

## **Title 8**

### **HEALTH AND SAFETY**

#### **Chapters:**

- 8.04 Ambulance Service**
- 8.08 Discarded Vehicle Impoundment and Disposition**
- 8.12 Noxious Growths**
- 8.14 Compliance with U.S. Controlled Substances Act**
- 8.16 Nuisances**
- 8.18 Prohibition on Marijuana Facilities**
- 8.20 Solid Waste Collection and Disposal**
- 8.24 Unauthorized Signs**
- 8.26 Seasonal Open Burning Ban**
- 8.28 Vacant Residential Property Registration**

**Chapter 8.04**

**AMBULANCE SERVICE**

**Sections:**

- 8.04.010**     **Definitions.**
- 8.04.020**     **Policy and purpose.**
- 8.04.030**     **Ambulance service established.**
- 8.04.040**     **Administration—Duties of fire chief.**
- 8.04.050**     **Emergency medical technician/firefighter—Position created.**
- 8.04.060**     **Ambulance rates to be established by resolution.**
- 8.04.070**     **Ambulance service moneys reported.**
- 8.04.080**     **Records.**
- 8.04.090**     **Minimum equipment and staffing requirements.**
- 8.04.100**     **Availability of service.**
- 8.04.110**     **Licensing—State requirements.**
- 8.04.120**     **Interference with service.**

**8.04.010**

**Definitions.**

As used in this chapter, the following words and phrases shall have the following meanings, unless the context clearly indicates a different meaning or is defined differently in the Oregon Revised Statutes, Section 682.025.

“Ambulance” means a vehicle which is designed or intended to be used in providing transportation of wounded, injured, sick, invalid or incapacitated human beings, or expectant mothers.

“Ambulance service” means the operation of ambulances and the providing of prehospital care or medical transportation to sick, injured or disabled persons for a charge.

“Emergency care” means the performance of acts or procedures under emergency conditions in the observation, care and counsel of the ill, injured or disabled.

“Emergency medical technician” or “EMT” means a trained and qualified individual responsible for the operation of an ambulance and the care of the patients whether or not the EMT also serves as driver.

“Service area” means the area served by the ambulance service, further described on Exhibit A, attached to the ordinance codified in this chapter. (Ord. 875 § 3(G) (part), 1997; Ord. 828 § 1, 1994)

**8.04.020****Policy and purpose.**

This chapter shall carry out the policy of the city that a high quality ambulance service be made available for the people of the service area at as low a cost as practicable. This chapter is for the purpose of providing adequate transportation for the sick and injured and promoting the public health, safety, comfort and welfare of the citizens of the service area, which is comprised of the city of Sutherlin and adjacent incorporated and unincorporated areas. This service area has been identified by the state of Oregon and Douglas County as an appropriate service area for an ambulance service. (Ord. 828 § 2, 1994)

**8.04.030****Ambulance service established.**

There is established as a function of the city's fire department an ambulance service to provide adequate provisions for the transportation of the sick and injured to and from hospitals, asylums, medical centers or institutions where proper treatment and assistance may be administered. (Ord. 828 § 3, 1994)

**8.04.040****Administration—Duties of fire chief.**

The ambulance service shall be administered, directed and supervised by the fire chief of the city, or his or her designee, whose duty it shall be to keep all ambulance equipment in order, to establish rules and regulations for the use and operation of the same and otherwise to accomplish the aims of this chapter. The chief shall make a report annually to the council as to the condition of the equipment and needs of the ambulance service, and he or she may submit additional reports and recommendations at any meeting of the council. He or she shall be responsible for the proper training and discipline of the emergency medical technician/firefighters who shall staff the ambulance service, and may terminate any employee for good cause. (Ord. 828 § 4, 1994)

**8.04.050****Emergency medical technician/firefighter—Position created.**

The council creates the position of emergency medical technician/firefighter. (Ord. 828 § 5, 1994)

**8.04.060****Ambulance rates to be established by resolution.**

The fire chief shall annually review the costs associated with maintaining the ambulance service, and may propose a fee schedule to cover such costs to be established by resolution of the city council. Any fee schedule so adopted shall remain in effect until a new schedule is duly

8.04.070

adopted by the resolution of the council. Provided, however, any change in emergency ambulance transport rates shall be adopted subject to any approval requirements set by any ambulance franchise agreement between the city and Douglas County. (Ord. 903, 1999; Ord. 840 § 1, 1995; Ord. 828 § 6, 1994)

**8.04.070**

**Ambulance service moneys reported.**

The fire chief shall annually report to the council all income and expenses generated by the ambulance service, and shall propose a budget therefor, including a recommendation, if advisable, for a long term equipment purchasing program. (Ord. 828 § 7, 1994)

**8.04.080**

**Records.**

Upon completion of each ambulance run, the EMTs on duty shall complete an emergency medical service record form or its equivalent as prescribed by the Health Division, Department of Human Resources. (Ord. 828 § 8, 1994)

**8.04.090**

**Minimum equipment and staffing requirements.**

The ambulance, when in service, shall be equipped with and carry at least the minimum equipment and staffing required by the Oregon Department of Human Resources, Health Division. (Ord. 828 § 9, 1994)

**8.04.100**

**Availability of service.**

The service shall offer at least one ambulance for service twenty-four (24) hours per day every day of the year throughout the service area. (Ord. 828 § 10, 1994)

**8.04.110**

**Licensing—State requirements.**

The ambulance shall be validly licensed by the state of Oregon, Department of Human Resources, Health Division. Additionally, all other requirements found in Chapter 682 of the Oregon Revised Statutes shall be met. (Ord. 875 § 3(G) (part), 1997; Ord. 828 § 11, 1994)

**8.04.120**

**Interference with service.**

It is unlawful for any person to make, or cause to be made a call for ambulance service without probable cause, or to neglect to obey any reasonable order of a driver or attendant at an ambulance call, or to interfere with the ambulance service's discharge of its duties. Any person convicted of violating any provision of this section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. (Ord. 828 § 12, 1994)

## Chapter 8.08

### DISCARDED VEHICLE IMPOUNDMENT AND DISPOSITION

#### Sections:

- 8.08.010**      **Definitions.**
- 8.08.020**      **Declaration of public nuisance.**
- 8.08.030**      **Prohibited actions.**
- 8.08.040**      **Discarded vehicles—Violation and enforcement.**
- 8.08.050**      **Abandoned or disabled vehicles—Violation and enforcement.**
- 8.08.060**      **Real property owner rights.**
- 8.08.070**      **Violation—Penalty.**

#### 8.08.010

##### Definitions.

As used in this chapter:

“Abandoned vehicle” means a vehicle with a license plate or legible vehicle identification number that has at least two wheels and has been left standing on the public way or private property for a period in excess of twenty-four (24) hours without authorization by statute or local ordinance.

“City manager” means the city manager of the city of Sutherlin, or the manager’s designee.

“Costs” means the expense of removing, storing or selling a discarded vehicle.

“Disabled vehicle” means a vehicle which cannot be safely moved and which has at least two wheels and a license plate or legible vehicle identification number.

“Discarded vehicle” means:

1. A vehicle that does not have a license plate or vehicle identification number lawfully affixed to it or a vehicle that is in one or more of the following conditions:

- a. Dismantled,
- b. Partially dismantled,
- c. Junked,
- d. Less than two functioning wheels;

2. Discarded vehicles include major parts of vehicles, including but not limited to, bodies, body parts, engines, transmissions and rear ends.

“Person in charge of property” means an agent, occupant, lessee, tenant, contract purchaser, or person having possession or control of real property.

“Person responsible” means:

1. The owner or person in charge of property on which the abandoned, disabled or discarded vehicle is located;

2. The person who causes the abandoned, disabled or discarded vehicle to come into or continue in existence.

“Public way” means any street, road, alley, right-of-way, pedestrian or bicycle easement for public use.

“Vehicle” means every device in, upon or by which a person or property is or may be transported or drawn on a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

“Vehicle owner” means an individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or an interest, legal or equitable, in a vehicle. (Ord. 758 § 1, 1989)

### **8.08.020**

#### **Declaration of public nuisance.**

The open accumulation and storage of a discarded vehicle or the open storage of a disabled or abandoned vehicle on the public way or private property in violation of state law and this chapter, is found to create a condition tending to reduce the value of private property; to promote blight, deterioration and unsightliness; to invite plundering; to create fire hazards; to constitute an attractive nuisance causing a hazard to the health and safety of minors; to create a harborage for rodents and insects; and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, disabled or discarded vehicle on private or public property is declared to constitute a public nuisance which may be abated as provided in this chapter. (Ord. 758 § 2, 1989)

### **8.08.030**

#### **Prohibited actions.**

A. No person responsible shall store or allow the storing of a discarded vehicle or of a disabled vehicle upon public or private property within the city for more than seventy-two (72) hours unless the vehicle is completely enclosed within a building or unless it is in connection with a lawfully conducted business enterprise dealing in junked vehicles.

B. No person responsible shall permit an abandoned vehicle to remain on the public or private property. (Ord. 758 § 3, 1989)

### **8.08.040**

#### **Discarded vehicles—Violation and enforcement.**

Discarded vehicles standing on public or private property in violation of Section 8.08.030 are declared a nuisance governed by the fines, penalties, abatement and procedures in this chapter and its future amendments or successor ordinances. (Ord. 758 § 4, 1989)

8.08.050

**8.08.050**

**Abandoned or disabled vehicles—Violation and enforcement.**

An abandoned or disabled vehicle shall be removed from public or private property and disposed of in the manner provided by ORS 819.100 through 819.260 or its successor statutes. Any person requesting a hearing as provided in that state law shall file the request with the municipal court and the hearing shall be conducted by the municipal judge. (Ord. 758 § 5, 1989)

**8.08.060**

**Real property owner rights.**

Nothing in this chapter shall be construed to limit or abridge any right an owner or person in charge of property has to dispose of vehicles on the person's real property. (Ord. 758 § 6, 1989)

**8.08.070**

**Violation—Penalty.**

A violation of any provision of this chapter is punishable by a fine of not more than five hundred dollars (\$500.00), provided however, that if the same prohibited conduct is also an offense under state law, the punishment under this section shall not exceed the amount proscribed by state law or five hundred dollars (\$500.00) whichever is less. Each day is a separate offense. (Ord. 758 § 8, 1989)



## Chapter 8.12

### NOXIOUS GROWTHS

#### Sections:

- 8.12.010**     **Definitions.**
- 8.12.020**     **Waiver.**
- 8.12.030**     **Noxious growths prohibited.**
- 8.12.040**     **Public notice.**
- 8.12.050**     **Abatement by city.**
- 8.12.060**     **Abatement costs—Collection.**
- 8.12.070**     **Summary abatement.**
- 8.12.080**     **Separate violations.**
- 8.12.090**     **Violations—Penalties.**

#### **8.12.010**

##### **Definitions.**

As used in this chapter, except where the context indicates otherwise:

“City” means the city of Sutherlin, Oregon.

“City manager” means the city manager of the city or the manager’s designee.

“Noxious growths” means:

1. Weeds more than twelve (12) inches high;
2. Grass more than twelve (12) inches high;
3. Poison oak;
4. Poison ivy;
5. Vegetation that is:
  - a. A health hazard,
  - b. A fire hazard,
  - c. A traffic hazard, because it impairs the view of the public thoroughfare, or otherwise makes the use of the thoroughfare hazardous;
6. Blackberry bushes that extend into a public way, a pathway frequented by children, cross a property line, or that are used for a habitation by trespassers;
7. Noxious growths does not include vegetation that constitutes an agricultural crop unless that vegetation is a health hazard, a fire hazard, or a traffic hazard.

“Person in charge” means any agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property. (Ord. 756 § 1, 1989)

8.12.020

**8.12.020**

**Waiver.**

Where strict compliance with the requirements of this chapter is impracticable as they apply to the height or type of weeds or grass or as to part of a parcel of property, the city manager may waive those requirements as they so apply. (Ord. 756 § 2, 1989)

**8.12.030**

**Noxious growths prohibited.**

A. No owner or person in charge of real property shall allow noxious growths on the property. Noxious growths are declared a nuisance.

B. It shall be the duty of any owner or person in charge of real property to abate noxious growth from the property. The owner and the person in charge shall be jointly and severally liable for the cost of abatement as provided in this chapter. (Ord. 756 § 3, 1989)

**8.12.040**

**Public notice.**

A. Between May 1st and June 15th of each year the city manager shall cause to be published not less than three times in a newspaper of general circulation in the city the requirements of this chapter, as notice to all owners and persons in charge of property to abate their property of noxious growths. The notice shall also state that the city intends to abate all such noxious growths ten or more days after the final publication of the notice, and to charge the cost of doing so on any particular parcel of property to the owner thereof, the person in charge thereof, or the property itself.

B. In addition to the public notice required in subsection A of this section and prior to the initiation of abatement activity, the city manager shall attempt to notify the property owner of the requirements of this chapter and the city's intention to abate the noxious growths. Notice may be given by any one of the following ways:

1. Certified mail (return receipt requested) to the owner or person in charge of the property as shown on the most recent tax roll available to the city or, when the city manager has reason to believe the record is more current, as shown on the city's utility records;
2. Personal notice to the property owner or person in charge.

If mailed notice is returned undelivered, the city manager may post the notice at a conspicuous place on the property. The city manager may initiate abatement no sooner than ten days after giving notice as required by this subsection. (Ord. 756 § 4, 1989)

### **8.12.050**

#### **Abatement by city.**

A. If the noxious growths have not been privately abated as ordered, the city shall cause them to be abated.

B. The city manager may enter upon the property at reasonable times for the purposes of investigating and abating conditions prohibited by this chapter. (Ord. 756 § 5, 1989)

### **8.12.060**

#### **Abatement costs—Collection.**

A. The city manager shall cause the owner or person in charge of the property or both to be billed for the abatement. In addition to the cost of abatement, an administrative charge, as established by resolution, shall be included for each parcel to cover the expenses of administering this chapter. An additional charge, as established by resolution, will be charged if the bill is not paid within thirty (30) days of mailing.

B. The bill shall state that it may be protested in writing within ten days after its date to the city council or its designee. If it is so protested, the council or its designee shall consider such protest, determine the proper amount of the bill and notify the person protesting of that amount. That determination shall be final.

C. Within ten days after receiving the bill, if it is not protested, or, if protested, within ten days after the council's or its designee's determination, the owner or person in charge shall pay the bill.

D. If the bill is not paid within thirty (30) days after expiration of the ten days, the city manager may cause legal action to be brought in court for the amount of the bill.

E. If the bill is not paid within the thirty (30) days the city manager may also proceed to cause a lien to be established against the property for the amount of the bill by recording the amount of the bill, the property description, and the owner (if known) in the city's lien docket. (Ord. 928 § 5, 2001; Ord. 756 § 6, 1989)

8.12.070

**8.12.070**

**Summary abatement.**

The procedure provided by this chapter is not exclusive, but in addition to any procedure provided by any other ordinances, and the city manager may proceed summarily to abate noxious growths which are an imminent danger to human life or property. The cost of such abatement shall be assessed and collected as provided in Section 8.12.060. (Ord. 756 § 7, 1989)

8.12.080

**8.12.080**

**Separate violations.**

A. Each day's violation of a provision of this chapter shall constitute a separate offense.

B. The abatement of a nuisance as herein provided shall not constitute a penalty for a violation of this chapter, but shall be in addition to any penalty imposed for a violation of this chapter. (Ord. 756 § 8, 1989)

**8.12.090**

**Violations—Penalties.**

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars (\$500.00). (Ord. 756 § 9, 1989)

## Chapter 8.14

### COMPLIANCE WITH U.S. CONTROLLED SUBSTANCES ACT

#### Sections:

- 8.14.010**      **Purpose.**
- 8.14.020**      **Facilities not in compliance with U.S. Controlled Substances Act prohibited.**
- 8.14.030**      **Violation and enforcement.**

#### **8.14.010**

##### **Purpose.**

A. It is the purpose of this Chapter to preclude and prohibit the opening, establishment, maintenance or operation of facilities in the city that do not comply with the U.S. Controlled Substances Act, 21 U.S.C. § 801 et seq. (the “Act”).

B. The limitations imposed by this Chapter shall apply notwithstanding any other provision of this Code, including but not limited to sections 1.3 and 2.3.140 of Chapter 16 as well as Table 2.3.110 of Chapter 16.

C. This Chapter will be broadly construed to require strict compliance with the Act and broadly construed to permit the city to prohibit any facility from violating it. (Ord. 1043 § 1 (part), 2015)

#### **8.14.020**

##### **Facilities not in compliance with U.S. Controlled Substances Act prohibited.**

The establishment, maintenance, or operation of a facility by a person, business or any other entity within the city that is not in compliance with the Act is prohibited and is declared to be a public nuisance. (Ord. 1043 § 1 (part), 2015)

#### **8.14.030**

##### **Violation and enforcement.**

A. The establishment, maintenance or operation of a facility by a person, business or any other entity within the city in violation of the requirements of this chapter or any other applicable provisions of the Sutherlin Municipal Code will be subject to any and all enforcement remedies available to the city under law and/or the Sutherlin Municipal Code including but not limited to enforcement pursuant to Chapter 8.16 of the Sutherlin Municipal Code and/or the filing of an appropriate action and pursuit of an appropriate remedy in a court of competent jurisdiction.

B. The city may abate any nuisance under this chapter either pursuant to Chapter 8.16 of the Sutherlin Municipal Code or it may pursue any other remedies available to it, including but not limited to an action seeking declaratory relief and/or injunctive relief.

C. In the event the city brings an action in either law or equity in any of the courts of this state (including the U.S. District Court for the District of Oregon) other than its municipal court for the

enforcement of this Chapter, the city shall be entitled to the award of its reasonable attorney fees in the event it is the prevailing party. (Ord. 1043 § 1 (part), 2015)

**Chapter 8.16**

**NUISANCES**

**Sections:**

- 8.16.010** Definitions.
- 8.16.020** Nuisances prohibited—Responsibility to abate.
- 8.16.030** Nuisances generally.
- 8.16.040** Nuisances affecting the public.
- 8.16.050** Diseases communicable by animals.
- 8.16.060** Dangerous animals.
- 8.16.070** Slaughterhouse, tannery, swine and certain animals.
- 8.16.080** Rodent control—Conditions attracting rats prohibited.
- 8.16.090** Removal of animal carcasses.
- 8.16.100** Abandoned ice boxes.
- 8.16.110** Attractive nuisances.
- 8.16.120** Snow and ice removal.
- 8.16.130** Scattering rubbish and outdoor storage of household goods.
- 8.16.140** Fences.
- 8.16.150** Surface waters and drainage.
- 8.16.160** Radio and television interference.
- 8.16.170** Noise disturbance.
- 8.16.180** Enforcement.
- 8.16.190** Notices and advertisements.
- 8.16.200** Abatement procedures—Notice.
- 8.16.210** Abatement procedures by a person responsible.
- 8.16.220** Abatement procedures by the city.
- 8.16.230** Abatement procedures—Joint responsibility.
- 8.16.240** Abatement procedures—Assessment of costs.
- 8.16.250** Abatement procedures—Separate from penalty.
- 8.16.260** Abatement procedures—Summary abatement.
- 8.16.270** Violations—Penalties.
- 8.16.280** Separate violations.
- 8.16.290** Derelict buildings declared a nuisance.
- 8.16.300** Abatement of derelict buildings.
- 8.16.310** Derelict building registration.
- 8.16.320** Derelict building fees.
- 8.16.330** Judicial review.



**8.16.010**

**Definitions.**

As used in this chapter:

“Animal” means, excepting natural persons, any animate being which is endowed with the power of voluntary motion including but not limited to livestock, other mammals, fish and reptiles.

“City” means the city of Sutherlin.

“Council” means the governing body of the city.

“Derelict building” is any building or structure which is either:

1. Unoccupied and boarded; or
2. Unoccupied and unsecured.

“Liquid waste” means any liquid contents, filth, poison or other polluting substance from a sink, sewer, cesspool, drain or private sewage disposal system or from any accumulation or manufacturing process on real property.

#### 8.16.020

“Livestock” includes, but is not limited to, cattle, llamas, sheep, goats, horses, swine, fowl, poultry or any fur-bearing animal. This definition does not include cats, dogs and animals kept within the family residence.

“Manager” or “city manager” means the Sutherlin city manager or such other person(s) designated by the city manager or council to exercise the authority provided for in this chapter.

“Noxious odor” means any odor which disturbs a reasonable person of normal sensibilities.

“Person” means every natural person, firm, partnership, association or corporation.

“Person in charge of property” means an agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of the property or the supervision of a construction project on the property.

“Person responsible” means:

1. The owner or person in charge of property on which the nuisance exists or which abuts a public way where a nuisance exists;

2. The person who causes the nuisance to come into or continue in existence.

“Public place” means any building, place of accommodation, whether publicly or privately owned, open and available to the general public.

“Public way” means any street, road, alley, right-of-way or pedestrian or bicycle easement for public use which is controlled by the city.

“Rodent-proof” means any building, structure or part thereof when it is constructed of concrete, metal or some equally impermeable material and in a manner that excludes a rat or mice therefrom.

“Sign” includes but is not limited to paper, leaflet, advertisement, booklet, letter, pamphlet, folder, sheet, poster, sticker, placard, notice, bill or banner.

“Vegetation” means plant life including, but not limited to, trees, shrubs, flowers, weeds or grass.

As used in this chapter, the singular includes the plural and the masculine includes the feminine. (Ord. 1048 § 1, 2016; Ord. 754 § 1, 1989)

#### 8.16.020

##### **Nuisances prohibited—Responsibility to abate.**

A. No person responsible shall cause or permit a nuisance on public or private property.

B. The person responsible shall be liable for injury, damage or loss to person or property caused by the negligent failure to abate any nuisance described in this chapter.

C. The city shall not be liable for injury, damage or loss to any person or property caused in whole or in part by the failure of the person responsible to comply with subsection A of this section.

D. Neither the duty of the person responsible to keep property free of nuisances nor his/her failure to do so is dependent upon notice from the city to abate the nuisance.

E. The person responsible shall defend and hold harmless the city from all claims for loss or damage arising from the failure to comply with subsection A of this section. (Ord. 754 § 2, 1989)

**8.16.030**

**Nuisances generally.**

A. Any of the conditions or acts which constitute a violation of this chapter is declared to be a nuisance and is subject to abatement as provided in this chapter.

B. In addition to the nuisances enumerated in this chapter, any condition, thing, substance or activity which is prohibited by state law or common law or which is determined by the city council to be injurious or detrimental to the public health, safety or welfare of the city is declared to be a nuisance and is subject to abatement as provided in this chapter. (Ord. 754 § 3, 1989)

**8.16.040****Nuisances affecting the public.**

The following are nuisances:

A. Privies: a privy, vault, cesspool, septic tank, drain, or other private sewage disposal system constructed or maintained within the city, except those constructed and operated in accordance with the Oregon State Health Division regulations and with the city ordinances;

B. Debris on property: all accumulations of debris, decayed or decomposed animal or vegetable matter, garbage, ashes, rubbish, manure and other refuse located on private property and which has not been removed within a reasonable time and which may become harmful to the health, safety or welfare of the city;

C. Stagnant water: any accumulation of stagnant or impure water which affords or might afford a breeding place for insect pests;

D. Water pollution: the pollution of any body of water, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near such water in a manner that it is reasonably foreseeable that such harmful material could enter the water;

E. Odor: any premise which causes an odor offensive to a reasonable person of normal sensitivities or which is in an unsanitary condition;

F. Surface drainage: any drainage of liquid waste from a private premise;

G. Metal tower, structure, antenna: erection or placement of any metal structure, tower or antenna in such a manner that may allow hazardous contact with any electrical transmission line or in the flight pattern for aircraft using the municipal airport;

H. Vegetation: any vegetation on public or private property that creates any of the following:

1. A hazard to pedestrian or vehicular use of a sidewalk or street by obstructing passage or vision. The hazards include but are not limited to:

a. Vegetation that encroaches upon or overhangs a pedestrian way or adjacent parking strip lower than nine feet or overhangs a street lower than fourteen (14) feet,

b. Vegetation which obstructs motorist or pedestrian view of traffic, traffic signs and signals, street lights and name signs, or other safety fixtures or markings placed in the public way,

2. A hazard to the public or to persons or property on or near the property where the vegetation is located;

3. An obstruction of access to and use of any public facilities placed within the public way;

I. Vision obstruction: except for structures existing prior to January 1, 1989, any vegetation, structure, mounding of earth or other physical obstruction:

1. Which encroaches upon a clear-vision area regulated in the city's zoning ordinance, or

2. Which is higher than eighteen (18) inches above the crown of the adjacent roadway in that portion of the right of way between the property line and the curb line within thirty-five (35) feet from the intersection of curb lines, if extended, at any street intersection or within fifteen (15) feet from the intersection of the curb line with an alley. If no curb exists, no such use of the right of way shall be made within twenty-five (25) feet of the corner of the private property closest to the street intersection;

J. Sidewalk accumulations: any accumulation of leaves, rubbish, and other litter upon a sidewalk. (Ord. 754 § 4, 1989)

#### **8.16.050**

##### **Diseases communicable by animals.**

No person responsible shall permit any animal to be at large within the city if such animal is afflicted with a communicable disease. (Ord. 754 § 5, 1989)

#### **8.16.060**

##### **Dangerous animals.**

No person responsible for any dangerous animal, wild or domesticated, shall permit such animal to be at large in the city. If the animal is at large, it may be taken into custody by the city and disposed of in accordance with the procedures provided by ordinance for the impoundment of dogs; except that before the animal is released by the city, the municipal judge must find that proper precautions will be taken to insure the public health and safety. (Ord. 754 § 6, 1989)

#### **8.16.070**

##### **Slaughterhouse, tannery, swine and certain animals.**

A. Within the city no person responsible shall maintain a slaughterhouse or tannery, or keep or maintain swine or permit livestock to be at large.

B. No person responsible shall keep or maintain an animal in violation of any ordinance of the city or of state law. (Ord. 754 § 7, 1989)

#### **8.16.080**

##### **Rodent control—Conditions attracting rats prohibited.**

A. No owner or person in charge of property shall allow conditions to exist thereon or therein, which attract or are likely to attract, feed or harbor rats or mice. The conditions prohibited by this section are nuisances and subject to abatement as provided in this code.

B. All portions of every building or other structure, other than residences, in which handling, storing or keeping any substance on which rats and mice can feed shall be rodent-proof.

C. All garbage or refuse consisting of waste material upon which rats or mice may feed shall be placed in covered rodent-proof containers of a type prescribed by the city manager or the manager's designee, until collected by garbage haulers.

D. All premises improved or unimproved, and all open lots, streets, sidewalks, alleys and other areas in the city shall be kept clean and free from all rubbish, as well as from loose material that harbors a rat or mice. All lumber, boxes, barrels, loose iron and material that harbors a rat shall be placed upon supports in such manner as to provide no refuge for a rat or mice.

E. All improvements, repairs, construction and maintenance of a building or structure, or any equipment or fixtures therein shall comply with this section. (Ord. 754 § 8, 1989)

8.16.090

**8.16.090**

**Removal of animal carcasses.**

No person responsible shall permit any animal carcass to remain upon private property for a period of time longer than is reasonably necessary to remove such carcass. (Ord. 754 § 9, 1989)

**8.16.100**

**Abandoned ice boxes.**

No person shall leave in a place accessible to children any abandoned or unattended ice box, refrigerator or container which has an airtight door or lock or other mechanism which may not be released for opening from the inside, without first removing such lock or door from such ice box, refrigerator or container. (Ord. 754 § 10, 1989)

**8.16.110**

**Attractive nuisances.**

A. No person responsible for real property shall permit thereon:

1. Any machinery, equipment or other devices which are attractive, dangerous and accessible to children;
2. Any lumber, logs or pilings placed or stored in a manner so as to be attractive, dangerous and accessible to children;
3. An open pit, quarry, cistern or other excavation without safeguards or barriers to prevent such places from being used by children.

B. This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children. (Ord. 754 § 11, 1989)

**8.16.120**

**Snow and ice removal.**

No person responsible for any real property abutting upon any public sidewalk shall permit:

- A. Any snow to remain on the public sidewalk adjacent to commercially zoned property for a period longer than the first four hours of daylight after the snow has fallen;
- B. Any snow to remain on the public sidewalk adjacent to residentially zoned property for a period longer than the first twelve (12) hours of daylight after the snow has fallen;
- C. Any ice to remain on such sidewalks for a period longer than stated in subsection A or B of this section unless it is properly covered with sand, ashes or other suitable material to assure safe travel. (Ord. 754 § 12, 1989)

**8.16.130****Scattering rubbish and outdoor storage of household goods.**

A. 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 noxious odor 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.

B. No person shall store outdoors on public or private property household goods not intended for outdoor use, such as appliances and furniture, which mar the appearance, create a noxious odor or fire hazard, or detract from the cleanliness or safety of the property. (Ord. 1035 § 1, 2014; Ord. 754 § 13, 1989)

**8.16.140****Fences.**

A. No person responsible shall construct or maintain any barbed wire fence or allow barbed wire to remain as part of any fence along a sidewalk, unless such wire is placed not less than six inches above the top of a fence which is not less than eight feet high.

B. No person responsible shall install, maintain, operate or allow to remain any electric fence along a sidewalk, or along adjoining property of another person. (Ord. 754 § 14 (part), 1989)

**8.16.150****Surface waters and drainage.**

No person shall permit any drainage ditch or culvert which carries runoff waters from streets, sidewalks or other public ways, or which connects to or forms a part of a system of drainage ditches and/or culverts carrying waters off of streets, sidewalks or other public ways, to become clogged, blocked or choked, or shall fill or in any other manner construct the same so as to prevent the free passage of waters. (Ord. 754 § 14 (part), 1989)

**8.16.160****Radio and television interference.**

Operation or use by any person of any electrical, mechanical or other device, apparatus, instrument or machine that causes interference with radio or television reception is prohibited; provided that the radio or television receiver interfered with is of good engineering design and operating condition. This section shall not apply to electrical and radio devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission; nor shall this section be construed to prohibit the use or operation of any such device when necessary for the protection of life or property, for the care or treatment of sick or injured persons, or for the operation of a public utility. (Ord. 754 § 15, 1989)

8.16.170

**8.16.170**

**Noise disturbance.**

A. For purposes of this section:

1. "Noise disturbance" means any sound which:

- a. Injures or endangers the safety or health of a human;
- b. Annoys or disturbs a reasonable person of normal sensitivities; or
- c. Endangers or injures personal or real property.

2. "Plainly audible" means where the listener clearly can hear the contents of the sound produced by the noise source. Sounds which may be clearly audible include, but are not limited to, musical rhythms, spoken words, vocal sounds and engine noises.

B. It is unlawful for any person to intentionally or recklessly create or continue any noise disturbance.

C. The following acts are declared to be noise disturbances in violation of this section but the enumeration shall not be construed to be exclusive:

1. Keeping of any animal which frequently or for a long duration makes vocal or other sounds which create a noise disturbance;

2. The using or operating of a vehicle or engine, either stationary or moving, so as to create a loud or unnecessary grating, grinding, rattling or other noise;

3. Except for public or emergency vehicles, the idling of a parked vehicle's engine between the hours of ten p.m. and seven a.m.;

4. The sounding of any horn or signaling device on any vehicle on any street or public or private place, except as a necessary warning of danger;

5. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger, or upon request of proper city authorities;

6. The using of any mechanical device operated by compressed air, steam or otherwise, unless effectively muffled;

7. a. The erecting (which includes excavation, demolition, alteration or repair) of any premises in residential districts, other than between the hours of seven a.m. and six p.m., except in case of urgent necessity in the interest of the public welfare and safety, and then only with a permit granted by the city manager for a period not to exceed ten days. Such permit may be renewed for periods of five days while such emergency continues to exist,

b. Upon application the city manager may determine that the public health, safety and welfare will not be impaired by the erection of any premises between the hours of six a.m. and ten p.m., provided the manager finds that loss or inconvenience would result to the applicant unless such work were permitted within those hours. Upon such findings the manager may grant permission for such work to be done within the hours of six p.m. and seven a.m.;



8. The using of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle;

9. The creating of a noise disturbance on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm, which is plainly audible within the hospital or institution;

10. The discharging in open air of the exhaust of any steam engine, internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;

11. The operating of or permitting the use or operation of any device designed for sound production, amplification or reproduction, including but not limited to, radio, musical instrument, phonograph, television set, tape recorder, loud speaker or any sound-amplifying device which creates a noise disturbance; provided however, that upon application to the council, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches or general entertainment as part of a national, state or city event, public festivals or outstanding events of a noncommercial nature, provided that such broadcast or amplification shall not be audible for a distance of more than one thousand (1,000) feet from the instrument, speaker or amplifier, and in no event shall a permit be granted where the obstruction to the free and uninterrupted traffic, either vehicular or pedestrian, will result;

12. The conducting, operating or maintaining of any manufacture or repair of goods, equipment, vehicles or other tangible personalty within one hundred (100) feet of any private residence, apartment, rooming house or hotel in such manner as to cause a noise disturbance between the hours of ten p.m. and seven a.m. (Ord. 754 § 16, 1989)

### **8.16.180**

#### **Enforcement.**

The city manager or the manager's designee is authorized and empowered to make inspection of the exterior, interior and underneath any building or structure or premises in the city for compliance with this chapter. It is unlawful for an owner or person in charge of property to fail to permit such inspection when requested to do so in accordance with law. (Ord. 754 § 17, 1989)

### **8.16.190**

#### **Notices and advertisements.**

A. Except when authorized by law, no person shall affix any sign upon any real or personal property, public or private, without first securing permission from the owner or person in charge of property. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use of and location of signs and advertising.

B. This section shall not be construed to prohibit the distribution of advertising material during any parade or approved public gathering. (Ord. 754 § 18, 1989)

8.16.200

**8.16.200**

**Abatement procedures—Notice.**

A. If the city manager determines a nuisance defined by this chapter (other than for those covered by SMC 8.16.290 to 8.16.330) exists, he/she shall cause a notice to be issued directing a person responsible to abate the nuisance.

#### 8.16.210

B. The notice shall be served upon any person responsible by posting it on the nuisance premises in a prominent location together with sending a copy by certified mail to any person responsible at the person's last known address.

C. The notice to abate shall contain:

1. A description of the real property, by street address or otherwise, on which the nuisance exists;

2. A direction to abate the nuisance within ten days from the date of the notice;

3. A description of the nuisance;

4. A statement that, unless the nuisance is removed, the city may abate the nuisance and the cost of abatement shall be charged to the person responsible and/or assessed against the property;

5. A statement that failure to abate a nuisance may result in a court prosecution;

6. A statement that a person responsible may object to the order to abate by giving notice to the enforcing officer within ten days from the date of the notice.

D. Certificates stating the date and method of service shall be placed in the city's files.

E. An error in the name or address of person responsible shall not make the notice void and in such case the notice shall be sufficient. (Ord. 1048 § 2 (part), 2016; Ord. 922 § 1, 2000; Ord. 754 § 19, 1989)

#### 8.16.210

##### **Abatement procedures by a person responsible.**

A. Within ten days after the service of the notice a person responsible shall remove or otherwise abate the nuisance or show that no nuisance exists.

B. A person responsible objecting to the order to abate shall file a written objection with the city manager concisely setting out the factual and/or legal basis for said objection.

C. The objection shall be referred to the council or its designee for consideration. The person objection shall be given at least five days' prior written notice of the time set to consider the abatement. The council or its designee shall take oral or written testimony at the time and place specified in the notice. If the testimony is taken by the council's designee, the designee may request additional information before making the recommendation to council. The council shall determine whether a nuisance exists, and the determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where a written statement has been filed as provided.

D. If the council determines a nuisance exists, a person responsible shall, within ten days after the council's determination, or such time as the council otherwise determines, abate the nuisance. (Ord. 1048 § 2 (part), 2016; Ord. 922 § 2, 2000; Ord. 754 § 20, 1989)

#### 8.16.220

##### **Abatement procedures by the city.**

A. If within the time provided the nuisance has not been abated by a person responsible, the city manager may cause the nuisance to be abated by the city.

8.16.220

B. The city officer charged with the abatement or contractors acting under the direction of the officer have the right at reasonable times to enter into or upon property in accordance with law to investigate or cause the removal of the nuisance.

C. The city manager shall keep an accurate record of the expense incurred by the city in abating the nuisance and include therein a reasonable charge for administrative overhead. (Ord. 1048 § 2 (part), 2016; Ord. 754 § 21, 1989)

### **8.16.230**

#### **Abatement procedures—Joint responsibility.**

If more than one person is responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the city in abating the nuisance. (Ord. 754 § 22, 1989)

### **8.16.240**

#### **Abatement procedures—Assessment of costs.**

A. In the event the city abates the nuisance, the city manager, by certified mail, shall forward to a person responsible a notice setting out:

1. The total cost of abatement including the administrative overhead;
2. That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from the date of the notice;
3. That if the person responsible objects to the cost of the abatement as indicated, he/she may file a written notice of objection with the city manager not more than ten days from the date of the notice.

B. The council or its designee in the regular course of business shall hear the objections to the costs assessed, and the council shall determine the costs of abatement by resolution. The resolution shall provide that if the costs of abatement are not paid within ten days from the date of the resolution, the costs shall be entered in the docket of city liens and upon such entry shall constitute a lien upon the property from which the nuisance was removed or abated or upon the abutting property when the nuisance was removed or abated from the public way.

C. If no objection is filed or if the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated shall be made by resolution and shall thereupon be entered in the docket of city liens; and, upon such entry being made, shall constitute a lien upon the property from which the nuisance was removed or abated from the adjoining public way.

D. The lien shall be enforced in the same manner as liens for street improvements and shall bear a reasonable rate of interest. The interest shall commence from the date of the entry of the lien in the lien docket.

E. An error in the name of a person responsible shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property. (Ord. 1048 § 2 (part), 2016; Ord. 754 § 23, 1989)

8.16.250

**8.16.250**

**Abatement procedures—Separate from penalty.**

The requirement to abate 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 responsible of the duty to abate the nuisance; however, abatement by a person responsible of a nuisance within ten days of the date of notice to abate, or if a written objection has been filed, then abatement within ten days of the council's determination that a nuisance exists, shall excuse the person responsible from prosecution for the first violation of this chapter. (Ord. 754 § 24, 1989)

8.16.260

**8.16.260**

**Abatement procedures—Summary abatement.**

A. The procedure provided by Sections 8.16.200 through 18.16.250 is not exclusive but is in addition to procedures available under applicable law.

B. The city manager or the manager's designee may proceed to summarily abate a nuisance which unmistakably exists and which imminently endangers human life, health or property. The cost of such abatement may be assessed as provided in Section 8.16.230.

C. Even when a nuisance is abated under this section a person responsible may also be prosecuted for violating this chapter or other remedies may also be sought against a person responsible. (Ord. 922 § 3, 2000; Ord. 754 § 25, 1989)

**8.16.270**

**Violations—Penalties.**

A violation of any section of this chapter is punishable by fine not to exceed one thousand dollars (\$1,000.00). In establishing the fine, the court shall consider if the violator has abated the nuisance. (Ord. 754 § 26, 1989)

**8.16.280**

**Separate violations.**

Each day's violation of a provision of this chapter shall constitute a separate offense. (Ord. 754 § 27, 1989)

**8.16.290**

**Derelict buildings declared a nuisance.**

All buildings found to be derelict are declared nuisances and may be abated consistent with SMC Sections 8.16.300 to 8.16.310 and 8.16.220 and the persons responsible subject to 8.16.240. (Ord. 1048 § 3 (part), 2016)

**8.16.300**

**Abatement of derelict buildings.**

A. Whenever the city manager believes a building or structure is derelict, he/she shall cause an inspection be done to determine its status. If, as a result of the inspection, the manager believes the building or structure qualifies as derelict, notice thereof shall be given the person responsible by posting a notice at the building site and providing the notice to said person by either personal service or certified mail. Upon completion of the notice's posting, delivery or mailing, the manager shall certify the date and place of such posting, delivery or mailing in writing for the city's records.

B. The notice shall include, at a minimum, the following:

8.16.300

1. The building's address and tax lot number or legal description of the property;
2. A concise description of the derelict condition;
3. A direction to make the corrections needed to cause the building not to be derelict;
4. A statement that the building must be registered with the city and fees paid as provided in 8.16.310;
5. A statement that a failure to effect the corrections necessary or comply with the registration requirements in SMC 8.16.310 may result in late payment penalties, and/or abatement of the nuisance by the city with all associated costs charged to the owner and assessed as a lien against the property; and



6. A statement that the owner may object to the city manager's determination within ten days of the date of the notice consistent with subsection (C) below.

C. If the person responsible believes the manager's determination a building is derelict is in error, they may, within ten days of the date of the notice, file written objection(s) with the manager concisely setting out the factual and/or legal basis for said objection(s).

D. The statement objection shall be referred to the Planning Commission or its designee for consideration. The person objecting shall be given at least five days' prior written notice of the time to consider the abatement. The Planning Commission or its designee shall take oral or written testimony at the time and place specified in the notice. If the testimony is taken by the Planning Commission's designee, the designee may request additional information from the appellant or the enforcing officer before making the designee's recommendation to the Planning Commission. The Planning Commission shall determine whether the building is derelict, and the determination shall be entered in the official minutes of the Planning Commission. Planning Commission determination shall be required only in those cases where a written statement has been filed as provided.

E. If the Planning Commission determines that the building is derelict, a person responsible shall, within ten days after the Commission's determination, or within such time as the Commission otherwise determines, abate the conditions giving rise to the building being declared derelict.

F. If within the appropriate time the conditions giving rise to the building being declared derelict have not been abated or otherwise addressed by the person(s) responsible, the manager may cause the conditions to be abated by the city consistent with Section 8.16.220 with the costs therefor made a lien against the property as provided in Section 8.16.240. (Ord. 1048 § 3 (part), 2016)

### **8.16.310**

#### **Derelict building registration.**

A. No person(s) responsible shall maintain, allow or suffer a derelict building to exist unless such building is registered under the terms of this section. If a person responsible fails to register a derelict building under their control, the manager may declare the building derelict after expiration of ninety (90) days of the notice described in 8.16.300.

B. Person(s) responsible for a derelict building shall register such building with the city by completing a derelict building registration form provided by the city. The application shall include information relating to the building's location, ownership and/or control, the anticipated period of vacancy, the proposed plan for maintenance and security during the vacancy period and a plan for the building's reoccupancy, marketing or demolition. The application shall be accompanied by a nonrefundable registration fee and then also be responsible for and pay a monthly fee for each month the building remains derelict. The amount of the registration fee and monthly fee shall be set by council resolution. A listing of derelict buildings shall be maintained by the city manager.

#### 8.16.310

C. Within one hundred eighty (180) days of registration, a derelict building shall be brought into compliance with the then-current applicable portions of the Oregon Building Code or be demolished under permit. If a derelict building is neither timely repaired nor demolished, said building shall be subject to abatement consistent with SMC 8.16.220 and 8.16.240.

#### 8.16.320

D. The manager may, in the exercise of his/her reasonable discretion, extend the 180- day period provided for under subsection 8.16.310(C) for up to three additional period(s) of not more than ninety (90) days each up to a maximum of two hundred seventy (270) days in the event the person responsible requests extension(s) and provides manager with realistic plans to repair and/or market or demolish the building. The following criteria shall be considered by manager in evaluating any requested extension(s):

1. Whether all appropriate fees and penalties have been paid;
2. Whether a timetable for repair and/or marketing or demolition of the structure has been submitted and agreed to by the city;
3. The building's value;
4. Whether permits for repair or demolition have been applied for/obtained;
5. Whether repairs or demolition of the structure are proceeding timely; and
6. Such other factors the manager believes relevant to achieve timely elimination of the building's status as derelict. (Ord. 1048 § 3 (part), 2016)

#### 8.16.320

##### **Derelict building fees.**

A. A person responsible for a derelict building shall be liable for and pay a registration fee the amount of which to be set by council resolution. Payment shall be made no later than the 10th of each month for each month (or part thereof) the building remains derelict. Any payment more than thirty (30) days past due is considered delinquent and subject to an additional penalty fee in an amount set by council resolution.

B. In the event registration fees and/or penalty fees remain unpaid for more than one hundred eighty (180) days, the finance director shall file a statement of the amount due with the city recorder who shall send notice by first class mail to the person responsible of the city's intent to assess the subject property for the total amount due if payment of said amount is not paid in full within thirty (30) days of the date of the notice. In the event full payment is not timely received, the recorder shall then enter an assessment lien against the property for the unpaid sum in the city's lien docket which assessment lien shall have the priority and be enforced in the same fashion as liens described in ORS 223.230.

C. A person responsible for a derelict building shall be personally liable for the amount of the fees, penalties and other charges resulting from the affected building being declared derelict.

D. The manager may waive fees imposed under this chapter giving due consideration to the variables identified in 8.16.310(D). (Ord. 1048 § 3 (part), 2016)

#### 8.16.330

##### **Judicial review.**

Judicial review of the decisions described in Sections 8.16.210(D) and 8.16.300(F) shall be by way of writ of review (ORS 34.010 to 34.110) and not otherwise. (Ord. 1048 § 3 (part), 2016)

**Chapter 8.18****PROHIBITION ON MARIJUANA FACILITIES****Sections:**

- 8.18.010 Prohibition.**
- 8.18.020 Definitions.**
- 8.18.030 Violations and enforcement.**

**8.18.010****Prohibition.**

No person, business or entity may establish a marijuana facility within city limits. The establishment, maintenance, or operation of a marijuana facility by a person, business or any other entity within the city in violation of this chapter is declared to be a public nuisance. (Ord. 1046 § 1 (part), 2015)

**8.18.020****Definitions.**

For the purposes of this chapter and in accordance with HB 3400, a “marijuana facility” includes:

- A. Marijuana processing sites registered with the Oregon Health Authority;
- B. Medical marijuana dispensaries registered with the Oregon Health Authority;
- C. Marijuana producers licensed by the Oregon Liquor Control Commission;
- D. Marijuana processors licensed by the Oregon Liquor Control Commission;
- E. Marijuana wholesalers licensed by the Oregon Liquor Control Commission; and
- F. Marijuana retailers licensed by the Oregon Liquor Control Commission. (Ord. 1046 § 1 (part), 2015)

**8.18.030****Violations and enforcement.**

A. The establishment, maintenance or operation of a marijuana facility by a person, business or any other entity within the city in violation of the requirements of this chapter will be subject to any and all enforcement remedies available to the city under law and/or the Sutherlin Municipal Code including but not limited to enforcement pursuant to Chapter 8.16 of the Sutherlin Municipal Code and/or the filing of an appropriate action and pursuit of an appropriate remedy in a court of competent jurisdiction.

B. The city may abate a nuisance under this chapter either pursuant to Chapter 8.16 of the Sutherlin Municipal Code or it may pursue any other remedies available to it, including but not limited to an action seeking declaratory relief and/or injunctive relief.

C. If the city brings an action in either law or equity in any of the courts of this state (including the U.S. District Court for the District of Oregon) other than its municipal court for the enforcement of this Chapter, the city shall be entitled to the award of its reasonable attorney fees in the event it is the prevailing party. (Ord. 1046 § 1 (part), 2015)

**Chapter 8.20**

**SOLID WASTE COLLECTION AND DISPOSAL**

**Sections:**

- 8.20.010 Purpose.**
- 8.20.020 Definitions.**
- 8.20.030 Franchise required.**
- 8.20.040 Public responsibility.**
- 8.20.050 Prohibited conduct.**
- 8.20.060 Required service.**
- 8.20.070 Enforcement and penalty.**

**8.20.010**

**Purpose.**

The city of Sutherlin hereby adopts reasonable and necessary solid waste management rules governing the accumulation, storage, collection, transportation and disposal of solid wastes to prevent vector production and sustenance, transmission of diseases to humans or animals, air pollution, pollution of surface or ground waters, and hazards to service or disposal workers or to the public. (Ord. 953 § 1 (part), 2005)

**8.20.020**

**Definitions.**

Except where the context clearly indicates a different meaning, the definitions appearing in ORS 459.005 and regulations promulgated thereunder are applicable to this chapter. The singular includes the plural and vice versa. As used in this chapter, the following words shall be defined as follows:

“City” means the city of Sutherlin, Oregon.

“City council” means the council of the city of Sutherlin, Oregon and shall be synonymous with “council.”

“Franchise” means the nonexclusive right and privilege granted by the city to a person for the purpose of conducting the business of providing for the collection, disposal and recycling of solid waste within the city of Sutherlin.

“Just cause” means a cause reasonably related to the franchisee’s ability to perform the functions and duties required by this chapter, and includes any willful violation thereof.

“Person” means any individual, partnership, association, corporation, trust, firm, estate or other private legal entity.

“Recovery” means the process of obtaining useful material or energy resources from solid waste, including energy recovery, material recovery, recycling and reuse of solid waste.

“Recyclables” means any materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material.

“Service” means the collection, transportation, disposal or resource recovery from solid waste.

“Solid waste” means all recyclable and recyclable wastes including but not limited to garbage, rubbish, refuse, ashes, fruit refuse, waste paper, cardboard, grass clippings, compost, tires, equipment and furniture, commercial, industrial, demolition and construction wastes, discarded or abandoned vehicles or parts thereof, discarded home or industrial appliances, manure, vegetable or animal solid wastes, dead animals, infectious waste as defined in ORS 459.386, and other wastes. This term does not include:

1. Hazardous waste as defined in ORS 466.005.
2. Materials used for fertilizer or for other productive purposes or which are salvageable as such when the materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.
3. Beverage containers, subject to reuse or refund provisions, contained in ORS 459A.700.
4. Sewer sludge and septic tank and cesspool pumping or chemical toilet waste.
5. Discharged waste products which naturally exist in liquid or gaseous forms.

“Waste management” means the prevention or reduction of solid waste; the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste, or resource recovery from solid waste; and facilities necessary or convenient to such activities. (Ord. 953 § 1 (part), 2005)

## **8.20.030**

### **Franchise required.**

Except as hereinafter provided, it shall be unlawful for any person to collect and/or transport solid waste within the corporate limits of the city without first having procured a franchise from the city of Sutherlin. Exceptions to the franchise requirement are as follows:

A. A person may engage in the collection of source-separated materials for recycling or resource recovery, but only for the purpose of raising funds for a single charitable, civic or benevolent activity. Such person or their representative must notify the city in writing of their intent to engage in such activity and specify the time when such activity is to take place. The franchisee shall be furnished with a copy of such notice.

B. A person may transport solid waste which such person produced directly to an authorized disposal site or recycling or resource recovery facility without complying with the regulations imposed upon commercial franchised haulers, providing solid waste is hauled in such a manner as to prevent leakage or litter upon the streets, and in compliance with this chapter.

C. Any enterprise which does not create “putrescible” waste by nature of the business activity shall be allowed to self-haul their self-produced waste.

D. A person may engage in the practice of pumping, transporting and disposing of septic tank and cesspool pumpings or other sludge, provided such activity is conducted in compliance with applicable state and local laws.

8.20.040

E. A person may engage in the practice of towing or otherwise removing damaged, discarded or abandoned vehicles or parts thereof, so long as such activity is conducted in compliance with applicable state and local laws. (Ord. 953 § 1 (part), 2005)

**8.20.040**

**Public responsibility.**

In order to facilitate the collection and disposal of solid waste and the recycling of recyclable materials, the following rules and regulations shall be in force and effect:

A. All putrescible waste shall be wrapped and deposited in watertight solid waste receptacles or cans with tight-fitting lids and shall be collected or removed at least once every seven days.

B. Garbage receptacles for individual residential service shall not exceed thirty-two (32) gallons in size nor weigh more than sixty (60) pounds gross loaded weight unless such receptacle is of a mechanical loading type approved by the franchisee. Cans shall be tapered so they are larger at the top and shall have a place for a hand-hold at the bottom. Sunken refuse cans or containers shall not be installed or used.

C. To protect against injuries to users or collectors, to protect against damage and spilling during cold weather and to protect against rodent hazards, only metal or approved plastic type garbage cans or those meeting standards set forth by the State Accident Prevention Division shall be permitted.

D. Garbage cans other than those designed specifically for mechanical pickup and approved by the franchisee shall be placed at a curbside location for pickup by the franchisee on service day. Cans placed at the curbside for pickup shall have the lids securely fastened to prevent accidental spillage and to discourage animals from disturbing them. In the event spillage occurs, the person placing the can shall be responsible for cleanup. Empty cans shall not remain at the curbside past collection day. All cans not serviced at the curb through prior arrangement with the franchisee shall be subject to being charged the commercial rate.

E. All noncontainerized brush and yard debris shall be bundled and tied. Brush cuttings shall not exceed four feet in length and shall be bundled and tied.

F. No solid waste shall be buried within the city.

G. Incineration of yard debris shall be done only with prior approval of the Sutherlin fire department.

H. Stationary compactors for handling solid waste shall comply with applicable federal and state safety requirements. No such compactor shall be loaded so as to exceed the safe loading design limit or operation limit of the collection vehicles used by the franchisee. A person who wishes services for a compactor shall, prior to acquiring such compactor, inquire of the franchisee as to the compatibility with franchisee's equipment or equipment which the franchisee is willing to acquire.

I. All solid waste consisting of materials upon which rats or mice may feed shall be placed in covered rodent-proof containers.



J. Infectious waste as defined in ORS 459.386 shall be segregated from other wastes by separate containment at the point of generation, and shall be contained according to ORS 459.390.

K. Persons desiring to recycle shall place recyclables next to their garbage can on regular pickup day. (Ord. 953 § 1 (part), 2005)

## **8.20.050**

### **Prohibited conduct.**

No person shall:

- A. Allow putrescible waste to accumulate on their property in excess of seven days;
- B. Allow solid waste which may become harmful to the health, safety or welfare of the city to accumulate on their property in excess of seven days;
- C. Deposit upon public or private property any kind of solid waste that would mar the appearance, create a noxious odor 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;
- D. Carry, haul or store putrescible material in other than tightly closed containers;
- E. Dispose of solid waste at any place other than a lawful and authorized disposal site or transfer station;
- F. Fail to enclose solid waste in a receptacle, container, box, trailer or vehicle, or otherwise allow waste to drop, sift, leak, or escape onto any private or public property;
- G. Dispose of or place any solid waste in garbage cans, roll-cart garbage cans, individual or commercial drop box garbage containers, drop box compactors, or any other type of solid waste containers of another person;
- H. Discard or deposit any solid waste upon the land of another without permission of the owner, or upon any public way;
- I. Drain, cause or permit to be drained sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank or other contaminated source, except into authorized disposal sites;
- J. Dispose of hazardous waste, as described in ORS 466.005, or household hazardous waste, as described in ORS 459.005, except through the services of the franchisee;
- K. Take recyclable material set out to be collected by the franchisee, remove any recyclable material from a container, box, collection vehicle, depot or other receptacle for the accumulation or storage of recyclable material, or mix source-separated recyclable material with solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal;
- L. Discard, store or transport infectious waste, as defined in ORS 459.386, except as provided in ORS 459A.390 and 767.034;
- M. Discard or store waste tires as defined in ORS 459A.705, except as provided in ORS 459A.715 and 459A.720;
- N. Discard or dispose of lead acid batteries except as provided in ORS 459.420;
- O. Allow waste which causes an odor offensive to a reasonable person of normal sensitivities or which is in an unsanitary condition to remain upon their property;

## 8.20.060

P. Haul, transport, or convey sawdust, shavings, hog fuel or other solid waste by truck, automobile, wagon or trailer over and upon any street, alley or thoroughfare in the city unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom. (Ord. 953 § 1 (part), 2005)

## 8.20.060

### **Required service.**

A. Commercial or industrial entities which produce putrescible waste by nature of the business activity shall subscribe to commercial garbage collection service.

B. Owners of multifamily attached residential units which consist of two units (duplex) or more shall subscribe to commercial service for the units. This shall include manufactured and mobile home parks and recreational vehicle parks.

C. Any person required to have recycling service shall be required to subscribe to commercial garbage collection service.

D. Any person producing either hazardous waste or infectious waste shall subscribe to commercial garbage collection service.

E. Landlords are not authorized to haul garbage created by their tenants. (Ord. 953 § 1 (part), 2005)

## 8.20.070

### **Enforcement and penalty.**

Any firm, person or corporation violating any of the terms of this chapter shall, upon conviction thereof, be subject to a fine of not less than fifty dollars (\$50.00) nor exceeding one thousand dollars (\$1,000.00). Each separate day is a separate violation; provided, however, that violations of the same section of this chapter may be joined in a single case. (Ord. 953 § 1 (part), 2005)

**Chapter 8.24****UNAUTHORIZED SIGNS****Sections:**

- 8.24.010**      **Definitions.**
- 8.24.020**      **Unauthorized signs a nuisance.**
- 8.24.030**      **Abatement procedures—Notice.**
- 8.24.040**      **Abatement procedures—Summary abatement.**
- 8.24.050**      **Manager’s duties.**
- 8.24.060**      **Violations—Penalties.**

**8.24.010****Definitions.**

As used in this chapter:

“City” means the city of Sutherlin.

“Council” means the governing body of the city.

“Person” means every natural person, firm, partnership, association or corporation.

“Public way” means any street, road, alley, right-of-way or pedestrian or bicycle easement for public use which is controlled by the city.

“Sign” includes, but is not limited to, paper, leaflet, advertisement, booklet, letter, pamphlet, folder, sheet, poster, sticker, placard, notice, bill or banner.

“Traffic device” means any sign or signal used to direct or control the flow of traffic and the necessary support for such sign or signal.

“Utility pole” means any pole, post or other structure used to support or provide utility services.

As used in this chapter the singular includes the plural and the masculine includes the feminine. (Ord. 768 § 1, 1989)

**8.24.020****Unauthorized signs a nuisance.**

Except for signs authorized by the city manager, any sign placed in any public way, or on any structure, traffic device, building or utility pole in the public way is declared to be a nuisance. (Ord. 768 § 2, 1989)

**8.24.030****Abatement procedures—Notice.**

Where it is possible to determine the owner of a sign which is a nuisance, the manager or the manager’s designee may proceed to abate the nuisance under any of the provisions of Chapter 8.16. (Ord. 768 § 3, 1989)

8.24.040

**8.24.040**

**Abatement procedures—Summary abatement.**

A. In addition to the authority granted in Chapter 8.16, the manager or the manager's designee or any police officer of the Sutherlin police department shall have the authority to remove or order the removal of any sign which is a nuisance.

B. Nothing in this chapter shall authorize a claim by the owner of any sign for any damage done to the sign during removal or storage of the sign.

C. Except where the sign has been severely damaged or destroyed during removal, the police department shall retain any sign removed as a nuisance for a period of seven days. Any signs not claimed may be destroyed after seven days. (Ord. 768 § 4 (part), 1989)

**8.24.050**

**Manager's duties.**

The manager shall, by rule, develop procedures for the approval of signs to be posted in the public way, and the fees to be charged for such approval.

8.24.060

In the development of these rules the manager shall consider:

- A. The cost of administering the regulation of signs;
- B. The importance of preserving the aesthetic qualities in downtown Sutherlin; and
- C. The business practices of merchants in downtown Sutherlin. (Ord. 768 § 4 (part), 1989)

**8.24.060**

**Violations—Penalties.**

A violation of any section of this chapter is punishable by fine not to exceed one thousand dollars (\$1,000.00). In establishing the fine, the court shall consider if the violator has abated the nuisance. (Ord. 768 § 5, 1989)

## Chapter 8.26

### SEASONAL OPEN BURNING BAN

#### Sections:

- 8.26.010**      **Year round outdoor burning ban.**
- 8.26.020**      **Outdoor burning seasonal ban.**
- 8.26.030**      **Yard debris burning restrictions.**
- 8.26.040**      **Outdoor burning permits and exemptions.**
- 8.26.050**      **Burn permit application requirement.**
- 8.26.060**      **Fees.**
- 8.26.070**      **Enforcement.**
- 8.26.080**      **Violation—Penalties.**

#### **8.26.010**

##### **Year round outdoor burning ban.**

No person shall cause or allow any condition which causes a nuisance. No person responsible shall burn in wood stoves, fireplaces, burn barrels or carry out outdoor burning of any trash, garbage, construction debris, copper wire insulation removal, pallets or combustibles such as tires, building materials, flammable materials, household waste, paper, cardboard, clothing, plastic, diapers, Styrofoam or other noxious materials, or the burning of any other materials specifically prohibited by local, state or federal laws at any time of the year. (Ord. 1049 § 1 (part), 2016)

#### **8.26.020**

##### **Outdoor burning seasonal ban.**

Unless exempted by this Chapter, no person shall cause or allow outdoor burning without a permit issued pursuant to this Chapter.

It is prohibited to start or maintain any outdoor fire during non-fire season as determined by Douglas Forest Protective Association (DFPA) of each calendar year. It is also prohibited to burn outdoors if the Oregon Department of Environmental Quality (DEQ) prohibits all or specific types of open burning for any reason, during any time of year. (Ord. 1049 § 1 (part), 2016)

#### **8.26.030**

##### **Yard debris burning restrictions.**

“Yard debris” is limited to wood, needle or leaf materials from trees, shrubs or plants from the real property appurtenant to a dwelling of not more than four living units so long as such debris remains on the property of origin. Once yard debris is removed from the property of origin, it is no longer considered yard debris. Yard debris outdoor burning may be allowed during non-fire

season as determined by Douglas Forest Protective Association (DFPA) of each calendar year, as long as the following conditions are met:

1. Yard debris only.
2. The burn will be supervised and constantly attended by an adult.
3. Burning will take place only when wind direction will not adversely affect visibility on roadways or downwind from occupancies.
4. Vegetation will be cleared a minimum of fifteen (15) feet around piles prior to burning.
5. Only one burn pile is allowed to burn at a time per property.
6. No utility lines are located overhead.
7. A garden hose is connected to a water supply and readily available to extinguish the fire.
8. No open flames on or within twenty-five (25) feet of any structure and/or within fifteen (15) feet from a fence.

8.26.040

9. The total fuel area is no more than four (4) feet in width by four (4) feet in length by four (4) feet in height.

10. The burning is ignited after 07:30 hours and extinguished two hours before sunset. (Ord. 1049 § 1 (part), 2016)

### **8.26.040**

#### **Outdoor burning permits and exemptions.**

A. Outdoor Burning Exempt from Bans. The following types of outdoor burning are allowed:

1. Open cooking fires, and fires contained in outdoor fireplace appliances specifically approved and listed for the use, if the following conditions are met:

a. The burn will be supervised and constantly attended by an adult.

b. Burning will take place only when wind direction will not adversely affect visibility on roadways or downwind from occupancies.

c. Vegetation will be cleared a minimum of fifteen (15) feet around piles prior to burning.

d. Only one cooking fire is allowed to burn at a time per property.

e. No utility lines are located overhead.

f. A garden hose is connected to a water supply and readily available to extinguish the fire.

g. No open flames on or within twenty-five (25) feet of any structure and/or within fifteen (15) feet from a fence.

h. The total fuel area is three (3) feet or less in diameter and two (2) feet or less in height.

2. Cooking in a barbecue grill or other similar enclosure specifically designed and listed for outdoor cooking. "Listed" means equipment or materials included on a list published by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states that equipment or materials meet nationally recognized standards and have been tested and found suitable for use in a specified manner.

B. Outdoor Burning Allowed During the Seasonal Ban under 8.26.020 with a Permit. A burn permit is required and may be issued by the Fire Chief or his/her designee for all outdoor bonfires, special events involving fire, and pyrotechnics and fireworks.

1. Permit Investigation: Upon receipt of a burn permit application, the Fire Chief or his/her designee shall undertake whatever investigation the Fire Chief or his/her designee deems necessary. Based on this investigation, the Fire Chief or his/her designee may approve the permit.

2. Permit Standard: The Fire Chief or his/her designee shall issue the burn permit only when the Fire Chief or his/her designee determines the outdoor burning meets the requirements listed below, does not constitute a hazard and that reasonable steps will be taken to assure public safety. Such fires shall conform to the currently adopted Oregon Fire Code. Permits are issued for a specific time frame, normally not to exceed thirty (30) days.

3. Permit Extensions: When a permit has been issued and the burning is not completed due to restrictive weather conditions beyond the control of the permittee, and verified by the Fire Department, the permit may be extended as needed.



4. Permit Revocation: Permits will not be issued and issued permits will be revoked if burning includes burning of any other trash, garbage, construction debris, copper wire insulation removal, pallets or combustibles such as tires, building materials, flammable materials, household waste, paper, cardboard, clothing, plastic, diapers, Styrofoam or other noxious materials, or the burning of any other materials specifically prohibited by local, state or federal laws.

5. Bonfire and Special Event Fire Standards: Bonfires and special event fires require a burn permit and may be issued by the Fire Chief or his/her designee if the following conditions are met:

- a. Burn site must be one hundred (100) feet or more away from all structures, public roads and fences.
- b. The burn will be supervised and constantly attended by an adult.
- c. Burning will take place only when wind direction will not adversely affect visibility on roadways or downwind from occupancies.
- d. Vegetation will be cleared a minimum of one hundred (100) feet around piles prior to burning.
- e. Only one bonfire fire is allowed to burn at a time per property.
- f. No utility lines are located overhead.
- g. All required equipment and water supplies will be on site and operational for the duration of the burn.
- h. No open flames on or within one hundred (100) feet of any structure or fence.
- i. Bonfires and special event fires are limited to no more than eight (8) feet in width by eight (8) feet in length by eight (8) feet in height.
- j. The burn permit will be kept on the burn site while burning.
- k. Fire will be ignited after 0800 hours and extinguished by 1900 hours.
- l. All nighttime burns must be approved by the Fire Department.
- m. The permittee will take all reasonable precautions to control excessive visible emissions and odors from an open burn so as not to create a public nuisance.
- n. Creation of a public nuisance may result in revocation of the burning permit and possible enforcement action by the Sutherlin Police Department.

6. Firework and Pyrotechnics Permit Standards: Request for special events involving fireworks and/or pyrotechnics will be addressed on a case-by-case basis and may require the approved permit from the Oregon State Fire Marshal's Office and/or required process. (Ord. 1049 § 1 (part), 2016)

## **8.26.050**

### **Burn permit application requirement.**

1. Burn permit applications can be obtained in person, and by appointment, at the Sutherlin Fire Department located at 250 S. State Street.
2. Burn permit applicants must provide a complete property owner address and the burn site address must be correctly identified.
3. Burn permit applicants will sign the application prior to the site inspection, confirming that all burning permit policy requirements have been met.
4. Burn permit inspections that do not meet established requirements within this policy will result in the denial of a permit. (Ord. 1049 § 1 (part), 2016)

**8.26.060**

**Fees.**

There are no fees for burn permits in the City of Sutherlin. (Ord. 1049 § 1 (part), 2016)

**8.26.070**

**Enforcement.**

Sutherlin Fire Department may inspect open burning by spot inspection, upon request or complaint. If no permit has been issued or burning is in violation of permit conditions or a nuisance is created, enforcement action may be taken. (Ord. 1049 § 1 (part), 2016)

8.26.080

**8.26.080**

**Violation—Penalties.**

A violation of any section of this chapter is punishable by fine not to exceed one thousand dollars (\$1,000). In establishing the fine, the court shall consider if the violator has abated the nuisance. (Ord. 1049 § 1 (part), 2016)

## Chapter 8.28

### VACANT RESIDENTIAL PROPERTY REGISTRATION

#### Sections:

- 8.28.010**     **Definitions.**
- 8.28.020**     **Inspection by lender.**
- 8.28.030**     **Registration.**
- 8.28.040**     **Maintenance requirements.**
- 8.28.050**     **Security requirements.**
- 8.28.060**     **Additional authority.**
- 8.28.070**     **Violation—Penalty.**
- 8.28.080**     **Appeals.**

#### **8.28.010**

##### **Definitions.**

The following terms as used in this section shall mean:

A. Borrower. Any person who becomes obligated on a real estate loan agreement, either directly or indirectly, and includes, but is not limited to, mortgagors, vendees under conditional land sales contracts and grantors under trust deeds.

B. Evidence of vacancy. Any condition that on its own, or combined with other conditions present, would lead the City Manager or designee to believe that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk and/or debris; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation; evidence of trespass or criminal mischief; or statements by neighbors, passersby, delivery persons, and/or government employees that the property is vacant.

C. Lender. Any person who makes, extends, or holds a real estate loan agreement and includes, but is not limited to, mortgagees; beneficiaries under trust deeds; vendors under conditional land sales contracts; trustees and a successor in interest to any mortgagee, beneficiary, vendor or trustee. The term also includes any mortgagee, beneficiary or trustee that accepts a deed in lieu of foreclosure.

D. Notice of default. A written notice to a borrower stating that a default on a real estate loan agreement has occurred and that legal action may be taken.

E. Out of area. Outside of Douglas County.

F. Real Estate Loan Agreement. Any agreement providing for a loan on residential property, secured in whole or in part by real property located within the City of Sutherlin, or any interest therein, and includes but is not limited to mortgages, trust deeds and conditional land sales contracts.

G. Vacant. A subject property that is not legally occupied. (Ord. 1057 § 1 (part), 2016)

8.28.020

**8.28.020**

**Inspection by lender.**

A. Immediately upon default of the borrower, a lender shall perform an inspection of the property that is the security for the real estate loan agreement.

B. If the property is found to be vacant or shows evidence of vacancy, the lender shall, within ten (10) days of the inspection, register the property with the City Manager or designee.

C. If the property is occupied but remains in default, the property shall be inspected by the lender on a monthly basis until the borrower remedies the default. If an inspection reveals that the property is vacant or shows evidence of vacancy, the lender shall, within ten (10) days of the inspection, register the property with the City Manager or designee.

D. This chapter also applies to properties that have been the subject of a foreclosure sale where title has transferred from one lender to another lender; and a property transferred under a deed in lieu of foreclosure. (Ord. 1057 § 1 (part), 2016)

**8.28.030**

**Registration.**

A. The registration shall contain the following information:

1. The name of the lender;
2. The direct mailing address of the lender. Post office boxes are not acceptable;
3. The direct contact name and phone number for the lender;
4. The physical address for the lender's agent authorized to receive service of process, if applicable; and
5. The direct contact information for the local property management company responsible for security, maintenance and marketing of the property, if applicable.

B. No registration fee shall be imposed. A lender or owner that has registered a property under this chapter shall report any change of information contained in the registration within ten (10) days of the change.

C. Properties subject to this chapter shall remain under the registration requirement as long as the property remains vacant.

D. Registration forms shall be available at City Hall and online at the City's website. (Ord. 1057 § 1 (part), 2016)

**8.28.040**

**Maintenance requirements.**

A. A lender shall maintain properties subject to this chapter. Maintenance includes all of the following:

1. Ensuring that the condition of the subject property does not, in the opinion of the City Manager or designee, constitute a public nuisance as described in Sutherlin Municipal Code sections 8.16;

2. Regular cutting, pruning and mowing of the subject property and the removal of all trimmings, as applicable to the property;

3. Pools and spas shall be kept in working order, so that water remains clear and free of pollutants and debris; or drained and kept covered.

B. If the property is owned by an out of area lender, a local property management company shall be contracted to perform monthly inspections to verify the requirements of this section, and to ensure any other applicable laws are being met. The property management company shall post a direct contact name and 24-hour contact phone number for persons to report problems or concerns, and the posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street. If no such area exists, then the posting shall be placed on the exterior of the property in a location visible from the street to the front of the property. An exterior posting shall be constructed of and printed with weather resistant materials.

C. Adherence to this section does not relieve a person subject to this chapter of any obligations set forth in any covenants, conditions and restrictions which may apply to the subject property. (Ord. 1057 § 1 (part), 2016)

#### **8.28.050**

##### **Security requirements.**

A. The lender shall maintain a subject property in a secure manner so as not to be accessible to unauthorized persons, and includes the securing of windows, doors, gates and any other opening of such size that may allow a child to access the interior of the property. Broken windows shall be boarded or reglazed.

B. If the property is owned by an out of area lender, a local property management company shall be contracted to perform monthly inspections to verify the requirements of this section, and to ensure any other applicable laws are being met. A property management company shall be subject to the same posting requirements as provided for in section 8.28.040(B) of this chapter. (Ord. 1057 § 1 (part), 2016)

#### **8.28.060**

##### **Additional authority.**

The City Manager or designee shall have the authority to require the lender to implement any additional maintenance and/or security measures including, but not limited to:

- A. Installation of additional security lighting;
- B. Increasing on-site inspection frequency;
- C. Employment of an on-site security guard; and

D. Any other measures as may be reasonable required to prevent the decline of the property. (Ord. 1057 § 1 (part), 2016)

8.28.070

**8.28.070**

**Violation—Penalty.**

A. In the event the City Manager or designee believes a lender has failed to meet the registration, maintenance, security and inspection obligations of this chapter, the City Manager or designee shall send notice to the lender at the address listed on the tax rolls of the county maintained consistent with ORS 311.560 or at another address known to the City Manager or designee. The notice shall set out the nature of the failure(s) to be corrected and shall give the lender not less than ten (10) working days from the date of the notice to correct them. In the event the owner fails to remedy the matter within the time set out in the notice the city may then enter the property and cause the failures to be corrected, charging the costs to the property as a lien.

B. In addition to the remedies in subsection (A), the city may enforce the terms of this chapter as provided elsewhere in the code and state law.

C. Any person violating any of the provisions of this chapter shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00) per day.

D. If the City Manager or designee believes a lender's failure to comply with the requirements in this chapter is willful or purposeful, the City Manager or designee may authorize the appropriate enforcement personnel to seek an enhanced penalty up to one thousand dollars (\$1,000.00) per day in addition to the penalty contained in subsection (C). (Ord. 1057 § 1 (part), 2016)

**8.28.080**

**Appeals.**

A. In the event a lender is notified that a residential property is subject to the terms of this chapter but believes the property should not be, the lender may appeal the determination to the City Manager or designee.

B. Any appeal shall be:

1. In writing;
2. Received by the City Manager or designee within 10 working days of the date the lender was notified that their residential property was subject to this chapter; and
3. Setting out in summary form the basis for their belief that their residential property should not be subject to this chapter.

C. Upon receipt of the appeal, the City Manager or designee shall review the matter and provide the lender an opportunity to give additional information if the City Manager or designee believes that additional information could better inform the decision on whether to affirm, deny or modify the notification. After the owner has been given the opportunity to provide additional information, the City Manager or designee shall within ten (10) days of the receipt of that information affirm, deny or modify the notification as to the applicability of this chapter to the residential property in writing.

D. The City Manager's or designee's decision is final subject only to judicial review pursuant to ORS 34.010 et seq. (Ord. 1057 § 1 (part), 2016)