

## ORDINANCE NO. 730

### AN ORDINANCE RELATING TO PUBLIC NUISANCES AND AMENDING SCAPPOOSE CODE CHAPTER 8.20.

#### The City of Scappoose ordains as follows:

**Section 1.** Section 8.20.050A of the Scappoose Code is amended to read as follows:

- A. Debris. An accumulation of decomposing animal or vegetable matter; garbage; rubbish; manure; offal; ashes; wood; discarded containers; waste paper; trash; hay, grass or straw; noxious weeds; litter; inoperable equipment; vehicles or appliances or parts thereof; old home or office furnishings; building materials not being used in a current construction project; or similar items or other refuse matter or substance which, by itself or in conjunction with other substances, is deleterious or hazardous to public health or safety, or creates an offensive odor or condition.

**Section 2.** Section 8.20.170B of the Scappoose Code is amended to read:

- B The chief of police shall have the right, by warrant or as otherwise allowed by law, to enter any premises where he may have reason to believe such nuisance exists, and shall give immediate notice to the occupant or owner of the premises where such may be found to abate the same.

**Section 3.** Section 8.20.210 of the Scappoose Code is amended to read:

- A The acts and conditions described in Section 8.20.020 through Section 8.20.150 of this chapter are declared to be public nuisances subject to abatement and penalty pursuant to this chapter.
- B A person violating Section 8.20.130 or 8.20.140 of this chapter shall be guilty of a Class B civil violation, as described in ORS Chapter 153. Such violation shall be punishable by a fine fixed by the court not less than \$50 nor more than \$250, plus court assessments.
- C A person violating any provisions of this chapter other than Sections 8.20.130 or 8.20.140 shall be guilty of a Class A civil violation as described in ORS Chapter 153. Such violation

shall be punishable by a fine fixed by the court not less than \$250 nor more than \$600, plus court assessments.


- D In addition to other penalties, the court may order the nuisance abated and establish time limits for compliance with an abatement order. Failure to timely comply with an abatement order of the court shall be a separate Class B violation subject to a fine of \$250. Each day of such noncompliance shall be a separate violation.
- E Upon conviction of a civil violation under this ordinance, the court shall assess, in addition to penalties, reimbursement to the City for City's reasonable costs in investigating and processing the City's nuisance citation and abatement.

**Section 4.** Section 8.20.220 of the Scappoose Code is amended to read:

It shall be an affirmative defense to any charge of violation of any section of this chapter, other than Sections 8.20.130 or 8.20.140, that the alleged nuisance was satisfactorily abated by the defendant not more than ten (10) calendar days after the issuance of the citation to appear in court for the nuisance, except that such defense shall not excuse the defendant from reimbursement of costs as required by this chapter.

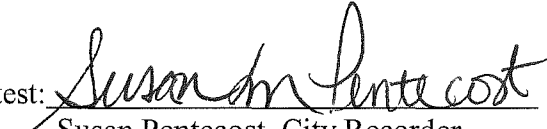
**PASSED AND ADOPTED** by the Scappoose City Council and signed by the Mayor and the City Recorder this 3<sup>rd</sup> day of February, 2003.

**CITY OF SCAPPOOSE, OREGON**

  
Glenn E. Dorschler, Mayor

First Reading: January 21, 2003

Second Reading: February 3, 2003

Attest:   
Susan Pentecost, City Recorder