

ORDINANCE BILL NO. 32 FOR 1941

ORDINANCE NO. 551

AN ORDINANCE PROHIBITING THE ACCUMULATION OF RUBBISH CONSTITUTING A FIRE HAZARD; PROVIDING FOR NOTICE FOR REMOVAL AND THE REMOVAL THEREOF; PROVIDING A PENALTY FOR THE VIOLATION HEREOF; AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful for any person, firm or corporation to place or deposit upon, or cause to be placed or deposited upon, any yard, lot, place, premises, sidewalk or alley, and for any person, firm or corporation which may be the owner, lessee, agent or party in charge or control of, any yard, lot, place or premises, to allow or permit to be placed or deposited upon, or allow to remain upon, such yard, lot, place or premises or upon any street, alley or sidewalk abutting thereon, any rubbish which may constitute an actual or potential fire hazard to the people and property within the City of Lebanon.

Section 2. Whenever it shall be brought to the knowledge of the City Recorder of said City of Lebanon that there exists an accumulation of rubbish within said City in violation of Section 1 of this Ordinance, he may prepare a Notice to Remove Rubbish, which Notice shall require the person therein designated to remove the offending rubbish within 24 hours after being served with said Notice. It shall be unlawful for any person, firm or corporation violating section 1 of this Ordinance and named in said Notice to fail, refuse or neglect to remove from the premises designated in said Notice the rubbish situated thereon within 24 hours after the service of said Notice upon him or it.

Section 3. Said Notice to Remove Rubbish shall be served in the same manner as service of process as provided in Oregon Compiled Laws Annotated, and said service shall be made by any member of the police force of the City of Lebanon. The person serving said Notice shall in all cases thereafter certify before the Recorder of the said City the hour, date and manner of said service. The description of the property set forth in said

Notice shall be deemed sufficient if it describes the premises so that the same can be located with reasonable certainty. Said Notice shall be in substantially the following form:

NOTICE TO REMOVE RUBBISH

To: _____

IN THE NAME OF THE CITY OF LEBANON, OREGON: You are hereby commanded to remove all rubbish, the same constituting a fire hazard, within 24 hours after this Notice has been served upon you, from the following described premises, to-wit: _____

You are further notified that the accumulation of said rubbish upon the above described premises constitutes a violation of Section 1 of Ordinance No. _____ of the said City of Lebanon, and the failure to remove the same within the said 24 hours will constitute a violation of Section 2 of said Ordinance No. _____.

Dated this _____ day of _____, _____.

Recorder of the City of
Lebanon, Linn County, Oregon.

Section 4. The City of Lebanon may remove or cause to be removed any accumulation of rubbish existing within said City in violation of Section 1 of this Ordinance, and, if necessary for the accomplishment of such removal, any member of the police force of said City may use such force as is necessary and may remove obstructions.

Section 5. For the purpose of this Ordinance, the term "rubbish" shall be construed to include all waste material, garbage, trash, refuse, debris and the like that is of an inflammable or combustible nature, or may develop into an inflammable or combustible nature.

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Section 6. Each day during any part of which an accumulation of rubbish shall exist within said City in violation of this Ordinance shall constitute a separate and complete offense. This provision shall apply both to Section 1 and to Section 2 of this Ordinance.

Section 7. Any person, firm or corporation violating any provision of this Ordinance shall upon conviction thereof in the Recorder's Court of said City be fined in an amount not to exceed the sum of \$50.00; and if convicted of violating Section 2 of this Ordinance, and if after the last said violation, the said City did remove or cause to be removed the offending accumulation of rubbish, then in addition to the above provided fine shall be fined in an amount equal to the cost incurred by the City in removing said offending accumulation of rubbish.

Section 8. Inasmuch as there now exist within the City of Lebanon, Oregon, accumulations of rubbish which now constitute an extreme fire hazard to the people and property of said City, and there is now no adequate provision for compelling the speedy removal thereof, this ordinance is necessary for the preservation of the public peace, health and safety of the people of said City, and an emergency is therefore hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 15th day of July, 1941.

Walter Lewis

Mayor

ATTEST:

Geo H. Lunde

Recorder