

ORDINANCE #1.1a - AMENDMENT (I)

An ordinance declaring certain nuisances, prescribing their abatement, and providing for penalty for the continuation thereof; and declaring an emergency.

THE TOWN OF BUTTE FALLS DOTH ORDAIN AS FOLLOWS:

DEFINITION: PUBLIC NUISANCE means a condition or practice which is offensive, unsightly, obnoxious or annoying or which is hazardous to the public health and safety.

SECTION 1. Each of the following described conditions for residential and business properties shall constitute a nuisance and shall be abated in the manner prescribed herein.

A. The obstruction of sidewalks by permitting shade trees, ornamental trees or hedges to grow in such a manner that the clear space over the sidewalk shall be less than 7 feet free of branches or foliage for the full width of such walk.

B. Certain plants or shrubs commonly known as poison oak or poison ivy.

C. The accumulation of any leaves, nails, broken glass, metal, straw, brush, ashes, paper, sawdust, trash or other debris on any street or alley or public property in the Town of Butte Falls. Exceptions: firewood, (stacked) and useable timber (stacked) if on unobstructed alleys or streets and if approved by the Town of Butte Falls. Firewood or lumber must be removed within 30 days if notified by the Town of Butte Falls.

D. Any accumulation or collection of manure, waste, filth or other deleterious substance from which noxious or disagreeable odors arise or which are detrimental to the health or comfort of any person in the Town of Butte Falls. Exception: compost piles must be contained within a suitable container...see E below.

E. Any manure pile, vault, garbage pile or other place where decaying or deleterious substance are kept or disposed of which is not securely screened or otherwise protected against flies or the dissemination of disagreeable odors.

F. Any personal property which is abandoned upon the streets, sidewalks, or alleys in the Town of Butte Falls. It shall be the duty of any Town Police Officer to notify the landowner of the violation of this ordinance in writing by registered mail. Landowner will have ten (10) days to remedy this violation. If violation has not been remedied with the ten (10) days after receipt of the written violation, landowner will be assessed a \$100 minimum fine or maximum \$250 fine. This procedure will be repeated until landowner complies with the ordinance. Any money collected in fines will be turned over to the general fund for the use of the town.

H (a). The accumulation, keeping or storing of any automobile, motor truck, trailer, semi-trailer, motorcycle, motor home, boat trailer, camp trailer or any self-propelling vehicle or machine or farm machinery requiring a motor vehicle license by the State of Oregon and not having a current license displayed thereon upon any street or alley or other public property deemed prima facie evidence of the accumulation, keeping or storing thereof. **H (b).** The accumulation, keeping or storing of any automobile, motor truck, trailer, semi-trailer, motorcycle, motor home, boat trailer, camp trailer or any self-propelling vehicle or machine or farm machinery thereon upon any private property for the purpose of resale, storage, wrecking down, parting out or restoration unless contained within a building, or within a 6 (six) foot fence or covered with a commercial car cover or equivalent. Bed sheets, clear or black plastic will not be considered to be acceptable coverage.

H (c). Any other machinery or equipment whether manufactured or hand made not requiring a license by the State of Oregon upon any street or alley or the accumulation, keeping or storing on private property unless confined as stated in H(b).

EXCERPTS FROM SECTION 2, 3 AND 4: It shall be the duty of the Town Police Officer upon his determination that a nuisance exists, as set forth in this ordinance, to notify the owner, occupant, agent or other person in possession of the property upon which the nuisance exists. If the owner, occupant, agent or other person in possession of the property is known or his address is not known, then the Town Police Officer shall send a notice by registered mail to the last known address of such person in charge of the property. The continuation of any nuisance beyond the period prescribed for abatement (10 day increments up to 90 days) shall constitute an offense and the fine increases., with the Town's right to place a lien on the property. The owner, occupant, agent or person in possession of the property may appeal to the Town Council within ten (10) days after receipt of notice, if in their opinion such nuisance does not exist.

This Ordinance was passed by the Town Council on the 22nd day of July 2003.

ATTEST: Lori Paxton, City Recorder

Mayor Steve Harvey