

ORDINANCE NO. 216.

An ordinance to amend sections 3, 7, and 9 of ordinance No 209 entitled "An ordinance to provide for the prevention and removal of nuisances and to punish those who allow or maintain them, and to provide how the costs and expenses of abating such nuisances shall be collected and paid, and to define what shall constitute a nuisance within the limits of the city of Albany."

SECTION 1. That Section 3 of ordinance No 209 entitled "An ordinance to provide for the prevention and removal of nuisances and to punish those who allow or maintain them and to provide how the costs and expenses of abating such nuisances shall be collected and paid, and to define what shall constitute a nuisance within the limits of the city of Albany."

SECTION 2. That Section 7 of said ordinance No 209 be, and the same is hereby amended so as to read as follows: SECTION 7. Whenever the marshal of said city shall be informed of the existence within the limits of said city of any nuisance prohibited by Sections 3 and 4 of this ordinance, he shall immediately make or cause to be made, an examination of the yard, lot, street, alley, sidewalk, place or premises on which it is charged that such nuisance is suffered or permitted to exist, and if a nuisance is found to exist thereon, or to exist upon any street, sidewalk or gutter adjacent to or abutting on any such yard, lot, place or premises, unless it shall be necessary in order to abate such nuisance to fill up or drain the property on which the same is situated, he shall forthwith give to either the owner agent or occupant or person in such possession or control, and if such nuisance is not removed at the end of 5 days from the service of such notice on such owner, occupant, agent or person or persons in such possession or control, the marshal shall cause such owner, occupant agent or person or persons in such possession or control, to be arrested for suffering or permitting such nuisance to exist, and if he or they be convicted before the recorder's court therefor, the marshal at once thereafter cause the same to be removed, and he shall be and he is hereby authorized to remove any and all obstructions that may in his judgment be necessary to remove in order to reach and remove or abate such nuisance. The expense of the removal of any such nuisance by the Marshal shall be paid by the city in the first instance, but in case the author or continuor of such nuisance is the owner or occupant or person in the possession or control of the property whereon or abutting which such nuisance exists, the costs and expenses of the removal thereof shall be taxed to such owner or occupant or person or persons in such possession or control as part of the costs and expenses in such case and be recovered by the city from such owner or occupant or person or persons in such possession or control notified as herein provided. The Recorder shall tax such costs and expenses as soon as they are ascertained, and if such costs and expenses are not paid, when so taxed against such owner, occupant or person or persons in such possession or control, within 5 days after such taxing, the Recorder shall forthwith thereafter enter a statement of such costs and expenses on the book of city liens: such statement shall contain the following matters in relation to the removal and abatement of such nuisance:

SECTION 3. That Section 9 of said ordinance, No. 209, be and the same is hereby amended so as to read as follows:

SECTION 9. All accumulations in or upon any yard, lot, or place or premises or upon any street, sidewalk or alley adjacent to or abutting upon any lot, block, place or premises within the limits of said city of Albany, of any stagnant or impure water, refuse vegetables, decayed or decaying substances, garbage, manure or filth of any kind, from which a noisome or offensive smell or atmosphere shall arise, and all buildings, structures, and awnings within the limits of said city, which shall become so much injured by fire, decay or on account of defective material used in the construction thereof, or from any other cause as to be dangerous to surrounding property, or in danger of falling, and all privies belonging to or appertaining to any house, store, building or premises in said city, which are or shall be kept in such condition or manner as to cause a noisome or offensive smell or atmosphere to arise therefrom or to be offensive to decency in any manner, and any building, house or structure or thing standing or being in or upon any street or alley in said city in such a manner as to obstruct or in any manner impede the public use of such street or alley or any part of either, are hereby declared and defined to be nuisances. The notice provided for in regard to the abating and removal of nuisances in said city shall be in writing and shall contain a description as accurate as may be of the lot or premises on or abutting which such nuisance exist, and also an accurate description of the nuisance sought to be abated, and if the same or any part thereof is in or upon any street or alley in said city, a description of the portion thereof where such nuisance exists and shall command the owner, agent, occupant or person in the possession or control of the lot or premises upon or abutting which, such nuisance exists, or all or any of them, to remove or abate the same within 5 days from the service of such notice upon any or all of such persons. Such notice shall be signed by the Marshal and shall be served by him in the following manner:

1. By delivering a copy thereof prepared and certified by him, to such owner, agent, occupant or person in such possession or control, or to all or any of them, if such persons or any of them can with reasonable diligence be found within the corporate limits of said city of Albany. 2. If after reasonable diligence the Marshal shall be unable to find any of the persons named in subdivision 1 of this Section within the corporate limits of said city, to some person of the family, above the age of fourteen years, at the dwelling house or usual place of abode of any or all of such persons in said city. 3. When service of such notice cannot be made as provided in subdivisions 1 and 2 of this Section, the Marshal shall serve the same by depositing in the post office, at the city of Albany, Oregon, a copy of such notice prepared and certified by himself, duly stamped and directed to any or all of the persons named in said subdivisions 1 and 2 of this Section, at his or their place or places of residence respectively unless such residence is out of the state of Oregon, and in that event such notice shall be served upon such owner, agent, occupant or person in possession or control of such lot or premises by publishing the same at least once a week for four consecutive weeks in some newspaper published in said city and of general circulation therein and in Linn county, Oregon. 4. The proof of the service of such notice, or of the deposit thereof in the post-office, shall be by the affidavit of the Marshal. 5. In case of service of such notice by publishing the same as provided in subdivision 3 of this Section, the proof thereof shall be the affidavit of the printer or his foreman, or his principal clerk showing the same.

The proof of the service of such notice shall be attached to the original thereof and be filed in the office of the Recorder of said city where such notice and proof shall remain in the custody of the Recorder as a perpetual record. SECTION 4. This ordinance shall be in full force and effect from and after five days from its approval by the Mayor. Passed the Council June 24th, 1891. Approved, June 26th, 1891.

LOST.—Three record books of Tangent L M F church, south, between Tangent and Brownsville, on the Ward's Buote road, on June 15, 1891. Will pay finder for trouble. W. H. HOWARD, Tangent, Or. Pastor

MONEY TO LOAN.—In small and large amounts, from six months to five years, on good Albany and Linn county real estate. Call on or address W E McPherson, First St., Albany, Or.

A BIG CHANCE FOR SOME BODY to make money. The best paying restaurant in Eugene for sale, as the owner is going to retire from business for some time. Any person desiring information regarding this business, G B Dorris, attorney at law, or J R Dixon, prop, Eugene, Oregon.

SPLENDID FARM FOR SALE. 420 ACRES. 110 ACRES IN grain, 17 in corn and roots, 40 in timothy. Well fenced and seeded to grass. Well watered; good soil, no gravel. 80 head cattle, 50 hogs, 4 horses, farm implements, large house, 4 large new barns, good school and church near house, on place. Fruit of all kinds 3 miles to postoffice and store, 5 miles from Stanton and 2 1/2 miles south of Kings station on the Oregon Pacific railroad. Place can be divided into three or four farms with county road to each. Place with every thing \$24 per acre. Terms easy. For further particulars apply on the premises at Mt Pleasant, Linn county, or address H. P. MILLER, Stanton, Oregon. (20)

book of city liens. Such statement shall contain the following matters and things: First, A particular description of the lot or premises abutting such street or alley whereon such nuisance existed. Second, The amount of the costs and expenses of removing such nuisance. Third, The name of the owner or occupant or person in possession or control of such lot or premises and who is the author or continuor of such nuisance. From the date of the entry of such statement in the book of city liens, such costs and expenses shall be and constitute a lien on or against the lot or premises described in such statement, and such lien shall be enforced against such lot or premises in the same and with like effect as provided in the charter and ordinance of said city for the enforcement of liens on real estate in said city for the collection of the costs and expenses of street improvements therein.

SECTION 3. That Section 9 of said ordinance, No. 209, be and the same is hereby amended so as to read as follows:

SECTION 9. All accumulations in or upon any yard, lot, or place or premises or upon any street, sidewalk or alley adjacent to or abutting upon any lot, block, place or premises within the limits of said city of Albany, of any stagnant or impure water, refuse vegetables, decayed or decaying substances, garbage, manure or filth of any kind, from which a noisome or offensive smell or atmosphere shall arise, and all buildings, structures, and awnings within the limits of said city, which shall become so much injured by fire, decay or on account of defective material used in the construction thereof, or from any other cause as to be dangerous to surrounding property, or in danger of falling, and all privies belonging to or appertaining to any house, store, building or premises in said city, which are or shall be kept in such condition or manner as to cause a noisome or offensive smell or atmosphere to arise therefrom or to be offensive to decency in any manner, and any building, house or structure or thing standing or being in or upon any street or alley in said city in such a manner as to obstruct or in any manner impede the public use of such street or alley or any part of either, are hereby declared and defined to be nuisances. The notice provided for in regard to the abating and removal of nuisances in said city shall be in writing and shall contain a description as accurate as may be of the lot or premises on or abutting which such nuisance exist, and also an accurate description of the nuisance sought to be abated, and if the same or any part thereof is in or upon any street or alley in said city, a description of the portion thereof where such nuisance exists and shall command the owner, agent, occupant or person in the possession or control of the lot or premises upon or abutting which, such nuisance exists, or all or any of them, to remove or abate the same within 5 days from the service of such notice upon any or all of such persons. Such notice shall be signed by the Marshal and shall be served by him in the following manner:

1. By delivering a copy thereof prepared and certified by him, to such owner, agent, occupant or person in such possession or control, or to all or any of them, if such persons or any of them can with reasonable diligence be found within the corporate limits of said city of Albany. 2. If after reasonable diligence the Marshal shall be unable to find any of the persons named in subdivision 1 of this Section within the corporate limits of said city, to some person of the family, above the age of fourteen years, at the dwelling house or usual place of abode of any or all of such persons in said city. 3. When service of such notice cannot be made as provided in subdivisions 1 and 2 of this Section, the Marshal shall serve the same by depositing in the post office, at the city of Albany, Oregon, a copy of such notice prepared and certified by himself, duly stamped and directed to any or all of the persons named in said subdivisions 1 and 2 of this Section, at his or their place or places of residence respectively unless such residence is out of the state of Oregon, and in that event such notice shall be served upon such owner, agent, occupant or person in possession or control of such lot or premises by publishing the same at least once a week for four consecutive weeks in some newspaper published in said city and of general circulation therein and in Linn county, Oregon. 4. The proof of the service of such notice, or of the deposit thereof in the post-office, shall be by the affidavit of the Marshal. 5. In case of service of such notice by publishing the same as provided in subdivision 3 of this Section, the proof thereof shall be the affidavit of the printer or his foreman, or his principal clerk showing the same.

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