

3-02 [Nuisance Control]

3-02.01 [Introductory Provisions]

3-02.01-10 [Purpose]

The purpose of this chapter is to establish an efficient system to enforce the development, land use, and public health regulations of the City, to provide an opportunity for a prompt hearing and decision on alleged violations of these regulations, and to establish penalties for violations, including abatement of any affected properties.

3-02.01-20 [Declaration of Nuisance]

- A. All violations of development, land use, and public health regulations are found and declared to be nuisances. Nuisances create a public harm. Prevention and correction of nuisances are necessary to prevent harm.
- B. In addition to the enforcement provisions of this chapter, failure to comply with the provisions of this chapter creates a public harm, and may subject the person responsible to liability. The person responsible shall hold the City of Vernonia harmless and indemnify the City if any claim results from failure to fulfill the duties of this chapter.

3-02.01-30 [Definitions]

As used in this chapter, unless a different meaning is plainly required:

- A. “Abate” means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner, and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.
- B. “Act” means doing or performing something.
- C. “Applicable Department Directors” means the City Administrator or his/her designee, including any department director or other designee, empowered by this code or by the City Administrator to enforce a City ordinance or regulation.
- D. “Civil Violation” means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs or exists is a separate violation.
- E. “Development” means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, and all acts authorized by a City regulation.
- F. “Emergency” means a situation which in the opinion of the applicable department director requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.
- G. “Nuisance” (also referred to herein as “violation” or “nuisance violation”) means:
 - 1. A violation of any City of Vernonia development, land use, or public health regulation;
 - 2. Committing an act, omitting to perform any act or duty, or permitting or allowing any act or omission, which injures, endangers, or interferes with the comfort, repose, health or safety of others, is unreasonably offensive to the senses, or

which obstructs or interferes with the free use of property so as to interfere with or disrupt the free use of that property by any lawful owner or occupant; or

3. The existence, without limitation, of any of the following conditions:

- a. Trash Covered Premises- Any premises containing trash or abandoned materials, including, but not limited to boxes, animal matter or waste, glass, scrap metal, plastic, rags, wire, packing materials, or any other matter that would mar the appearance, create a stench, or detract from the cleanliness or safety of the property, except that kept in garbage cans or containers maintained for regular collection;
- b. Dangerous Structures- Any dangerous, decaying, unkempt, falling or damaged dwelling, fence or other structure;
- c. Potential Vermin Habitat or Fire Hazard-Any accumulation of material or debris on a property including, but not limited to building materials which are not properly stored or neatly piled, crates, empty barrels, mattresses or bedding, old appliances or equipment or any parts thereof, furniture, or other objects which endanger property or public safety, or constitute a fire hazard or vermin habitat; provided, that nothing herein shall prevent the temporary retention of waste in approved, covered receptacles;
- d. Stagnant Water- An accumulation of stagnant or dirty water in an open container, barrel, pool or other man-made vessel that affords a breeding place for mosquitoes and other insect pests. This section does not apply to wetlands, ponds, streams, springs, creeks, rivers or natural drainage;
- e. Junk Vehicles- Any wrecked, inoperable, abandoned, immobile or disassembled trailer, recreational vehicle, boat, tractor, automobile or other vehicle, or any parts thereof. Evidence of inoperability and damage includes, but is not limited to, a buildup of debris that obstructs use, a broken window or windshield, a missing wheel, a flat tire, a nonfunctional motor or transmission, missing bumpers, or missing or expired license plates; provided nothing herein shall prevent the keeping and storage of any vehicle on private property which is screened from view, nor prevent the storage on private property of up to two (2) well-maintained, unlicensed collector or antique vehicles, as defined by ORS 801.605 (Vehicle of special interest) or ORS 801.125 (antique vehicles);
- f. Attractive Nuisances- Any attractive nuisance which may prove detrimental to children whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children. This includes unused or abandoned refrigerators, freezers, or other large appliances or equipment or any parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; and any lumber, trash, debris or vegetation which may prove a hazard for minors;
- g. Obstructions to the Public Right-of-Way- Use of property abutting a public street, alley, or sidewalk or use of a public street, alley, or sidewalk

which causes any physical or visual obstruction or safety hazard to traffic or to open access to the streets, alleys or sidewalks; provided, that this subsection shall not apply to events, parades, or the use of streets or public rights-of-way when authorized by the City. This section includes the existence of drainage onto or over any sidewalk, public path or alley;

h. Noxious Vegetation- Any noxious, or toxic weed or uncultivated plant, weeds or tall grass which may be a health, safety, fire or traffic hazard, including but not limited to:

1. Grass or weeds more than twelve (12) inches high;
2. Poison ivy;
3. Poison oak;
4. Blackberry bushes that extend into a public thoroughfare or right-of-way or across a property line;
5. Plant growth on sidewalks adjacent to any property.

This paragraph does not apply to vegetation that constitutes an agricultural crop, unless that vegetation is a health, safety, fire or traffic hazard. An owner or person in charge of property shall cut down or destroy grass, shrubbery, brush, bushes, weeds or other noxious vegetation as often as needed to prevent them from becoming unsightly; from becoming a health, safety, fire, or traffic hazard; or in the case of weeds or other noxious vegetation, from maturing or going to seed;

i. Trees- On any property, including the abutting parking strip, public street, alley, or sidewalk:

1. Any tree which is in danger of falling and creates a substantial risk of damage or injury. Before removing any tree located in a parking strip, public right-of-way, or alley, the applicable department director shall be notified, unless it is impractical to do so because of imminent threat of harm to persons or property; or
2. Any trees not maintained or trimmed to a height of not less than eight (8) feet above the sidewalk and not less than thirteen (13) feet, six (6) inches above any roadway or alley which has been opened for access;

j. Illegal Dumping- Dumping of any type by any person on public or private property not registered as a legal dump site;

k. Dumping in Waterways- Dumping, depositing, placing or leaving of any garbage, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any navigable water, or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable watercourse, or the casting, placing, depositing or leaving of any logs, roots, snags, stumps or brush upon the banks or in the bed or channel of any navigable watercourse;

l. Ditches- Drainage and irrigation ditches adjacent to or crossing private property, that are not maintained by the adjacent property owner in a condition free from debris, brush, or vegetation that would impede the flow of storm water and/or reduce the capacity of the ditch or drainage. Drainage or irrigation ditch, as used in this section does not include any perennial or

intermittent stream, channelized stream or any other channel that contains fish;

m. Culverts- Any pipes and culverts used for driveway or walkway purposes adjacent to or crossing private property, that are not maintained by the adjacent property owner; except that any such pipe or culvert installed in the public right-of-way to City standards shall be maintained by the City;

n. Nuisance Animals- The following are nuisance animals, and may be taken into custody by the City and dealt with in accordance with the procedures provided by ordinance for the impoundment of dogs:

1. Animals at large, except for a domestic cat of species *felis catus*;

2. Dangerous Animals- Any animal exposed in public that has, due to the lack of proper and adequate supervision and control by its owner, demonstrated a propensity to do an act harmful in its character to human beings or animals, regardless of whether done in a playful or hostile manner; or

3. Dog(s) not on a leash except when on owner's own property or private property. Length of leash cannot be more than 8 feet in length.

o. Radio Interference- The use or operation of an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design;

p. Barbed Wire or Electric Fences- Any barbed wire or electric fence along a sidewalk, public way or along the adjoining property line of another person. Nothing herein prohibits barbed wire being placed above the top of other fencing not less than six (6) feet, six (6) inches high, where such fence height is permitted;

q. Commercial Zone- The following are nuisances in the General Commercial Zone, except on property used solely for residential purposes:

1. Recreational vehicles and trailers, unless parked for less than twelve (12) hours or kept in a business licensed for the sale of such goods;

2. Temporary storage structures for which a building permit was not obtained;

3. Portable storage bins or containers, except for trash receptacles; or

4. Windows covered with plywood, particleboard, plastic, tape or other temporary covering, except while the window is being repaired, provided such time period for repairing the window does not exceed thirty (30) days past the date of damage. If the owner does not want to replace window with window material that conforms with the Uniform Building Code, owner shall fill in window with permanent exterior structural materials consistent with the rest of the structure.

For this paragraph, a person may request temporary permission from the Building Department, or Code Enforcement Officer, not to exceed three (3) months at a time, to deviate from the standards of this paragraph.

H. “Omission” means a failure to act.

I. “Person” means any individual, firm, association, partnership, corporation or any entity, public or private.

J. “Person Responsible for the Violation” means any person who has an interest in or resides on the property, whether as owner, tenant, occupant, or otherwise.

K. “Repeat Violation” means a violation of a provision of this chapter in any location by the same person, for which voluntary compliance previously has been sought or a notice of civil violation has been issued, within the immediately preceding twelve (12) consecutive month period.