

AN ORDINANCE DEFINING PUBLIC NUISANCES; PROVIDING FOR THEIR ABATEMENT; DECLARING THE CREATION AND MAINTENANCE THEREOF AN OFFENSE; AND FIXING A PENALTY FOR VIOLATION THEREOF.

The town of Stayton do ordain as follows:

Section 1. A public nuisance shall consist in unlawfully doing an act, or in omitting to perform a duty, which act or omission either annoys, injures, or endangers the comfort, health, repose, and safety of citizens of the town generally, or unlawfully interferes with, or tends to obstruct, or in any way renders unsafe and insecure other persons in their enjoyment of life or in the use of property.

Section 2. In addition to every other act or thing declared by ordinance, or which may otherwise be found to be a public nuisance, the following are hereby declared to be public nuisances:

- (a) To suffer, permit, or allow any outside toilet, cesspool, barn, stable, corral, pen, chicken coop, rabbit hutch, or other premises to become or continue to be in such a state or condition as to cause a noisome or offensive odor, or to be or remain in an unsanitary condition.
- (b) To suffer, permit, or allow any diseased animals to run upon the streets or highways of the town.
- (c) To suffer, permit or allow ponds or pools of stagnant water to accumulate in any street, alley, or other places within the town.
- (d) To cause, permit, or allow woodpiles or stacks of wood or lumber within the streets or alleys, or upon the sidewalks for a period of not to exceed 10 days after the piling or stacking of such wood or lumber, without having first obtained a special permit from the council.
- (e) To cause, permit, or allow any water from any ditch, canal, flume, reservoir pipe line, or conduit above or below the ground to leak, seep, flow or overflow, run back or through, or escape or run upon, over, or under any premises, public streets, alleys, sidewalks, or other public property, which shall endanger the public health, safety, welfare, and convenience.
- (f) To suffer, permit, or allow any weeds, dry grass, including Canadian, Russian, or Chinese thistles, to grow to seed on any lot, block, premises, or parking strip between the property boundary and curb line.
- (g) To obstruct any sidewalk, street or alley with any building material without first having obtained a permit from the council for a period of not to exceed 60 days. Not more than one-third of the street or alley shall be occupied or obstructed with such material, and only when a building is being constructed, and in front of the property where such building is being constructed. In all cases where a permit shall be granted to obstruct such sidewalk, street or alley with building material, the person so obstructing shall maintain a good substantial temporary sidewalk around such construction. During the time of such obstruction, some guard, railing or red light as a danger signal shall be kept at each end of such obstruction during the hours from sunset to sunrise.

Section 3. Any person found guilty of causing or continuing a public nuisance, as defined in this ordinance, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$50, or by imprisonment in the town jail for a term of not less than 2 days, nor more than 20 days, or by both such fine and imprisonment, within the discretion of the court. Each day that a public nuisance is continued or maintained after the receipt of notice from the marshal, and the expiration of the time given by said notice within which to abate said nuisance, shall be considered a separate offense and punished accordingly.

Section 4. It shall be the duty of the marshal, upon receipt of information that a public nuisance exists, to make an investigation based on such information or upon his own initiative. In case he finds that such a nuisance does exist, he shall at once serve a written notice upon the person responsible therefor, or post a copy thereof upon the premises affected thereby in case personal service of such notice cannot be made, notifying said responsible person to abate the same within a period of 24 hours or such additional time as the city marshal shall deem necessary for the abatement thereof. If, at the expiration of the time provided in said notice, said person fails, refuses, or neglects to abate said nuisance, then the marshal shall proceed to abate and remove the same and may incur such expense as is reasonably necessary in order to accomplish said abatement or removal. The marshal shall keep an accurate account of the expense incurred in such action and shall present an itemized statement thereof to the city council. Any expense so incurred shall in the first instance be paid by the city, and the council shall immediately proceed by ordinance to assess such cost against each lot, block, or premises on which or in front of which said nuisance was maintained. The actual cost of such abatement shall become a lien on said premises by having the same entered in the city lien docket and shall have the same force and effect, as provided for assessments for improvement of streets, or the city may institute action in the circuit court for Marion County for the recovery of said amount against the author or continuer thereof, or may pursue both remedies to recover said money so expended.

Section 5. If any person shall be aggrieved by the notice of marshal, he may take an appeal to the city council within 24 hours from the receipt of such notice, and upon 24 hours' notice, a hearing will be held and a decision rendered forthwith thereon. The remedy herein provided shall not be deemed to be exclusive and the procedure prescribed herein may be followed in the abatement of any public nuisance when practical.

Passed by the common council April 20, 1942.

Signed and approved by the mayor April 20, 1942.

J. L. Siegmund
Mayor

Attest,

Geo. R. Duncan
Recorder