
5. The cost of any abatement by the city 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.

8.04.270 ABATEMENT BY CITY: ASSESSMENT OF COSTS

1. The city 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 may file a notice of objection with the city administrator not more than ten days from the date of the notice.
2. Upon the expiration of ten days after the date of the notice, the council, 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 have received notice of the proposed assessment, then the city shall publish the notice of the proposed assessment once in a newspaper of general circulation.

8.04.280 SUMMARY ABATEMENT

The procedure provided by sections 8.04.240 through 8.04.280 is not exclusive, but is in addition to procedures provided by other sections of this code 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.

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.

SECTIONS 8.04.300 THROUGH 8.04.380 RESERVED FOR EXPANSION

8.04.390 PENALTY

1. 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 \$500.00.
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 6.04.020, to any person found in violation of the provisions of this chapter.

8.08.410 TITLE OF PROVISIONS

This chapter shall be known as the "Public Alarm Ordinance."

8.08.420 PURPOSE OF PROVISIONS

1. The purpose of this chapter is to protect the Santiam Canyon Communications Center from misuses of automatic emergency alarm reporting systems.
2. The ordinance governs fire, medical, burglar, and hazard monitoring alarm systems, requires permits, establishes fees, provides for revocation of permits, and provides for punishment of violations.

8.08.430 DEFINITIONS

As used in this chapter, the following mean:

ALARM SYSTEM: A device or system of interconnected devices, including hardware and related accessories, designed to give warning of a fire, burglary, robbery, medical emergency, or other hazardous conditions occurring on the protected premises, except residential smoke detectors which are not connected to a receiving panel at an alarm reception point and does not emit sound outside the residence.

AUTOMATIC DIALER: A device programmed to select a telephone number and deliver a warning message or signal over standard telephone lines.

DIGITAL COMMUNICATOR: An automatic dialer specially designed and programmed to deliver an alarm signal to compatible receiving equipment located at an alarm reception point by telephone line.

EMERGENCY COMMUNICATION CENTER: The Santiam Canyon Communications Center, used to receive transmissions and general information from the public to be dispatched to the respective entities utilizing the center.

FALSE ALARM: Any activation of any alarm system which results in the dispatch of emergency personnel to the protected premises where they are unable to discover any evidence of an emergency condition, but it does not include an alarm signal caused by violent conditions or nature of other extraordinary circumstances not reasonably subject to control by the alarm user.

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HARD-WIRE SYSTEM: An alarm system that detects and transmits alarms using direct leased lines to a receiving panel at an alarm reception point.

LOCAL ALARMS: Systems or devices that sound audibly on the premises of the user, but are not connected to a receiving panel at an alarm reception point.

PROTECTED PREMISES: All of that contiguous area including buildings protected by a single alarm system and under common ownership and use.

PERSONS: Any alarm user, be it a natural person, firm, partnership, association, corporation, company, or organization, profit or nonprofit, public or private.

8.08.440 **GENERAL SYSTEM REQUIREMENTS**

1. No alarm system shall be installed, used, or maintained in violation of any of the requirements of adopted provisions of the Uniform Fire Code or of any applicable statute, law, or administrative regulation of the state or of the city.
2. Any alarm user required by federal, state, county, or municipal statute, regulation, rule, or ordinance to install, maintain, and operate an alarm system shall be subject to this chapter.

8.08.450 **DIGITAL COMMUNICATOR RESTRICTIONS**

Any alarm system that incorporates a digital communicator shall be programmed to select an emergency communication center phone line specifically designed for this purpose. No automatic dialer shall be programmed to select the emergency communication center trunk phone lines.

8.08.460 **TRAINING REQUIREMENTS**

The holder of an alarm system permit shall be responsible for training and retraining of employees, family members, and other persons who make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger an alarm device. Such training shall include procedures to avoid accidental alarms and steps to follow in the event the system is accidentally triggered.

8.08.470 **MAINTENANCE AND REPAIR RESPONSIBILITY**

The holder of an alarm system permit shall, at all times, be responsible for the proper maintenance and repair of the system and for the repair or replacement of any component, method of installation, design feature, or like condition which may give rise to a false alarm.

8.08.480 **TESTING OF SYSTEMS**

All alarm system testing shall be conducted in accordance with the following: All service and tests of any alarm system that may result in transmission of alarm signals to the emergency communication center shall be conducted only after notification to the emergency communication center of the intention to conduct such service or tests. Failure to so notify will result in a false alarm assessment.

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8.08.490 FIRE DRILLS: PRIOR NOTIFICATION REQUIRED

Fire drills that incorporate activation of the alarm system with resultant transmission of alarm signals to the emergency communication center shall not be conducted without prior notification to the emergency communication center.

8.08.500 RESPONSIBILITY FOR ALARM DEACTIVATION

All permit holders shall furnish and update names and phone numbers of at least two responsible persons having access to the premises who may be notified to assist personnel in the event the alarm is activated.

8.08.510 SOUND LIMITATIONS

Local alarms other than fire alarms shall not make a sound similar to that of sirens on emergency vehicles or of civil defense warning systems. Owners of local alarms shall be responsible to maintain and turn the alarm system off in case of malfunction, and are subject to Section 8.08.570 of this chapter. No local alarm sounding device shall sound for more than five minutes and shall incorporate an automatic cutoff.

8.08.520 PERMIT: REQUIRED

No person shall install, use, or maintain any alarm system without first obtaining a permit for such system from the city. Systems approved and installed prior to the adoption of this chapter shall be governed by such rules and regulations contained in this chapter.

8.08.530 PERMIT: APPLICATION, ISSUANCE

1. Each application for an alarm system permit shall be made on a form prescribed by the city.
2. Each permit application shall be accompanied by the fee prescribed in Section 8.08.540 of this chapter.
3. Upon receipt of the permit application and fee, the city shall undertake such investigation as is deemed necessary. If it appears that the proposed system will comply with the provisions of this chapter and any other applicable rules and regulations, the city shall issue to the applicant a permit bearing an identifying number and specifying the type of alarm system for which it is issued.

8.08.540 FEE SCHEDULE

1. The fee for permit application is \$10.00.
2. A \$25.00 charge shall be assessed in addition to the fee provided in subsection 1. of this section if a user fails to obtain a permit prior to activation of the alarm.
3. Fees shall be subject to revisions by ordinance of the city council over time as conditions merit.

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4. False Alarm Fees:

- a. First four false alarms during the permit year, no charge;
- b. For each false alarm thereafter, \$25.00 per alarm.

8.08.550 PERMIT: GROUNDS FOR REVOCATION

- 1. The following shall be grounds for revoking any permit issued pursuant to this chapter:
 - a. Any false or incomplete statement made on the permit application;
 - b. Substantial alteration of alarm transmitting devices other than those approved at the time of the permit application;
 - c. Testing or deliberate activation of the alarm system without following the provisions set forth in sections 8.08.480 and 8.08.490 of this chapter;
 - d. Failure to properly maintain the system;
 - e. Failure to pay a false alarm fee as prescribed in Section 8.08.540 of this chapter within thirty days of demand. Noncompliance shall subject the protected property to a lien on the property, as well as to the penalties prescribed in Section 8.08.590 of this chapter.
 - f. Any permit for an alarm system that has ten or more false alarms within a permit year may be revoked and the system shall be disconnected.
- 2. An alarm user shall immediately discontinue use of the alarm system upon being notified by certified mail of the revocation of the permit.

8.08.560 PERMIT: APPEALS

Any party whose alarm system permit has been revoked under Section 8.08.550 of this chapter may appeal that action to the city council by giving written notice to the city administrator within thirty days after receipt of the notice of revocation. The filing of a notice of appeal shall stay the action appealed until disposition of the appeal by the council.

8.08.570 FALSE ALARMS

As a condition of any alarm system permit issued under the provisions of this chapter and for maintenance of any similar system installed prior to adoption of this chapter, the permittee shall pay the city fees for false alarms generated by the permittee's alarm system according to the schedule in Section 8.08.540 of this chapter.

8.08.580 RESERVED

8.08.590 VIOLATION: PENALTY

1. A violation of a provision of this chapter is punishable by a fine not to exceed \$500.00.
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 6.04.020, to any person found in violation of the provisions of this chapter.

8.12.620 DEFINITIONS

As used in this chapter, the following mean:

CAMP: To set up or to remain in or at a campsite.

CAMPSITE: Any place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

PUBLIC PROPERTY: A sidewalk, street, alley, public right-of-way, park, building, structure, or any other publicly owned land or facility.

RECREATION VEHICLE: A vacation trailer or other vehicular or portable unit which is either self-propelled or carried or towed by a motor vehicle and which is intended for human occupancy and is designed for vacation or recreational purposes but not a permanent residence. Recreational vehicles also include travel trailers, motorhomes, campers, boats, boat trailers, snowmobiles, all-terrain vehicles (ATVs), and trailers designed primarily to carry ATVs or snowmobiles. Recreational vehicles do not include utility trailers or canopies.

8.12.630 CAMPING PERMIT

1. No person shall camp in or upon any public property or under any bridge or viaduct, unless a permit is obtained from the chief of police or by declaration of the mayor in emergency circumstances.
2. The chief of police or designated representative may issue a permit to any person to park a recreational vehicle (RV) or to camp upon any public property. A permit issued under this section shall be issued subject to the following conditions:
 - a. The applicant has filed an application with the city for each RV, tent, or campsite;
 - b. The proposed activity for which the permit is issued is not likely to disturb the peace and quiet of any person;

- c. The proposed activity is unlikely to result in litter, trash, garbage, sewage, or other unsanitary material being placed or left on public property;

3. The permit may be granted for up to ten days.

8.12.640 PARK HOURS

Public parks of the city shall be closed to access and use by members of the public between the hours of 12:01 a.m. and 6:00 a.m. unless a permit has been issued by the chief of police.

SECTIONS 8.12.650 THROUGH 8.12.680 RESERVED FOR EXPANSION

8.12.690 VIOLATION: PENALTY

1. A violation of a provision of this chapter is punishable by a fine not to exceed \$500.00 per day.
2. In addition to the 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 6.04.020, to any person found in violation of the provisions of this chapter.

8.16.710 PROHIBITED GENERALLY

No owner or person in charge of property shall fail to control insect pests on host plants or host trees on his property.

8.16.720 DEFINITIONS

HOST PLANTS AND HOST TREES: As used in this chapter, host plants and host trees include all conifer trees and ornamental shrubs including rhododendrons, azaleas, camellias, and any other plant or shrub designated by the Oregon Department of Agriculture or Oregon State University Extension Service upon or around which root weevils live, feed, or reproduce.

INSECT PESTS: As used in this chapter, insect pests include the strawberry root weevil, *Otiorhynchus ovatus L.*, and all other weevils in the species *Otiorhynchus*.

8.16.730 CONTROL METHODS

Insect pests on all host plants and host trees, including but not limited to host plants and host trees on commercial or semi-commercial tree farms, orchards, private residential property, public property, and abandoned property within the control area shall be controlled by the following control methods:

1. Control by spraying: Host plants and host trees shall, subject to subsection 3. of this section, be sprayed by the owner or person in possession thereof by using the

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agricultural chemicals or pesticide formulations at the rate, at the times, and in the manner recommended by Oregon State University (whether by its own publications, approval of other publications, or otherwise) or the Oregon Department of Agriculture.

2. Control or removal of host plants or trees: If control spraying is not possible or practicable, the pest control officer may, by written order delivered or mailed to the owner or the person in possession of property, direct that the host plants or host trees be removed and/or destroyed. The only approved methods for removal and destruction of host plants or host trees is as follows:
 - a. Digging out of trees or plants and their complete root structures;
 - b. Cutting down the trees or plants and thereafter treating the remaining stump and root systems thereof with an effective chemical to prevent their regrowth or resprouting.
3. Other methods of control: As necessary or at the request of a property owner or possessor, the pest control officer may authorize other methods of control as deemed effective by qualified experts such as the Oregon Department of Agriculture or Oregon State University.

8.16.740 PEST CONTROL OFFICER: APPOINTMENT, AUTHORITY

1. The chief of police shall appoint a pest control officer who shall enforce the provisions of this chapter.
2. The pest control officer shall work under the direction of and be responsible to the chief of police.

8.16.750 PEST CONTROL OFFICER: RIGHT OF ACCESS

In order to determine whether the provisions of this chapter have been complied with by the persons obligated to do so, the pest control officer or designate may inspect any field, orchard, private residential property, public property, or abandoned property within the control area at reasonable times in accordance with Chapter 1.24 of this code and shall not be subject, civilly or criminally, to liability for trespass.

8.16.760 ABATEMENT PROCEDURES

Violation of this chapter shall be considered a public nuisance which may be abated as provided in this subsection.

1. The city pest control officer or designate may, and upon the written complaint of any person shall, make an investigation to determine whether a violation of this chapter exists.
2. The nuisance may be abated in accordance with the sections 8.04.240 to 8.04.300 of this code.

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8.16.770 VIOLATION: GENERALLY

It is a violation of this chapter for any owner or possessor of public or private property to fail to control insect pests on host plants or host trees on his property as required by this chapter.

8.16.780 ABATEMENT AS ADDITIONAL REMEDY AND OTHER REMEDIES

1. 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, then 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.
2. Other remedies: In addition to any remedies provided in this chapter, the city council may institute proceedings under ORS Chapter 203, injunction, mandamus, abatement, or any other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove any activity or use of real or personal property which it has reasonable cause to believe does or will violate this chapter.

8.16.790 EXEMPTIONS

1. There shall be an exemption from the provisions of this chapter for the conducting of accepted scientific experiments by Oregon State University or its designate on test plots.
2. Should any such experiments cause complaints, the pest control officer shall contact Oregon State University, which shall take action to alleviate the complaint.

8.16.800 PENALTY

1. A violation of sections 8.16.710 through 8.16.760 of this chapter shall be punishable as an infraction by a fine not to exceed \$500.00.
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 6.04.020, to any person found in violation of the provision of this chapter.

SECTION 2: Stayton Municipal Code Title 9., "Public Peace and Welfare," is hereby amended to read:

9.04.010 STATE STATUTES ADOPTED

1. Violation of provisions in ORS 161 through 167 inclusive, as now constituted, is an offense against the city.

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2. If any section or sections of this title are hereafter declared to be invalid, unconstitutional, or unenforceable in the City of Stayton or in the jurisdiction of the municipal court, it shall not affect any other section of this title.

9.04.020 REVISIONS TO CODE

When all or part of the *Criminal Code of Oregon* prohibitions relating to liquor, or the Uniform Controlled Substances Act, are amended or repealed, the part(s) thereof so amended or repealed shall remain in force for the purpose of authorizing the accusation, prosecution, conviction, and punishment of a person in violation of the code, prohibitions, act, or part thereof before the effective date of the amending or repealing ordinance.

9.08.110 SOLICITING AND CONSPIRING TO VIOLATE CODE

No person shall in any way or manner aid, abet, solicit, counsel, advise, encourage, employ, or engage another or conspire with another to violate a provision of this title.

9.08.120 ATTEMPT TO COMMIT OFFENSES

Any person who attempts to commit any of the offenses cited in this title, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense.

9.12.210 INTERFERENCE WITH RADIO COMMUNICATION SYSTEM

No person shall operate any generator or electromagnetic wave or cause a disturbance of such magnitude as to interfere with the proper functioning of any police or fire department radio communication system.

9.12.220 DISORDERLY CONDUCT AT FIRES

No person at or near a fire shall:

1. Obstruct or impede the fighting of the fire;
2. Interfere with fire department personnel or fire department equipment;
3. Behave in a disorderly manner; or
4. Refuse to observe promptly an order of a member of the fire or police departments.

9.20.410 PUBLIC URINATION OR DEFECATION

No person shall, while in a public place or in view of a public place, perform an act of urination or defecation, except in enclosed toilets provided for that purpose.

9.20.420 BEGGING

No person shall accost another in a public or private place for the purpose of soliciting alms.

9.24.510 CURFEW

1. No person under the age of fifteen (15) years shall be in or upon any street, highway, park, or other public place between the hours of 9:30 p.m. and 4:00 a.m. of the next succeeding day except on days immediately preceding any nonschool day in the public schools, when the restriction shall be effective between the hours of 10:00 p.m. and 4:00 a.m. of the next succeeding day.
2. No person between the ages of fifteen (15) years and eighteen (18) years shall be in or upon any street, highway, park, or other public place between the hours of 10:30 p.m. and 4:00 a.m. of the next succeeding day, except on days immediately preceding a nonschool day in the public schools, when the restriction shall be effective between the hours of 11:59 p.m. and 4:00 a.m. of the next succeeding day.
3. The provisions of this section shall not apply to juveniles when:
 - a. Such minor is accompanied by a parent, guardian, or other person 18 years of age or over and authorized by the parent or by law to have care and custody of the minor;
 - b. Such minor is then engaged in a lawful pursuit or activity which requires the presence of the minor in such public place during the hours specified in this code; or
 - c. The minor is emancipated pursuant to ORS 109.550 to 109.565.

9.28.620 DISCHARGE OF WEAPONS

1. Except at firing ranges approved by the police chief and the council, no person other than an authorized peace officer shall fire or discharge a gun or other weapon, including spring- or air-activated pellet guns, air guns, BB guns, bow and arrow, sling shot, or any other device used as a weapon which propels a projectile by use of gunpowder, other explosive, jet, rocket propulsion, or manual propulsion, within the city limits.
2. The provisions of this section shall not be construed to prohibit the firing or discharging of any weapon by any person in the lawful defense or protection of that person, family, or property.

9.32.710 PROHIBITIONS

1. It is unlawful for any person deliberately to smell or inhale any drug, or any other noxious substance, vapor, or chemical containing any ketones, aldehydes, organic acetates, either chlorinated hydrocarbons or other substances containing solvents, releasing vapors, in such excessive quantities as to cause or potentially cause conditions of intoxication, inebriation, excitement, stupefaction, hallucination, or dulling of the brain or nervous system.

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2. Subsection 1. of this section applies with particularity, but is not limited to., model airplane glue, fingernail polish, or any other substance or chemical which has the above described effect upon the brain or nervous system.
3. Any person found within the city visibly in a condition of intoxication, inebriation, excitement, stupefaction, or hallucination caused by inhaling substances as above described, shall be presumed to have inhaled the same within the city.
4. If the deliberate inhaling of such an above described substance produces a visible manifestation of a condition as described in subsection 1. of this section, it shall be prima facie evidence that the person so inhaling did so with the intent of producing such state or condition.
5. This section shall not apply to the use of inhalants, or the condition produced thereby, where such use is made or condition induced thereby are under the express direction or written prescription of a licensed physician for medical purposes.

9.36.820 **THROWING OBJECTS**

1. No person shall throw, drop, propel, release, or deposit any object or substance likely to cause injury, do damage, or create a hazard, at or upon any person or property.
2. The unlawful objects and substances defined in subsection 1. of this section include, but are not limited to, rocks, snowballs, eggs, water balloons, and paint.
3. The unlawful acts defined in subsection 1. of this section include, but are not limited to throwing objects or substances at moving or stationary vehicles or the persons within those vehicles, throwing objects or substances at persons or property from a concealed position, and throwing or leaving objects or substances in or upon a public thoroughfare or waterway in a manner likely to create a hazardous condition.

9.36.830 **UNLAWFUL USE OF RECREATIONAL COURTS**

No person shall use the city's tennis courts for other than playing tennis or other authorized activities.

9.30.840 **INTERFERENCE WITH POLICE**

1. No person shall interfere with a police officer in performance of the officer's duty.
2. "Interfere" includes but is not limited to:
 - a. Physical contact with a police officer, vehicle, animal, or item of police equipment, when the contact substantially limits the officer's ability to act in an official capacity.

- b. Verbal abuse or production of noise intended and sufficient to prevent a police officer from adequately communicating when communication is necessary for the duty being performed.
- c. Electronic interruption or blocking of police communications.
- d. Mechanical or electronic disruption of effective use of police equipment, including, but not limited to, vehicles speed detection devices.

9.44.1010

VIOLATION: PENALTY

Violation of this title is punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or by such fine and imprisonment.

SECTION 3: SEVERABILITY


If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portions of the section.

SECTION 4: EFFECTIVE DATE

This ordinance shall be in full force and effect thirty days after execution by the mayor of the City of Stayton.

PASSED BY THE STAYTON CITY COUNCIL this 16th day of NOVEMBER, 1992.

Date: 11-22-92

By: 
WILLMER VAN VLEET, Mayor

ATTEST

Date: 11-17-92

By: 
DAVID W. KINNEY, City Administrator

APPROVED AS TO FORM

Date: NOV 18 1992


DAVID A. RHOTEN, City Attorney

dk:b(10-27-92)