

ORDINANCE NO. 729

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

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Expanding the definition of nuisance to include things, practices or conditions that are unsafe strengthens the definition so that it can be applied to situations that ought to be declared a nuisance but technically do not meet the definition currently.
2. Amending the code to clarify that nuisances can also occur within an unoccupied structure, provides the City with a means through a court order to clean up solid waste that is being stored within a shed, garage or unoccupied house.
3. Amending the code to clarify that properties that may attract or harbor rodents because of conditions on the site, helps in addressing those sites that need to be cleaned up before vector or rodent infestation becomes a problem.
4. Amending section 8.28.075, so that restrictions for vehicle storage and repair are applicable citywide instead of in residential neighborhoods only, clarifies and improves the code with respect to undesired practices of storing and repairing vehicles.
5. Adding a provision that increases the minimum fine for habitual offenders will help discourage individuals from committing the same violation over and over.
6. The proposed ordinance amendments are in the best interest of the public and will strengthen the City's ability to address nuisance violations posing 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. Troutdale Municipal Code, Sections 8.28.020, 8.28.070, 8.28.075 and 8.28.200 are amended to read as shown in Exhibit A.

YEAS: 6

NAYS: 0

ABSTAINED: 0


Paul Thalhofer, Mayor
Dated: 4-24-03


Debbie Stickney, City Recorder
Adopted: April 22, 2003

CHAPTER 8.28**8.28.020(I) Definitions.**

“Nuisance” means any unsafe, annoying, unpleasant or obnoxious condition or practice causing or capable of causing an unreasonable threat to the public health, safety and welfare in the circumstances, but does not include noise; provided, however, that anything defined as a nuisance in Section 8.28.070 shall be a nuisance.

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, including unoccupied structures, 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 may attract or harbor 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 fourteen inches in height which offer vector or rodent harborage, contribute noxious pollens to the atmosphere, constitute a fire hazard or unreasonably interfere 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 violation of Section 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 fourteen 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 Sections 8.28.020(I) of this chapter.

8.28.075 Vehicle storage and repair

Every person shall maintain the following things, practices or conditions on any property unless the practice or condition occurs as part of a lawfully established nonconforming use, or

nonconforming development pursuant to the Troutdale Development Code.

A. All new driveways must be constructed with concrete, asphalt or comparable hard surface, or as otherwise allowed by the Troutdale Development Code. Driveway means the private vehicular drive that connects an off-street parking area, garage, carport or other building used for parking or storing a vehicle with the street.

B. Parking areas, other than driveways, must be surfaced with concrete, asphalt or not less than six inches of one inch minus or greater crushed stone. "Parking area" means any portion of the property, other than the driveway, that is used to park motorized or nonmotorized vehicles.

C. No motor vehicle shall be parked upon any grass or exposed soil surface.

D. Within residential neighborhoods, 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 street unless it is a vehicle that is routinely on standby and necessary to use under emergency circumstances. Semi-trailers are prohibited.

E. Within residential neighborhoods, service, repair or storage of vehicles not owned and properly 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:

1. The service and repair, if not conducted in a completely enclosed building, must be 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. Minor repair 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

2. All work not classified as minor in nature must occur inside a completely enclosed building.

8.28.200 Violation – Penalty

A. Any owner or person who is convicted of a violation of this chapter shall be fined not more than one thousand dollars. The penalties set forth in this section are in addition to and not in lieu of civil remedies.

B. Any person convicted two times for the same violation of this chapter shall be considered on the third violation a "habitual offender" and shall be fined no less than one thousand dollars on the third and every subsequent conviction.