

ORDINANCE NO. 792

AN ORDINANCE RELATING TO NUISANCES, PROHIBITING BURNING NOXIOUS MATERIAL AND UPDATING RATE OF INTEREST ON NUISANCE ABATEMENT COSTS, ADDING A NEW MUNICIPAL CODE SECTION 8.20.050N, AND MODIFYING MUNICIPAL CODE SECTION 8.20.190 AND DECLARING AN EMERGENCY

The City of Scappoose ordains as follows:

Section 1. Section 8.20.050 of the Scappoose Municipal Code is amended to read as follows (additions underlined and deletions stricken):

“8.20.050 Nuisances affecting public health. No owner or person in charge of property shall cause or permit on such property any nuisance affecting public health; nor shall any person cause on any property, public or private, any nuisance affecting public health. The following are nuisances affecting public health and may be abated as provided in this chapter.

- A. 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 to public health or safety, or creates an offensive odor or condition;
- B. An accumulation of stagnant or impure water, which affords or might afford a breeding place for mosquitoes or other insects;
- C. A growth of Russian thistle, Canadian thistle, Chinese thistle, white mustard, cocklebur, silver saltbush, foxtail, or any other noxious weed; and all grass over ten inches in height;
- D. The deposition of an animal carcass or part thereof; ~~of~~ or any excrement or sewage; or industrial waste; or any putrid, nauseous, decaying, deleterious, offensive, or dangerous substance in a stream, well, spring, brook, ditch, pond, river or other inland waters within the city; or the placing of such substances in such position that high water or natural seepage will carry the same into such waters;
- E. An open vault or privy, except those constructed or maintained in connection with construction projects in accordance with the Oregon State Board of Health regulations;
- F. Drainage of liquid wastes from private premises;
- G. Cesspools or septic tanks which are in an unsanitary condition or which cause an offensive odor;
- H. Decayed or unwholesome food, which is offered for human consumption;
- I. Premises which are in such a state or condition as to cause an offensive odor, or which are in an unsanitary condition;

- J. A pigsty, slaughterhouse, or tannery;
- K. A barn, stable, kennel, corral, pen, chicken coop, rabbit hutch or other place where animals are caged or housed which is in an unsanitary condition or creates a noxious or offensive odor;
- L. The sufferance or allowance by the owner or person in charge of property that water from a roof, ditch, canal, flume, reservoir, pipeline or conduit above or below ground should leak, seep, flow, overflow, run back or through, or escape or run upon, over or under any premises, public street, alley, sidewalk or other public property;
- M. The existence on property of vector or vermin or the conditions which contribute to the growth or sustenance of vector or vermin;
- N. The burning, either indoors or outdoors, of any wet garbage, plastic, asbestos, diapers, wire insulation, automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking or service of food, or of any other material which emits dense smoke or noxious odors.

Section 2. Section 8.20.190 of the Scappoose Municipal Code is amended to read as follows (additions underlined and deletions stricken):

“8.20.190 Assessment of costs.

- A. Upon abatement of a nuisance by the city, the city recorder, by registered or certified mail, postage prepaid, shall forward to the person responsible a notice stating:
 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 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 notice of objection with the city recorder not more than ten days from the date of the notice;
- B. At the next regular meeting of the city council after the date of the notice of objection, the council, in the regular course of business, shall hear and determine the objections to the costs assessed.
- C. If the costs of the abatement are not paid within thirty days from the date of the notice, an assessment of the costs as stated or as determined by the council 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.
- D. The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate of ~~six~~ nine percent per annum. The interest shall commence to run from date of the entry of the lien in the lien docket.

- E. An error in the name of the person responsible shall not void the assessment, nor will failure to receive the notice of the proposed assessment render the assessment void; but it shall remain a valid lien against the property.”


Section 3. Emergency. This Ordinance is necessary for the immediate peace, health and safety of the public. Therefore an emergency is declared to exist and this Ordinance shall be effective as of the day of its passage.

PASSED AND ADOPTED by the City Council this 15th day of October, 2007, and signed by me in authentication of its passage.

CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

Attest: 
Susan Pentecost, City Recorder