

ORDINANCE NO. 127

AN ORDINANCE REQUIRING REMOVAL FROM PRIVATE PROPERTY OF JUNK, RUBBISH AND ANY OTHER SUBSTANCE CREATING A NUISANCE, PROVIDING PROCEDURE FOR ABATEMENT THEREOF AND ASSESSMENT OF COST OF ABATEMENT AGAINST THE PROPERTY, AMENDING ORDINANCE NUMBER 46, and DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE.

ORDINANCE SECTION 1. Ordinance number 46 is hereby amended to read as follows on and after the effective date of this ordinance, except that such amendment shall in no way effect any proceedings instituted pursuant to such ordinance prior to the effective date of this ordinance:

Section 1. JUNK, RUBBISH, DEBRIS, ETC., TO BE REMOVED.

The owner, person in possession or the agent of the owner of any lot, tract or parcel of land improved or unimproved, lying partially or wholly within the boundaries of the city of Troutdale shall remove and keep removed from all portions of such land within such boundaries, all junk, rubbish, debris, accumulations of used lumber or building materials, stagnant water, filth or any other substance which may endanger or injure neighboring property, passers-by or the health, safety and welfare of the public.

Section 2. DECLARATION OF NUISANCE.

Any of the things and conditions described in Section 1 hereinabove existing unremoved as required by said section, is hereby declared to constitute a nuisance.

Section 3. PROCEDURE FOR ABATEMENT.

Notice-(1) Whenever the Mayor of the City of Troutdale has knowledge that a nuisance as defined and declared herein 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 the following form:

NOTICE TO REMOVE NUISANCE.

To the Owner, Agent of Owner and Occupant of the following described real property:

Address: (here insert description of property by lot and block or by street and number)

in the City 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 City of Troutdale that no nuisance exists as provided by ORDINANCE NO. \_\_\_\_\_. In case of failure to remove said nuisance within said time, the City of Troutdale will cause the same to be abated and charge the cost thereof against the property herein described, in accordance with the provisions of Ordinance No. \_\_\_\_\_.

Dated (month-day and year.)

\_\_\_\_\_  
Signature

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

Said Mayor 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 those having interests of record insaid property at the address shown by the Tax Records of Multnomah County for said property and to all others having interests in said real property or personal property located thereon at the last known address of said persons, if known, or if unknown, to the Troutdale address of said property, if any.

The person posting such notice and the person mailing the same shall forthwith file in the Recorder's Office a certificate stating the date and place of such mailing and posting. The Mayor 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 or failure to give notice by mail because a person's address is unknown, shall not render void such notice or this proceeding, but in such case the posted notice shall be deemed sufficient.

#### Section 4. NUISANCE TO BE ABATED WITHIN TEN DAYS--HEARING.

Within ten days 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 with the Recorder a written statement that no nuisance exists, which statement shall be in duplicate. Thereupon the Recorder shall place said matter upon the calendar 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 by motion whether or not such nuisance does in fact exist. If it be determined by the Council that such nuisance does in fact exist, the proceedings hereinafter specified shall be followed. The Recorder shall forthwith notify the Mayor posting such notice of the action of the Council thereon.

#### Section 5. ABATEMENT BY CITY.

If within the time fixed in said notice (if no statement is filed in accordance with section 4 hereinabove,) or (if such statement is filed), within ten days after determination by Council, at a hearing held pursuant to section 4, hereinabove, that such nuisance does in fact exist, such nuisance has not been removed and abated, the Mayor, or any officer or employee of the City charged by said Mayor or by the Council with the duty of causing the abatement or removal of such nuisance, shall cause said nuisance to be removed and abated, and shall keep an accurate account of all expenses incurred, including an overhead charge of 10 per cent for administration, and a reasonable attorney's fee to be determined by the Council. The Mayor shall, after completion of such removal and abatement, file with the Recorder a statement of the cost thereof.

#### Section 6. NOTICE OF ASSESSMENT.

Upon the receipt of such statement, the Recorder shall forthwith mail to the owner, or agent, of such property therein mentioned, a notice (directed in the manner specified for notices given in section 3 hereinabove) setting forth the expenses 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, any 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, including storage, if necessary and attorney's fees 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, and upon the nuisance items themselves to the extent that they have a value, which lien shall be collected in all respects as provided for street improvements, and shall bear interest at the rate of six per cent per annum from 10 days after the date of entry in the lien docket. An error in the name 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.

ORDINANCE SECTION 2. That whereas it is necessary for the immediate preservation of the peace, health, and safety of the City of Troutdale, and of inhabitants thereof, and to preserve the credit of said City that this ordinance take effect immediately; therefore, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Council.

YEAS: 3

NAYS: 0

Signed by the Mayor this 17 day of December, 1968.

  
\_\_\_\_\_  
Mayor.

ATTEST:

Recorder: Louly D. Wright

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