

ORDINANCE No 31

AN ORDINANCE PROVIDING FOR THE ABATEMENT OF NUISANCES; NOTICE; TIME; HEARING; ABATEMENT BY THE CITY; and COST OF ABATEMENT TO BE AN ASSESSMENT ON PROPERTY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF TROUTDALE:

SECTION 1. NOTICE - Whenever it is declared by ordinance that anything is a nuisance and the commissioner of the department under whose jurisdiction the matter would fall has knowledge that such a nuisance exists, he shall cause to be posted upon the property liable for the abatement of such nuisance a notice in legible characters directing the removal of such nuisance, which notice shall be substantially in the following form:

NOTICE TO REMOVE NUISANCE

To the owner, agent of owner and occupant of the following described real property: (here insert description of property by lot and block or by street and number) in the town of Troutdale, Oregon:

YOU ARE HEREBY NOTIFIED to remove and abate the nuisance existing on _____ within ten days from the date of this notice, which nuisance consists of (here give general description of nuisance) or show to the Council of the Town of Troutdale that no nuisance exists as provided by SECTION _____ of ORDINANCE _____. In case of failure to remove said nuisance within said time, the Town of Troutdale will cause the same to be abated and charge the cost thereof against the property herein described.

Dated (Month, day and year)

Signature

Such notice may be signed by the Commissioner or by any officer or employee of the City charged by said Commissioner or by the Council with the duty of causing the abatement or removal of such nuisance.

Said Commissioner shall also at approximately the time of posting such notice, cause the Recorder to be notified thereof and the Recorder shall thereupon cause to be mailed a copy of the notice so posted, postage prepaid, to the owner or agent of owner of said real property directed to the last known postoffice address of such owner or agent, or, if the postoffice address of both is unknown, to such owner or agent at Troutdale, Oregon.

The person posting such notice and the person mailing the same shall forthwith file in the Records Office a certificate stating the date and place of such mailing and posting.

Any Commissioner may delegate any city employee to post such notice.

An error in the name of the owner or agent or the use of a name other than that of the true owner or agent of such property shall not render void such notice, but in such case the posted notice shall be deemed sufficient.

SECTION 2. NUISANCE TO BE ABATED WITHIN TEN DAYS * HEARING - Within tendays after the posting and mailing of such notice, the owner, agent of the owner, or occupant of any such property shall remove and abate such nuisance or show that no nuisance in fact exists. Such showing may be made by filing a written statement that no nuisance exists, which statement shall be in duplicate and one copy thereof filed with the Commissioner giving such notice and the other filed with the Recorder. Thereupon the Recorder shall place said matter upon the calender of the Common Council to be heard by the Council in regular course of business. At the time set for hearing, such person may appear and be heard by the

Council and the Council shall thereupon determine whether or not such nuisance exists. If it be determined by the Council that such nuisance exists, the proceedings hereinafter specified shall be followed. The Recorder shall forthwith notify the Commissioner of the department posting such notice of the action of the council thereon.

SECTION 3. ABATEMENT BY CITY - If within the time fixed in the ordinance the nuisance described in the notice has not been removed and abated, or cause shown as above specified, why such nuisance should not be removed and abated, the department issuing such notice shall cause said nuisance to be removed and abated, and to keep an accurate account of all expenses incurred, including an overhead charge of 10% for administration. The commissioner of such department shall, after completing such removal and abatement, file a statement of the cost thereof with the Recorder.

SECTION 4. NOTICE OF ASSESSMENT. Upon the receipt of such statement, the Recorder shall forthwith mail to the owner of such property therein mentioned a notice setting forth the expense incurred and stating that the Council proposes to assess against his property the amounts mentioned in the preceding section of this Ordinance, and that objections to the proposed assessment may be made in writing and filed with the Recorder on or before twenty days from the date of mailing such notice. Upon the expiration of said period of twenty days, objections to the proposed assessment shall be heard and determined by the council in the regular course of business. An assessment for such cost and overhead expenses shall be made by ordinance and shall be entered in the docket of city liens, and upon such entry the same shall constitute a lien upon the property from which said nuisance was removed and abated, which lien shall be collected in all respects as provided for street improvements, and shall bear interest at the rate of six percent per annum from 10 days after the date of entry in the lien docket. An error in the name of the owner or in the use of a name other than that of the true owner of such property or the failure of the owner to receive notice of such assessment shall not render said assessment void, but the same shall be a valid and existing lien against said property.

SECTION 5. Inasmuch as this Ordinance is necessary for the immediate preservation of the public health, peace and safety of the residents and inhabitants of the Town of Troutdale, in this, that in order to protect and promote the health and safety of the people within the Town of Troutdale, without delay, therefore, an emergency is hereby declared to exist, and this Ordinance shall be in force and effect from and after its passage by the Common Council of the Town of Troutdale, and signing by the Mayor.

Passed by the Common Council of the Town of Troutdale, Oregon, this

8 day of *September*, 1953.

SIGNED by the Mayor this 8 day of *September*, 1953.

Richard Korman
MAYOR

ATTEST:

Jessie Overstad
CITY RECORDER

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YES 0

NO —