

ORDINANCE NO. 674

**AN ORDINANCE AMENDING CHAPTER 8.28 OF THE
TROUTDALE MUNICIPAL CODE PERTAINING TO
NUISANCES.**

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Chapter 8.28 of the Troutdale Municipal Code defines nuisances and sets forth the abatement procedure. It has been some time since the City adopted or amended Chapter 8.28. During that time the City has become aware of nuisances that are not specifically or adequately addressed in Chapter 8.28. It will be easier and more efficient to abate nuisances and enforce compliance with Chapter 8.28 if these nuisances are added to the list of specific nuisances that are prohibited.
2. The proposed revisions in the ordinance are in the best interest of the public and will expedite abatement of nuisance violations, which pose risks to the health, safety, and general welfare of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
TROUTDALE:**

Section 1. Section 8.28.105 of the Troutdale Municipal Code is repealed as of the date this ordinance takes effect.

Section 2. Section 8.28.070 of the Troutdale Municipal Code is amended to read and provide as follows:

8.28.070 Specific nuisances prohibited.

- A. It is unlawful for any person to maintain or allow to exist the following things, practices or conditions on any property or within public road rights-of-way adjacent to that property, which shall be nuisances:
 1. A pond or pool of stagnant water which emits an obnoxious odor or is a source of vector breeding or otherwise presents a threat to the public health, safety and welfare;
 2. An animal carcass not buried or destroyed within twenty-four hours after death;

3. Accumulation, collection or storage of solid waste without prior approval of the director, unless the person is licensed by lawful authority to operate a business specifically for those purposes;
4. A well, septic system or cesspool that has not been safely or securely sealed or properly maintained and which may cause or has caused an injury to any person or contamination of a potable water supply;
5. An abandoned, discarded or unattended icebox, refrigerator or other container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside;
6. Any property, whether vacant or improved building, residence, structure or accumulation of any materials which is infested by vectors or rodents;
7. Any explosive or radioactive substance, unless the possession is authorized by law;
8. Any accumulation of dirt, sand, gravel, pieces or chunks of concrete or other similar inorganic material, which is unsightly and reduces the aesthetic appearance of the neighborhood;
9. An open pit, well, quarry, cistern, excavation or other hole of a depth of four feet or more and a top width of twelve inches or more without reasonable safeguards or barriers to prevent them from being accessible to children;
10. Dead or decaying trees and tree limbs that present a safety hazard to the public or to abutting property owners;
11. Any abandoned vehicle upon private or public property;
12. Any vehicle or other personal property such as a trailer, boat, recreation vehicle or pleasure craft, parked or stored in such a way as to obstruct the public sidewalk;
13. Signs, hedges, shrubbery, natural growth or other obstructions at or near intersections which hinder the view necessary for the safe operation of vehicles;
14. Obstruction to public sidewalks or roadways by trees, bushes, roots, other natural growth, soil or solid waste;
15. Excavation which endangers the lateral support or causes cracking, settling or other

damage to streets, sidewalks or other public property;

16. Any building or structure which is either vacant or under construction, which is not locked or otherwise secured by barriers or other devices to prevent them from being accessible to children;
 17. Signs placed illegally within the public right-of-way;:-
 18. Uncontrolled or uncultivated growth of weeds, brush, poison oak, poison ivy, tansy ragwort or grasses over 14 inches in height which offer vector or rodent harborage, contribute noxious pollens to the atmosphere, constitute a fire hazard or unreasonably interferes with the use and enjoyment of abutting public or private property. Except, uncontrolled or uncultivated growth on public land specifically for the purpose of providing native wildlife habitat shall not constitute a nuisance.
 19. Any structure that is contaminated by toxic chemicals or that is in a condition that renders the structure unsafe. Where a governmental agency authorized by law to make the determination that a structure is unfit for use due to hazardous conditions on the property, makes such a determination, there is a rebuttable presumption that the structure is a nuisance in violation of this chapter.
 20. Vehicle storage and repair in residential neighborhoods in violation of 8.28.075.
 21. Maintaining an occupied travel trailer, motor home, camper, or vehicle or trailer modified for sleeping at any location other than a recreational vehicle park licensed under the provisions of the State, except as follows:

Vacation trailers and motor homes may be used by visitors of the residents, and shall be allowed on the residents' lot for a period of time not to exceed 14 days in any consecutive six month period.
 22. Connection of any electric, water, sewer, gas, or telephone line from any source to a motor home, travel trailer, camper or utility trailer if any portion of such line between the connection at the termination and the point of connection at the source extends over, across, or under any public street, sidewalk, alley, or other public right-of-way or portion thereof.
- B. The enumeration of nuisances in subsection A of this section shall not limit the power of the director to investigate or declare any other condition a nuisance which is within the scope of Section 8.28.020(I) of this chapter.

Section 3. There is enacted a new Section 8.28.075 of the Troutdale Municipal Code to read as follows:

8.28.075 Vehicle Storage and Repair in Residential Neighborhoods.

A. Every person shall maintain the following things, practices or conditions on any property used as a residence unless the practice or condition occurs as part of a lawfully established nonconforming use, or nonconforming development pursuant to the Troutdale Development Code.

1. All driveways must be constructed with concrete, asphalt or comparable hard surface. Driveway means the private vehicular drive that connects a house, garage, carport or other building with the street.
2. Parking areas, other than driveways, must be surfaced with concrete, asphalt or not less than six (6) inches of 2" minus or greater crushed stone. Parking area means any portion of the property, other than the driveway, that is used to park motorized or non-motorized vehicles.
3. No commercial vehicle which exceeds eight thousand pounds gross weight, twenty-one feet in length or eight feet in height shall be parked in the driveway or parking area unless it is a vehicle that is routinely on standby and necessary to use under emergency circumstances.
4. No motor vehicle shall be parked upon any grass or exposed soil surface.
5. Service, repair, or storage of vehicles not owned and registered with the State of Oregon to a resident of the site is prohibited. A vehicle registered to a resident of the site may be serviced and repaired under the following conditions:
 - a. The service and repair is minor in nature. Minor service and repair includes tune-ups, replacement and servicing of oil and other fluids, and replacement and adjustment of minor parts such as tires, hoses, belts, filters, fuses, and similar items. It does not include: body and fender repair and replacement; painting; engine or transmission removal or replacement; or any work using welders, torches, or air-driven power tools; and
 - b. All work must occur inside a completely enclosed building.


YEAS:
NAYS:
ABSTAINED

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Paul Thalhofer, Mayor

Dated: 6-25-99

ATTEST:


Debbie Stickney, City Recorder