

1 **ORDINANCE NO. 649**

2
3 **AN ORDINANCE AMENDING CHAPTER 8.28 OF THE TROUTDALE**
4 **MUNICIPAL CODE RELATING TO NUISANCES**

5
6 **WHEREAS**, TMC subsection 8.28.070(16) currently identifies basketball hoops and other sports
7 or athletic equipment placed within the public right-of-way as a nuisance; and,

8
9 **WHEREAS**, the City Council recognizes that designating these things as a nuisance has caused
10 confusion and has been difficult to enforce; and,

11
12 **WHEREAS**, the City Council now believes it would be prudent to eliminate these things as
13 prohibited nuisances; and,

14
15 **WHEREAS**, the City Council finds that motor vehicles and other personal property (ie. travel
16 trailers, boats, etc.) that are parked or stored in such a way as to obstruct the public sidewalk
17 constitute a nuisance; and,

18
19 **WHEREAS**, the City Council finds that by listing signs placed illegally within the public right-of-
20 way as a prohibited nuisance, the City will be able to deal more expeditiously with business signs
21 attached to traffic signs and utility poles; and,


22
23 **WHEREAS**, in abating nuisance violations it is preferable in many instances to file charges in
24 municipal court and to allow the court judge to set abatement conditions for the nuisance violation;


25
26 **NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
27 **TROUTDALE THAT:**

28
29 **Section 1:** Troutdale Municipal Code, Sections 8.28.070, 8.28.090, 8.28.105 and 8.28.140 are
30 amended as shown in Exhibit A.

31
32 **Section 2:** These amendments shall take effect thirty days from the date of adoption.

33
34 **YEA:** 6
35 **NAY:** 1 (RIPMA)
36 **ABSTAIN:** 0

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40 **Paul Thalhoffer, Mayor**
41 **Dated:** 1-16-97

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43 
44 **George Martinez, City Recorder**
45 **Adopted:** 1-14-97
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2
3 **8.28.070 Specific nuisances prohibited**
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5 A. It shall be unlawful for any person to maintain or allow to exist the following
6 things, practices or conditions on any property or within public road rights-of-way adja-
7 cent to that property, which shall be nuisances:

8 1. A pond or pool of stagnant water which emits an obnoxious odor or is a source of
9 vector breeding or otherwise presents a threat to the public health, safety and welfare;

10 2. An animal carcass not buried or destroyed within twenty-four hours after death;

11 3. Accumulation, collection or storage of solid waste without prior approval of the
12 director, unless the person is licensed by lawful authority to operate a business specifi-
13 cally for those purposes;

14 4. A well, septic system or cesspool that has not been safely or securely sealed or prop-
15 erly maintained and which may cause or has caused an injury to any person or contamina-
16 tion of a potable water supply;

17 5. An abandoned, discarded or unattended icebox, refrigerator or other container with a
18 compartment of more than one and one-half cubic feet capacity and a door or lid which
19 locks or fastens automatically when closed and which cannot be easily opened from the
20 inside;

21 6. Any property, whether vacant or improved building, residence, structure or accumu-
22 lation of any materials which is infested by vectors or rodents;

23 7. Any explosive or radioactive substance, unless the possession is authorized by law;

24 8. Any accumulation of dirt, sand, gravel, pieces or chunks of concrete or other similar
25 inorganic material, which is unsightly and reduces the aesthetic appearance of the neigh-
26 borhood;

27 9. An open pit, well, quarry, cistern, excavation or other hole of a depth of four feet or
28 more and a top width of twelve inches or more without reasonable safeguards or barriers
29 to prevent them from being accessible to children;

30 10. Dead or decaying trees and tree limbs that present a safety hazard to the public or
31 to abutting property owners;

32 11. Any abandoned vehicle upon private or public property;

33 12. Any vehicle or other personal property such as a trailer, boat, recreation vehicle or
34 pleasure craft, parked or stored in such a way as to obstruct the public sidewalk;

35 13. Signs, hedges, shrubbery, natural growth or other obstructions at or near intersec-
36 tions which hinder the view necessary for the safe operation of vehicles;

37 14. Obstruction to public sidewalks or roadways by trees, bushes, roots, other natural
38 growth, soil or solid waste;

39 15. Excavation which endangers the lateral support or causes cracking, settling or other
40 damage to streets, sidewalks or other public property;

41 16. Any building or structure which is either vacant or under construction, which is not
42 locked or otherwise secured by barriers or other devices to prevent them from being ac-
43 cessible to children;

44 17. Signs placed illegally within the public right-of-way.
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46 B. The enumeration of nuisances in subsection A of this section shall not limit the
47 power of the director to investigate or declare any other condition a nuisance which is

1 within the scope of subsection I of Section 8.28.020 of this chapter.

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3 **8.28.090 Abatement -- General procedures.**

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5 A. An investigation may be conducted whenever the director receives a complaint that
6 a nuisance exists.

7 B. Whenever it appears there is reasonable cause to believe that a nuisance exists, or
8 upon receipt of declaration from the director, the director shall provide written notice to
9 the owner of the existence of the nuisance and shall demand abatement within ten days
10 from the date of the written notice or such lesser time as may be set by the director to
11 protect the public health, safety and welfare. The notice shall contain:

12 1. A description of the real property by street address or otherwise on which the
13 nuisance exists;

14 2. A description of the nature of the nuisance;

15 3. The action necessary to abate the nuisance;

16 4. The time within which the nuisance must be abated;

17 5. A statement that unless the nuisance is abated, the city may abate the nuisance and
18 the cost of abatement shall be a lien against the property and/or the city may file charges
19 against the owner in Troutdale Municipal Court;

20 6. A statement that the owner may request a hearing by writing to the director within
21 seven days of the date of the notice.

22
23 **8.28.105 Uncontrolled or uncultivated vegetation.**

24 A. ...

25 c. The notice shall contain:

26 i. A description of the real property by street address or otherwise on which
27 the nuisance exists;

28 ii. A description or nature of the nuisance;

29 iii. The action necessary to abate the nuisance;

30 iv. The time within which the nuisance must be abated;

31 v. A statement that unless the nuisance is abated, the city may abate the nui-
32 sance and the cost of abatement shall be a lien against the property and/or the city may
33 file charges against the owner in Troutdale Municipal Court.

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35 **8.28.140 Abatement by city—Assessments**

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37 If an owner fails to abate a nuisance as required under this chapter, the director may cause
38 abatement of the nuisance and/or file charges against the owner in Troutdale Municipal Court.

39 If the City abates the nuisance, an accurate record of the abatement costs shall be kept and
40 shall include a surcharge of twenty-five percent of the cost of the abatement for administrative
41 overhead. A billing for the amount of the costs shall be forwarded by certified or registered
42 mail, return receipt requested, to the owner. Payment shall be due to the department of
43 community development within fifteen days from the date of the billing.