

## **TITLE IX: GENERAL REGULATIONS**

### Chapter

- 90. ANIMALS**
- 91. ABANDONED VEHICLES**
- 92. FIRE PREVENTION**
- 93. NUISANCES**
- 94. STREETS AND SIDEWALKS**



## CHAPTER 90: ANIMALS

### Section

90.01	Definitions	(4) Trespasses on private property of persons other than the owner/keeper of the dog;
90.02	Prohibitions	
90.03	Dog required to be on leash	
90.04	Impoundment of dog at large	(5) Disturbs any person by unreasonably frequent or prolonged noises; or
90.05	License required	
90.99	Penalty	(6) Running at large if the owner/keeper has been convicted of 3 prior offenses of permitting a dog to run at large within a 12-month period.

### § 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DOG.** Any mammal of the canine family.

**DOG RUNNING AT LARGE.** A dog off or outside of the premises of the owner/keeper, not restrained by a rope, line-leash or other similar means.

**LICENSE.** That license required to be issued annually for each individual dog pursuant to the provisions of ordinances of the county in which the dog's owner-keeper resides.

**OWNER/KEEPER.** A person 18 years of age or older who is responsible for the dog. Each term is interchangeable and means the same.

**PUBLIC NUISANCE.** A dog that does any of the following:

- (1) Bites a person;
- (2) Chases vehicles or persons;
- (3) Damages or destroys the property of persons other than the owner/keeper of the dog;

**VICIOUS OR DANGEROUS DOG.** Any dog which snaps at, pursues or bites human beings; except that a dog shall not be considered a **VICIOUS OR DANGEROUS DOG** under this chapter if the dog snaps at, pursues or bites a person who is wrongfully assaulting the dog or the dog's owner/keeper, or if the dog snaps at, pursues or bites a person trespassing on the premises occupied by the dog's owner/keeper, after being provoked by that person.  
(Ord. 466-A, passed 9-5-1985)

### § 90.02 PROHIBITIONS.

It shall be unlawful for the owner/keeper of any dog to:

- (A) Permit a dog to run at large;
- (B) Allow a dog to become a public nuisance, except that a dog shall not be considered a public nuisance under this chapter if the dog snaps at, pursues or bites a person who is wrongfully assaulting the dog or the dog's owner, or if the dog snaps at, pursues or bites a person trespassing on the premises occupied by the dog's owner, after being provoked by that person;
- (C) To own, keep or possess a dog that has been declared dangerous unless that dog is properly and adequately enclosed, and when not enclosed, restrained and/or muzzled to protect the public;

(D) To keep a dog with knowledge that it has injured livestock;

(E) To keep a dog without a license attached to its collar, as required by this chapter, when it is subject to the licensing provisions of this chapter;

(F) To keep an unlicensed dog, when that dog is subject to the licensing provisions of this chapter; or

(G) To keep a dog which has not received its rabies inoculation as required under O.R.S. 433.365. It shall be an affirmative defense to a violation of this provision that the dog was inoculated prior to trial, and the charge shall be dismissed upon the presentation to the trial court of a certificate of inoculation signed by a veterinarian.  
(Ord. 466-A, passed 9-5-1985) Penalty, see § 90.99

### **§ 90.03 DOG REQUIRED TO BE ON LEASH.**

Each dog, when in a public place, on a public street or sidewalk, or on property other than that of its owner/keeper, shall be on a leash of not more than 6 feet in length and under direct control by its owner/keeper by the leash.  
(Ord. 466-A, passed 9-5-1985)

### **§ 90.04 IMPOUNDMENT OF DOG AT LARGE.**

(A) Any dog found to be running at large within

the city limits shall be seized by any police officer of the city finding the dog and lodged in the city pound.

(B) A reasonable attempt to contact the owner/keeper of the dog shall be made by the officer. If the owner/keeper has not been located and contacted by the next regular working day, the dog will be transferred to the Yamhill County Dog Control.

(Ord. 466-A, passed 9-5-1985)

### **§ 90.05 LICENSE REQUIRED.**

Any dog kept within the city limits shall be licensed under the provisions of the county of residence of its owner/keeper.  
(Ord. 466-A, passed 9-5-1985) Penalty, see § 90.99

### **§ 90.99 PENALTY.**

Any violation of this chapter shall be punishable, upon conviction, by a fine not to exceed \$250, and restitution may be ordered for any property damaged. In addition to fines or restitution, the Court may order such disposition of the dog that the Court considers necessary for the safety or health of the public, including but not limited to having the dog declared “vicious or dangerous dog” or having the dog destroyed.

(Ord. 466-A, passed 9-5-1985)

## **CHAPTER 91: ABANDONED VEHICLES**

### Section

91.01	Definitions	91.06	Impounding
91.02	Declaration	91.07	Hearing
91.03	Applicability	91.08	Abatement by city
91.04	Police duty	91.09	Public sale
91.05	Entry upon property	91.10	Redemption before sale

- 91.11 Sale and proceeds
- 91.12 Assessment of costs
- 91.13 Private garages
  
- 91.99 Penalty

**§ 91.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONED.** Unoccupied and unclaimed.

**CHIEF OF POLICE.** Any authorized law enforcement officer of the city.

**CITY.** The City of Willamina.

**COSTS.** The expense of removing, storing and/or selling an abandoned or discarded vehicle.

**DISCARDED.**

(1) Any vehicle which is in 1 or more of the following conditions:

- (a) Inoperative;
- (b) Wrecked or damaged;
- (c) Dismantled;

(e) Junked.

(2) **DISCARDED** vehicles may be deemed to include major parts thereof, including but not limited to bodies, engines, transmissions and rear ends.

**OWNER.** Any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

**PERSON IN CHARGE OF PROPERTY.** Any agent, occupant, lessee, contract purchaser, owner or person having possession, control or title of property where vehicle is located.

**PRIVATE GARAGE.** A reputable, private storage yard, garage or other storage place selected by the Chief of Police.

**VEHICLE.** Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.  
(Ord. 552, passed 6-13-1991)

**§ 91.02 DECLARATION.**

(A) It shall be unlawful for an owner of a vehicle to leave an abandoned/discarded vehicle on the streets or alleys of the city for a period exceeding 24 hours.

(B) Further, it shall be unlawful for a vehicle owner or person in charge of property to store or

permit the storing of a discarded vehicle upon any private property within the city limits unless the vehicle is completely enclosed within a building or unless it is in connection with a business enterprise dealing in junk vehicles lawfully conducted within the city.  
(Ord. 552, passed 6-13-1991) Penalty, see § 91.99

### § 91.03 APPLICABILITY.

This chapter shall apply to all abandoned or discarded vehicles now in the city's possession as well as to abandoned/discarded vehicles that are hereafter impounded.  
(Ord. 552, passed 6-13-1991)

### § 91.04 POLICE DUTY.

#### (A) *Abandoned vehicle.*

(1) Whenever a vehicle is found abandoned upon a city alley, street or other public property, in the same position for a period of 24 hours, the police shall make a reasonable investigation to discover the owner of the vehicle and to give that person written notice, by personal service or registered or certified mail and by affixing a citation to the vehicle, or if the owner cannot be located by posting the notice on the vehicle.

(2) The notice shall state the following:

(a) That the vehicle is considered abandoned in violation of this chapter;

(b) 1. That the Police Department will remove and have impounded the vehicle under the provisions of this chapter 72 hours after the time of the posting, unless:

a. The owner removes the vehicle; or

b. Good cause is shown, satisfactory to the Chief of Police, why the vehicle should not be removed by the owner or removed and impounded by the city.

2. In the alternative, the owner may petition the City Recorder and make a written request for a hearing before the City Council to show

cause why the vehicle should not be removed.

(c) That if the 72-hour period ends on a day the city offices are closed, then the deadline shall extend to the next day the city offices are open; and

(d) That violation may result in a fine set forth in this chapter.

#### (B) *Discarded vehicle.*

(1) Whenever a discarded vehicle is found upon private property, the city police shall make an investigation to discover the owner of the vehicle and the person in charge of the property upon which the vehicle is located, and to give written notice to that party by personal service or by registered or certified mail and affixing a citation to the vehicle that the vehicle is being stored or being permitted to be stored in violation of this chapter, and if the owner of the vehicle is not found, to place a notice upon the windshield or some other part of the vehicle where it can be easily seen.

(2) The notice shall state that a certain discarded vehicle is in violation of this chapter and that within 10 days of the day of the sending or posting of the notice:

(a) The vehicle must be removed from the city, or to the storage yard of a lawfully conducted business dealing in junked vehicles; or

(b) Completely enclosed within a building.

(3) The notice shall also state that the alternative to compliance is to petition the City Recorder and make a written request for a hearing before the City Council within 10 days of sending or posting of the notice and show cause why the vehicle should not be immediately abated as provided in this chapter.

(4) The notice shall also state that failure to comply with this chapter authorizes the city to remove the vehicle and charge the cost against the property.

(Ord. 552, passed 6-13-1991)

## § 91.05 ENTRY UPON PROPERTY.

(A) The Chief of Police is authorized at all reasonable times to enter upon private property and examine any vehicle for the purpose of determining whether or not it is in a discarded condition. However, before entering upon private property, the Chief shall obtain the consent of the owner or person in lawful possession or control thereof or a warrant of the Municipal Court authorizing his or her entry for the purpose of inspection, except when an emergency exists.

(B) No search warrant shall be issued under the terms of this chapter until an affidavit has been filed with the Municipal Court, showing probable cause for the inspection by stating the purpose and extent of the proposed inspection, citing this chapter as the basis for the inspection, whether it is an inspection instituted by complaint, or other specific or general information concerning the vehicle in question or the property on which it is situated.

(C) It is unlawful for any person to interfere with or attempt to prevent the Chief of Police from entering upon private premises and inspecting any vehicle when an emergency exists, or the Chief exhibits a warrant authorizing entry. (Ord. 552, passed 6-13-1991) Penalty, see § 91.99

## § 91.06 IMPOUNDING.

(A) (1) *Abandoned.* An abandoned vehicle which remains in the same position for a period of 72 hours after an owner has been requested to remove it, or after a notice to remove has been posted upon the vehicle, and no person has appeared to show good cause why the vehicle should not be moved, shall constitute a nuisance.

(2) *Discarded.* A vehicle which remains discarded 10 days after notice has been given in accordance with § 91.04(B) shall constitute a nuisance.

(B) (1) It shall be the duty of the Police Department to remove a vehicle which constitutes a nuisance under the provisions of this chapter, store the vehicle upon city property, or store the same in a private garage and dispose of it pursuant to the provisions of this chapter. The vehicle may be

removed by city employees or duly authorized independent contractors.

(2) The city assumes no responsibility or liability for personal belongings left in or affixed to the vehicle.

(C) After the impoundment, the Chief of Police shall cause the vehicle to be appraised.

(D) If the owner is identified, he or she shall be notified immediately by registered or certified mail that the vehicle is held by the Police Department of the city. The notice to the owner shall also state:

(1) The reason for impounding the vehicle; and

(2) The existing costs charged against the vehicle;

(3) An estimate of future costs, including the cost of advertising the vehicle for sale; and

(4) That unless the owner redeems the vehicle within 10 days from the day of mailing the notice and pays all the costs, the vehicle will be sold. (Ord. 552, passed 6-13-1991)

## § 91.07 HEARING.

(A) Pursuant to a request for a hearing, the City Council shall fix a time for a hearing to show cause why the vehicle should not be removed. If the City Council finds that there is not good cause why the vehicle should not be removed, the owner shall then have 24 hours to remove the vehicle.

(B) In addition, the Council may impose conditions and take any other action as it deems appropriate under the circumstances in order to carry out the purposes of this chapter. It may delay the time for removal of the vehicle where, in its opinion, the circumstances justify it. It shall refuse to order the removal of the vehicle where the vehicle, in the opinion of the Council, is not subject to the provisions of this chapter. The Council shall not be bound by the technical rules of evidence in the conduct of the hearing.

(C) If a hearing is requested and the City

Council orders the vehicle to be removed and it is not removed within 24 hours, then a complaint will be filed in Municipal Court for the violation of this chapter.  
(Ord. 552, passed 6-13-1991)

**§ 91.08 ABATEMENT BY CITY.**

(A) *City to abate.* After the giving of notice required if a hearing is not requested or 24 hours after a hearing is held, and the Council finds there is not good cause why the vehicle should not be removed, the city shall be deemed to have acquired jurisdiction to abate the nuisance. It shall be unlawful for any person to interfere with, hinder or refuse to allow the persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

(B) *Low value vehicle.*

(1) If the vehicle is appraised at \$300 or less, the Chief of Police shall file with the Motor Vehicles Division an affidavit describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle, and stating that the vehicle will be junked or dismantled. The Chief of Police shall state that notice of intent to junk or dismantle the vehicle has been sent, with notification of the location of the vehicle, to the owner.

(2) Failure of the owner to reclaim the vehicle within 10 days after the date notification is mailed shall constitute a waiver of his or her interest in the vehicle.

(3) Upon completion and forwarding of the affidavit and expiration of the time period stated above, the Chief of Police may, without notice and public auction, dispose of the vehicle and execute a certificate of sale.

(4) The certificate of sale shall be substantially as follows:

**CERTIFICATE OF SALE**

T  
h  
i

s  
i  
s  
t  
o  
c  
e  
r  
t  
i  
f  
y  
t  
h  
a  
t  
,  
u  
n  
d  
e  
r  
t  
h  
e  
p  
r  
o  
v  
i  
s  
i  
o  
n  
s  
o  
f  
O  
r  
d  
i  
n  
a

n  
c  
e  
  
N  
o  
.  
  
o  
f  
  
t  
h  
e  
  
C  
i  
t  
y  
  
o  
f  
  
W  
i  
l  
l  
a  
m  
i  
n  
a  
,  
  
I  
  
d  
i  
d  
  
o  
n  
  
t  
h  
e  
  
d  
a  
y  
  
o

f  
,  
2  
0  
-  
-  
-  
,  
s  
e  
l  
l  
t  
o  
f  
o  
r  
t  
h  
e  
s  
u  
m  
o  
f  
\$  
c  
a  
s  
h  
,  
t  
h  
e  
f  
o  
l  
l  
o

(brief description of property)

w  
i  
n  
g  
-  
d  
e  
s  
c  
r  
i  
b  
e  
d

p  
e  
r  
s  
o  
n  
a  
l

p  
r  
o  
p  
e  
r  
t  
y  
,

t  
o  
-  
w  
i  
t  
h  
:

a  
n  
d

i  
n

c

o  
n  
s  
i  
d  
e  
r  
a  
t  
i  
o  
n  
o  
f

t  
h  
e

p  
a  
y  
m  
e  
n  
t

o  
f

t  
h  
e

s  
a  
i  
d

s  
u  
m

o  
f

\$

,

r

e  
c  
c  
e  
i  
p  
t

w  
h  
e  
r  
e  
o  
f

i  
s

h  
e  
r  
e  
b  
y

a  
c  
k  
n  
o  
w  
l  
e  
d  
g  
e  
d  
,

I  
h  
a  
v  
e

t  
h  
i  
s

d

a  
y

d  
e  
l  
i  
v  
e  
r  
e  
d  
t  
o

s  
a  
i  
d

p  
u  
r  
c  
h  
a  
s  
e  
r

t  
h  
e

f  
o  
r  
e  
g  
o  
i  
n  
g

p  
r  
o  
p  
e  
r  
t

y  
.

N  
o  
t  
e  
:

T  
h  
e  
  
C  
i  
t  
y

o  
f

W  
i  
l  
l  
a  
m  
i  
n  
a

a  
s  
s  
u  
m  
e  
s

n  
o

r  
e  
s  
p  
o  
n  
s  
i

b  
i  
l  
l  
i  
t  
y

a  
s

t  
o  
t  
h  
e

c  
o  
n  
d  
i  
t  
i  
o  
n

o  
f

t  
i  
t  
l  
e

o  
f

t  
h  
e

a  
b  
o  
v  
e  
-  
d  
e  
s

c  
r  
i  
b  
e  
d

p  
r  
o  
p  
e  
r  
t  
y  
.

I  
n

c  
a  
s  
e

t  
h  
i  
s

s  
a  
l  
e

s  
h  
a  
l  
l

f  
o  
r

a  
n  
y

r  
e  
a

s  
o  
n  
b  
e

i  
n  
v  
a  
l  
i  
d  
,

t  
h  
e

l  
i  
a  
b  
i  
l  
i  
t  
y

o  
f

t  
h  
e

c  
i  
t  
y

i  
s

l  
i  
m  
i  
t  
e  
d

(2) A description of the vehicle, including the type, make, license number, I.D. number, and any other information which will aid in accurately identifying the vehicle;

t  
h (3) Terms of the sale; and

e  
r (4) The date, time and place of the sale.

(C) The notice of sale shall be published 2 times. The first publication shall be made not less than 4 days prior to the date of the proposed sale, and the second shall be made not less than 7 days prior to the date of the proposed sale.

(D) If no claim has been made to redeem an impounded vehicle appraised over \$300 or appraised under \$300 but the owner cannot be identified before the time set for the sale of the vehicle, the Chief of Police shall hold a sale at the time and place appointed within view of the vehicle to be sold.

(E) The vehicle shall be sold to the highest and best bidder; provided, that if no bids are entered, or those bids which are entered are less than the costs incurred by the city, the Chief of Police may enter a bid on behalf of the city in an amount equal to those costs

s  
(F) At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser and the copy thereof filed with the City Recorder.

c  
(G) The certificate of sale shall be substantially as set forth in § 91.08.

(Ord. 552, passed 6-13-1991)

(Ord. 552, passed 6-13-1991) Penalty, see § 91.99

### § 91.09 PUBLIC SALE.

(A) If the vehicle is appraised over \$300, or if the vehicle is valued under \$300 but the owner cannot be identified, the Chief of Police shall cause to be posted a notice of sale.

(B) The notice of sale shall state:

(1) The sale is of abandoned property in the city's possession;

### § 91.10 REDEMPTION BEFORE SALE.

(A) An owner may redeem a vehicle impounded under the provisions of this chapter, before a sale or disposition has taken place, by applying to the Police Department, whereupon he or she shall:

(1) Submit evidence of his or her ownership or interest in the vehicle, satisfactory to the Chief of Police, that the claim is rightful; and

(2) Pay the costs due and owing at the

time the application to redeem is made.

(B) Upon compliance with divisions (A)(1) and (2) above, the Chief of Police shall execute a receipt for the owner and cause the vehicle to be returned to him or her.  
(Ord. 552, passed 6-13-1991)

### **§ 91.11 SALE AND PROCEEDS.**

(A) Upon consummation of a sale, the Chief of Police shall deliver the vehicle and the certificate of sale to the purchaser. The sale and conveyance shall be without redemption.

(B) The proceeds of a sale shall be applied:

(1) To the payment of costs incurred by the city, then for such services as may be rendered by a private garage; and

(2) The balance, if any, shall be transferred to the City Recorder to be credited to the General Fund.

(C) In the enforcement and execution of the provisions of this chapter, the Chief of Police shall charge and collect any fees as the Council may establish for necessary services rendered in those cases.

(Ord. 552, passed 6-13-1991)

### **§ 91.12 ASSESSMENT OF COSTS.**

(A) In the event the sale of the vehicle does not cover the payment of costs incurred for abatement, then after deducting the money received from any sale of the vehicle from the costs, the City Recorder shall give notice to the person in charge of the property from which the vehicle was removed:

(1) Of the unpaid costs of abatement;

(2) That the cost as indicated will be assessed to and become a lien against the real property unless paid within 30 days from the date of the notice; and

(3) That if the person in charge of the property objects to the cost of the abatement

indicated, he or she may file a written notice of objection with the City Recorder within 20 days from the date of the notice.

(B) Within 40 days after the date of the notice, objections to the proposed assessment shall be heard and determined by the Council.

(C) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs shall be made and shall be entered in the docket of city liens and, upon an entry being made, shall constitute a lien upon the real property from which the nuisance was removed or abated.

(D) The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the statutory rate per annum. The interest shall accrue from date of the entry of the lien in the lien docket.

(E) An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void. The assessment shall remain a valid lien against the property.  
(Ord. 552, passed 6-13-1991)

### **§ 91.13 PRIVATE GARAGES.**

When a private garage is utilized, the Council shall also establish reasonable fees for those services, with the following conditions:

(A) The city shall not be liable for services rendered by a private garage from any funds other than such amounts as may be collected from the owner on redemption or from a purchaser upon sale, after the city has deducted its expenses, unless the city is the purchaser of the vehicle;

(B) No lien shall be created by this chapter in favor of the private garage upon the vehicle for these services; and

(C) The vehicle shall not be released from the private garage except upon a receipt signed by the Chief of Police, proffered by the purchaser.  
(Ord. 552, passed 6-13-1991)

the owner of the abandoned vehicle of \$50 for each day the vehicle is not moved.  
(Ord. 552, passed 6-13-1991)

**§ 91.99 PENALTY.**

Violation of this chapter shall result in a fine to

**CHAPTER 92: FIRE PREVENTION**

Section

*Fire Code*

- 92.01 Adoption of Uniform Fire Code
- 92.02 Enforcement
- 92.03 Modifications
- 92.04 Appeals
  
- 92.99 Penalty

The Uniform Fire Code shall be enforced by the Chief of the Fire Department.  
(Ord. 468, passed 10-19-1978)

**§ 92.03 MODIFICATIONS.**

The Chief of the Fire Department shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant. Modifications hereunder shall be liberally allowed with regard to installations existing within the city limits at the time of the passage of this chapter, which installations were not prior thereto in violation of city ordinance.  
(Ord. 468, passed 10-19-1978)

**FIRE CODE**

**§ 92.01 ADOPTION OF UNIFORM FIRE CODE.**

(A) That certain publication, 1 copy of which is on file in the office of the City Recorder, marked and entitled "Uniform Fire Code, 1976 Edition," published and copyrighted by the International Conference of Building Officials and the Western Fire Chiefs Association, is hereby adopted in its entirety as hereinafter specifically modified, and by this reference is made a part of this chapter, the same as if fully reproduced as modified herein.

(B) The code adopted by division (A) of this section shall be hereafter known and may be cited as the "Uniform Fire Code," or by the initials "UFC."  
(Ord. 468, passed 10-19-1978)

**§ 92.04 APPEALS.**

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and

**§ 92.02 ENFORCEMENT.**

meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council within 30 days from the date of the decision appealed.

(Ord. 468, passed 10-19-1978)

**§ 92.99 PENALTY.**

Any violation of this chapter shall be punishable by a maximum fine of \$300 for each offense or violation thereof.

(Ord. 468, passed 10-19-1978; Am. Ord. 561, passed 11-12-1992)

## CHAPTER 93: NUISANCES

### Section

- 93.01 Definitions
- 93.02 Animals damaging property
- 93.03 Animals at large
- 93.04 Livestock, bees and poultry
- 93.05 Removal of animal carcasses
- 93.06 Nuisances affecting the public health
- 93.07 Nuisances affecting the public safety
- 93.08 Nuisances affecting the public peace
- 93.09 General nuisance
- 93.10 Abatement notice
- 93.11 Abatement by owner
- 93.12 Abatement by city
- 93.13 Assessment of costs
- 93.14 Application of chapter; summary abatement
  
- 93.99 Penalty

### ***Cross-reference:***

*Similar offenses, see Title 13 of this code of ordinances*

### **§ 93.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. As used in this chapter, the singular includes the plural and the masculine includes the feminine.

***CITY.*** The City of Willamina.

***COUNCIL.*** The governing body of the city.

***PERSON.*** Every natural person, firm, partnership, association or corporation.

***PERSON IN CHARGE OF PROPERTY.*** Any owner, occupant, agent, lessee, contract purchaser or other person having the possession or control of property.

***PUBLIC PLACE.*** Any building, place or accommodations, whether publicly or privately owned, open and available to the public. (Ord. 521, passed 4-14-1983)

### **§ 93.02 ANIMALS DAMAGING PROPERTY.**

No person shall permit any animal owned or controlled by him or her to cause damage or injury to gardens, flower beds and other property belonging to another person. (Ord. 521, passed 4-14-1983) Penalty, see § 93.99

### **§ 93.03 ANIMALS AT LARGE.**

No owner or person in charge of an animal shall permit the animal to run at large. Animals at large may be taken into custody by the city and disposed of in accordance with the procedures provided by ordinance for the impoundment of dogs. (Ord. 521, passed 4-14-1983) Penalty, see § 93.99

### **§ 93.04 LIVESTOCK, BEES AND POULTRY.**

No person shall maintain a pigsty or keep livestock, bees or poultry within the city; except that persons in charge of property may keep livestock, bees or poultry on the property of which they are in charge if:

(A) The livestock, bees or poultry are kept, grazed, fed, sheltered, hived, penned, staked or otherwise maintained at least 150 feet distant from all dwellings or structures other than the person's own unless the written consent of the person in charge of the other dwelling or structure to waive this requirement has been obtained;

(B) The livestock, bees or poultry are kept, grazed, fed, sheltered, penned, staked or otherwise maintained at least 150 feet distant from all streets, alleys or sidewalks within the city; and

(C) The Council has not determined that any particular keeping of any livestock, bees or poultry at any location otherwise authorized under this section constitutes a danger to the health, lives, property, safety or general welfare of the city or its citizens. (Ord. 521, passed 4-14-1983) Penalty, see § 93.99

#### **§ 93.05 REMOVAL OF ANIMAL CARCASSES.**

No person shall permit any animal carcass owned by him or her or under his or her control to remain upon the public streets or places or exposed on private property for a period of time longer than is reasonably necessary to remove and dispose of the carcass. (Ord. 521, passed 4-14-1983) Penalty, see § 93.99

#### **§ 93.06 NUISANCES AFFECTING THE PUBLIC HEALTH.**

(A) No person shall permit or cause a nuisance affecting public health.

(B) The following are hereby declared to be nuisances affecting the public health and may be abated in the manner prescribed by §§ 93.10 through 93.14:

(1) *Privies.* Any open vault or privy maintained within the city, except those privies used in connection with construction projects and constructed in accordance with the Oregon State Board of Health regulations;

(2) *Debris on private property.* All accumulations of debris, rubbish, manure and other refuse located on privately owned real property or sidewalks abutting thereon, and which has not been removed within a reasonable time and which affect the health, safety or welfare of the city;

(3) *Stagnant water.* Any pool of water which is without a proper inlet or outlet and which, if not controlled, will be a breeding place for mosquitoes and other insect pests;

(4) *Water pollution.* The pollution of any body of water, well, spring, stream, drainage ditch or river by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water;

(5) *Food.* All decayed or unwholesome food which is offered for human consumption;

(6) *Odor.* Any premises which are in such state or condition as to cause any offensive odor or which are in an unsanitary condition; and

(7) *Surface drainage.* Drainage of liquid wastes from private premises. (Ord. 521, passed 4-14-1983) Penalty, see § 93.99

#### **§ 93.07 NUISANCES AFFECTING THE PUBLIC SAFETY.**

(A) No person shall permit or cause a nuisance affecting public safety.

(B) The following are hereby declared to be nuisances affecting public safety and may be abated in the manner prescribed by §§ 93.10 through 93.14:

(1) *Abandoned iceboxes.* No person shall leave in any place accessible to children any abandoned, unattended or discarded icebox, refrigerator or similar container which has an airtight door with a snap lock or lock or other mechanism which may not be released for opening from the inside, without first removing the snap lock or door from the icebox, refrigerator or similar container.

(2) *Attractive nuisances.*

(a) No person in charge of property

shall permit:

1. Any unguarded structures, machinery, equipment or other devices on the property which are attractive, dangerous and accessible to children; or

2. Any excavation without erecting proper safeguards or barriers to prevent the excavation from being used by children.

(b) The provisions of this section shall not apply to authorized construction projects, provided that during the course of construction reasonable safeguards are maintained to prevent injury or death to playing children.

(3) *Snow and ice removal.* No person in charge of property, improved or unimproved, abutting upon any public sidewalk, shall permit:

(a) Any snow to remain on the sidewalk for a period longer than the first 5 hours of daylight after the snow has fallen; or

(b) The sidewalk to be covered with ice. It shall be the duty of the person to remove any ice accumulating on the sidewalk or to properly cover it with sand, ashes or other suitable material to assure safe travel within the first 5 hours of daylight after the ice has formed.

(4) *Scattering rubbish.* No person shall throw, dump or deposit upon any street, alley or other public place, any injurious or offensive substance or any sort of rubbish, trash, debris or refuse, or any substance which would mar the appearance, create a stench or detract from the cleanliness or safety of the public place, or would be likely to injure any animal, vehicle or person traveling upon the public way.

(5) *Grass, shrubbery, weeds and noxious growth.* No person in charge of property shall permit weeds or other noxious vegetation to grow to a height of over 12 inches upon his or her property. It shall be the duty of the person in charge of property to cut down or to destroy grass, shrubbery, brush, bushes or weeds or other noxious vegetation as often as needed to prevent these substances from becoming unsightly, from becoming a fire hazard or, in the case of weeds or other noxious vegetation, from maturing or from going to seed.

(6) *Trees.* No person in charge of property that abuts upon a street or public sidewalk shall permit:

(a) Trees, bushes or other vegetation to interfere with street or sidewalk traffic. These plantings, including those on the adjoining parking strip, shall be kept trimmed to a height of not less than 8 feet above the ground; or

(b) Dead or decaying trees to stand that are a hazard to the public or to persons or property on or near the property.

(7) *Sifting or leaking loads.* No person shall drive or move a vehicle on any street unless it is so constructed or loaded as to prevent its content from dropping, sifting, leaking or otherwise escaping therefrom. It shall be the duty of any person driving a vehicle from which the contents have escaped to remove any escaped substance or material from the street.

(8) *Fences.*

(a) No person shall construct or maintain a fence with unsafe materials, including but not limited to barbed wire, electric fencing, broken glass and/or spikes.

(b) All fences shall exhibit good workmanship and be constructed of materials commonly used in the fence building industry.

(c) No person shall begin construction of a fence or wall without first applying for and obtaining a fence construction approval form from the City Recorder. This form shall be displayed on the construction site.

(d) An applicant for an approval form shall file with the City Recorder a plan showing:

1. Location of the proposed fence or wall on the property in relation to the property lines, streets, driveways, intersections and alleyways;

2. Property boundaries;

3. Proposed fence or wall dimensions;

4. Construction materials to be used; and

5. Any other information as the city shall find reasonably necessary.

(e) It is the responsibility of the person in charge of property to determine boundaries. The city takes no responsibility for determining the proper location of the fence or wall. (Am. Ord. 577, passed 11-30-1995)

(9) *Drainage.* No person in charge of property on which any building or structure is constructed shall suffer or permit rain water, ice or snow to fall from the building or structure onto any street or sidewalk or to flow across the sidewalk; and every person in charge of property shall at all times keep and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about the building will not be carried across or upon any sidewalk.

(10) *Surface water.* No persons in charge of property shall allow any type of surface water from any source on the property to run across or upon any sidewalk.

(11) *Junk.* No person shall keep junk outdoors on a street, lot or premises or in a building that is not wholly or entirely enclosed except for doors used for ingress and egress. The term "junk" as used in this section includes all old motor vehicles, old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances or appliance parts, old iron or other metal, glass, paper, lumber, wood or other waste or discarded material. This section does not apply to junk kept in a licensed junk yard or automobile wrecking yard. (Ord. 521, passed 4-14-1983; Am. Ord. 534, passed 5-29-1986) Penalty, see § 93.99

#### **§ 93.08 NUISANCES AFFECTING THE PUBLIC PEACE.**

(A) No person shall permit or cause a nuisance affecting public peace.

(B) The following are hereby declared to be nuisances affecting public peace and may be abated

in the manner prescribed by §§ 93.10 through 93.14.

(1) *Unnecessary noise.* No person shall make, assist in making or permit any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but the enumeration shall not be construed to be exclusive:

(a) The keeping of any bird or animal which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity;

(b) The attaching of any bell to any animal or allowing a bell to remain on any animal which is disturbing to any person in the immediate vicinity;

(c) The use of any vehicle or engine, either stationary or moving, so operated as to create any loud or unnecessary grating, grinding, rattling or other noise;

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

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

(f) The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled;

(g) The erection, including excavation, demolition, alteration or repair of any building in residential districts, other than between the hours of 7:00 a.m. and 10:00 p.m., except upon special permit granted by the Council;

(h) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle;

(i) The creation of any excessive noise on any street adjacent to any school, institution

of learning, church or municipal court while the same are in use, or adjacent to any institution for the examination, care or treatment of the sick or infirm, which unreasonably interferes with the operation of the institution, or which disturbs or unduly annoys patients therein;

(j) The discharge in the 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;

(k) The use or operation of any automatic or electric piano, phonograph, radio, television, loudspeaker or any instrument for sound producing, or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance; provided, however, that upon application to the Council, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches or general entertainment;

(l) The making of any noise by crying, calling or shouting, or by any means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for the purpose of advertising goods, wares or merchandise or of attracting attention or of inviting patronage of any person to any business whatsoever; provided that newsboys may sell newspapers and magazines by public outcry, and persons having a valid permit to do so under the ordinance of the city may vend merchandise in the streets by public outcry; or

(m) The conducting, operating or maintaining of any garage within 100 feet of any private residence, apartment, rooming house or hotel in a manner as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m.

(2) *Notices and advertisements.* No person shall, either as principal, agent or employee:

(a) Affix or cause to be distributed any placard, bill, advertisement or poster upon any real or personal property, public or private, without first securing permission from the person in charge of the private property or proper public authority.

(b) Scatter, distribute or cause to be distributed on the streets, sidewalks or other public places or upon any private property any placards or advertisements whatsoever.

(C) 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 the location of signs and advertising.  
(Ord. 521, passed 4-14-1983)

### **§ 93.09 GENERAL NUISANCE.**

In addition to those nuisances specifically enumerated within this chapter, every other thing, subject or act which is determined by the Council to be injurious or detrimental to the public health, safety or welfare of the city or its citizens is hereby declared to be a nuisance and may be abated as provided in §§ 93.10 through 93.14.  
(Ord. 521, passed 4-14-1983)

### **§ 93.10 ABATEMENT NOTICE.**

(A) Upon determination by the Chief of Police of the city or the Council that a nuisance, as defined in this or any other ordinance of the city, exists, the Chief of Police of the city shall forthwith cause a notice to be posted on the property where the nuisance exists for the abatement, directing the person in charge of the property to abate the nuisance.

(B) At the time of posting, the City Recorder shall cause a copy of the notice to be forwarded by registered or certified mail, postage prepaid, to the person in charge of the property at the last known address of the person.

(C) The notice to abate shall contain:

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

(2) A direction to remove the nuisance within 10 days from the date of the notice;

(3) A description of the nuisance;

(4) A statement that unless the nuisance is removed, the city will remove the nuisance and the cost of removal shall be a lien against the property; and

(5) A statement that the person in charge of the property may protest the action by giving notice to the City Recorder within 10 days from the date of the posting of the notice.

(D) The persons posting and mailing the notice as provided herein shall, upon completion of the posting and mailing, execute and file certificates stating the date and place of the mailing and posting.

(E) An error in the name or address of the person in charge of the property or the use of a name other than that of the person shall not make the notice void and in such a case, the posted notice shall be deemed sufficient.  
(Ord. 521, passed 4-14-1983)

### **§ 93.11 ABATEMENT BY OWNER.**

(A) Within 10 days after the posting of the notice as provided in § 93.10, the person in charge of the property shall remove and abate the nuisance or show that no nuisance exists.

(B) The person in charge of the property desiring to protest that no nuisance in fact exists shall file with the City Recorder a written statement which shall specify the basis for contending that no nuisance exists within 10 days after the posting.

(C) The statement shall be referred to the Council as a part of the Council's regular agenda at its next succeeding meeting. At the time set for the consideration of the abatement, the person may appear and be heard by the Council, and the Council shall thereupon determine whether a nuisance in fact 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 herein.

(D) Upon Council determination that a nuisance does in fact exist, the person in charge of the property shall, within 10 days after the Council determination, remove or abate the nuisance.

(Ord. 521, passed 4-14-1983)

### **§ 93.12 ABATEMENT BY CITY.**

(A) If within the time fixed, as provided in this chapter, the nuisance has not been abated by the person in charge of the property, the Council shall cause the nuisance to be abated. In this event, the City Recorder shall maintain an accurate record of the expense incurred by the city in abating the nuisance and shall include therein an overhead charge of 5% of the total cost for administration. The total cost, including the administrative overhead, shall thereupon be assessed to the property as hereinafter provided.

(B) The officer charged with the abatement of the nuisance shall have the right, at reasonable times, to enter into or upon the property to investigate and/or cause the abatement of the nuisance.  
(Ord. 521, passed 4-14-1983)

### **§ 93.13 ASSESSMENT OF COSTS.**

(A) A notice of the assessment shall be forwarded by registered or certified mail, postage prepaid, to the person in charge of the property by the City Recorder. The notice shall contain:

(1) The total cost, including the administrative overhead, of the abatement;

(2) A statement that the cost as indicated will become a lien against the property unless paid within 30 days; and

(3) A statement that if the person in charge of the property objects to the cost of the abatement as indicated, he or she may file a notice of objection with the City Recorder within 15 days from the date of the notice.

(B) Upon the expiration of 15 days after the date the notice of assessment is mailed, the proposed assessment shall be heard and determined by the Council as a part of its regular agenda at the next scheduled Council meeting. If the person in charge of the property has filed a notice of objection to the assessment as allowed above, the person may appear and be heard by the Council at the time set for the

consideration of the assessment. The Council shall then determine the amount of the assessment.

(C) An assessment for the cost of abatement as determined by the Council shall be made by resolution of the Council and shall thereupon be entered in the docket of city liens, and upon the entry being made, it shall constitute a lien upon the property from which the nuisance was removed or abated.

(D) The lien shall be collected in the same manner as liens for street improvements are collected, and shall bear interest at the rate of 9% per annum. This interest shall commence to run 30 days after the entry of the lien in the lien docket.

(E) An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the assessment render the assessment void, but it shall remain a valid lien against the property.  
(Ord. 521, passed 4-14-1983)

**§ 93.14 APPLICATION OF CHAPTER;  
SUMMARY ABATEMENT.**

The procedure provided by this chapter is not exclusive, but is in addition to procedures provided by other ordinances; and furthermore, the Health Officer, the Chief of the Fire Department and the police officers of this city may proceed summarily to abate a sanitary or other nuisance which unmistakably exists and from which there is imminent danger of human life, health or property.  
(Ord. 521, passed 4-14-1983)

**§ 93.99 PENALTY.**

(A) Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$300.  
(Am. Ord. 534, passed 5-29-1986)

(B) (1) Each day's violation of a provision of this chapter shall constitute a separate offense.

(2) 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 the ordinance.  
(Ord. 521, passed 4-14-1983)

## CHAPTER 94: STREETS AND SIDEWALKS

### Section

#### *Responsibilities of Property Owners*

- 94.01 General maintenance requirement
- 94.02 Requirement of property owner to construct sidewalks
- 94.03 Owner or occupant to remove obstructions
- 94.04 Liability for injury
- 94.05 Determination of defective sidewalk
- 94.06 Notification by City Council
- 94.07 Repairs by city; declaration of lien
- 94.08 Lien docket; interest
- 94.09 Collection of lien
- 94.10 Alternative procedure

others using the same. The city has no responsibility for the maintenance or repair of sidewalks on the streets thereof, adjacent to or abutting on property owners' real property.

(B) It is made the duty of every property owner whose property abuts upon any street that has been improved with hard-surfaced pavement, or along any street the grade of which has been established and which has been improved by excavating and bringing the street to an established grade, to construct a cement sidewalk conforming to the ordinances of the city within 60 days from the completion of any structure located upon the property of the owner.

(C) (1) It is made the duty of every property owner whose vacant or nondeveloped property abuts upon any street that has been improved with a hard-surface pavement, or along any street, the grade of which has been established and which has been improved by excavating and bringing the street to an established grade, to construct a cement sidewalk

[missing text]

ordinances at such time as the sidewalks have been installed and constructed along any 1 individual block to the extent of 50% of the lineal distance of the block, the sidewalk to be constructed within 60 days after notice by the City Engineer or Street Superintendent. A property owner shall be eligible for a 1-year delay in completing the construction upon application to and approval by the Council.

(2) The owner of a structure or otherwise developed property which was built prior to the time 50% of the lineal distance of the block in which it is located has had sidewalks installed, shall construct a cement sidewalk conforming to the ordinance of the city within 60 days after notice has been given by the City Engineer or Street Superintendent.

### **RESPONSIBILITIES OF PROPERTY OWNERS**

#### **§ 94.01 GENERAL MAINTENANCE REQUIREMENT.**

Real property owners in the city shall maintain and keep in repair all sidewalks in the streets, avenues and alleys of the city in front of and that are adjacent to or abutting upon the owner's or owners' real property.  
(Ord. 548, passed 5-31-1990)

#### **§ 94.02 REQUIREMENT OF PROPERTY OWNER TO CONSTRUCT SIDEWALKS.**

(A) It is made the duty of all property owners in the city to keep the sidewalks on the streets thereof, adjacent to or abutting on their respective real property, in a good state of repair, in order to eliminate the hazard of injuries to pedestrians or

(Ord. 548, passed 5-31-1990)

**§ 94.03 OWNER OR OCCUPANT TO REMOVE OBSTRUCTIONS.**

It is the duty of an owner or occupant of land adjoining a street to maintain in good repair and remove obstructions from the adjacent sidewalk.  
(Ord. 548, passed 5-31-1990)

**§ 94.04 LIABILITY FOR INJURY.**

(A) The owner or owners of real property, in the city, shall be liable for any person suffering personal injury or property damage, by reason of any defect in the sidewalk adjacent to or abutting upon the property of the respective owner or owners thereof.

(B) If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty which this chapter imposes, the property owner shall compensate the city for the amount of damages thus paid. The city may maintain an action in a court of competent jurisdiction to enforce the provisions of this section.  
(Ord. 548, passed 5-31-1990)

**§ 94.05 DETERMINATION OF DEFECTIVE SIDEWALK.**

Whenever any sidewalk becomes defective or out of repair, the Utility Superintendent may, at his or her discretion, report the same to the City Council, designating the description of the property upon which the sidewalk fronts, is adjacent to or abuts upon, the record owner or owners of the property, and also the kind and nature of repair to the sidewalk, and that in his or her judgment repair thereof is necessary for the safety of pedestrians and others using the same. Failure of the city to notify property owner of needed repairs shall not relieve the property owner of liability in the event of personal injury or property damage suffered by reason of any defect in the sidewalk adjacent to or abutting upon the property of the owner or owners.  
(Ord. 548, passed 5-31-1990)

**§ 94.06 NOTIFICATION BY CITY COUNCIL.**

The City Council, upon receipt of the report from the Utility Superintendent and deeming the repair necessary, may direct that the owner or owners repair the sidewalk by notifying the owner or owners in writing by mail, if the address of the owner or owners is known; if not known, by posting notice thereof on the property involved. This notice shall direct that the owner or owners make and complete the repairs, in the manner described in the notice, on or before 30 days after the mailing or posting of the notice. This notice is to be given or posted by or under the direction of the City Recorder.  
(Ord. 548, passed 5-31-1990)

**§ 94.07 REPAIRS BY CITY; DECLARATION OF LIEN.**

In the event the owner or owners fail or refuse to make and complete the repairs to the sidewalk within 30 days after the mailing or posting of the notice, then the City Utility Superintendent may proceed to cause the repairs to be made and shall report the cost thereof, including 10% thereof for administrative costs, together with the name or names of the owner or owners of record of the real property abutting the sidewalk which was required to be repaired; and upon the approval of the reports of costs by the City Council, the same shall become and shall be declared to be a lien against the adjacent real property, and in a proportion as the Council shall direct, and the lien shall have priority over all other liens against the property, save and except such liens or taxes as by law take precedence.  
(Ord. 548, passed 5-31-1990)

**§ 94.08 LIEN DOCKET; INTEREST.**

The Recorder shall enter all the liens in the lien docket as directed by the City Council, and these liens shall bear interest at the statutory rate from 20 days after the date notice of assessment is mailed.  
(Ord. 548, passed 5-31-1990)

**§ 94.09 COLLECTION OF LIEN.**

At any time after the lien has been so docketed, the same shall be foreclosed and collected in the

manner provided for the collection of assessments for local improvements.  
(Ord. 548, passed 5-31-1990)

**§ 94.10 ALTERNATIVE PROCEDURE.**

The procedure prescribed in this chapter shall be in no wise deemed a repeal of any existing ordinance providing for the repair of any existing sidewalk within the city, but is an alternative procedure, which in the sole discretion of the Council may be invoked for the repair of sidewalks within the city. Failure of the city to notify the property owner of needed repair shall not relieve the owner of liability.  
(Ord. 548, passed 5-31-1990)

