

A BILL FOR AN ORDINANCE REGULATING	)	
THE PLACEMENT OF OBSTRUCTIONS WITHIN	)	
A THREE FOOT (3') RADIUS OF FIRE	)	ORDINANCE BILL NO. <u>14</u>
HYDRANTS IN THE CITY OF LEBANON	)	for 1985
AND PROVIDING A PENALTY FOR VIOLATION	)	
THEREOF, REPEALING ALL ORDINANCES IN	)	ORDINANCE NO. <u>1971</u>
CONFLICT THEREWITH, AND DECLARING AN	)	
EMERGENCY.	)	

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. Title of Ordinance. This ordinance shall hereafter be referred to and cited as the hydrant obstruction ordinance of the City of Lebanon, Oregon.

Section 2. Enforcing Authority. The City Administrator or his duly authorized representative shall be charged with the enforcement of this ordinance.

Section 3. Obstruction of Fire Hydrants. No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material or thing near any fire hydrant, fire department connection, or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant. A minimum of three (3) foot clear space shall be maintained around the circumference of the fire hydrant.

Section 4. Removal of Existing Obstructions. The City Administrator or his duly authorized representative may cause to be removed any existing obstructions in any parking strip or other public place, or may require any property owner to clear and/or remove any obstructions to a fire hydrant which may exist on said

owner's property. A failure to comply therewith, after thirty (30) days notice by the City Administrator or his duly authorized representative, shall be deemed a violation.

Section 5. Removal of Obstructions to Hydrants. If any obstructions as outlined in Section 3 exists and interferes with fire department operations or in any way obstructs a hydrant or blocks it from easy view from the street, the same is hereby declared to be a public nuisance, and may be abated by any of the procedures, including summary abatement procedures as set forth in Ordinance No. 1814 relating to nuisances. The City may remove or cause to be removed such obstructions or require the adjoining property owner to remove said obstructions. Failure of the property owner to remove obstructions to fire hydrants after thirty (30) days notice by the City Administrator or his duly authorized representative is a violation of this ordinance and the City Administrator or his duly authorized representative may then remove the obstructions and assess the costs against the property in the same manner set forth in Ordinance No. 1814.

Section 6. Notification to Abate. Before any lien for such case may assessed against property, the City Administrator or his duly authorized representative shall send by mail a notice to abate to the owner or person in charge of the property at the last known address of such owner or other person.

The notice to abate shall contain:

- (A) The location of the property by address or otherwise.
- (B) A description of the obstruction and removal that is required.
- (C) A direction to perform the trimming or removal within thirty (30) days from the date of notice.

- (D) A statement that, unless the trimming or removal is completed, the City may perform, or cause to be performed, the trimming or removal and the cost shall be a lien against the property.
- (E) A statement that the owner or other person in charge of the property may appeal the abatement notice by giving notice to the City Administrator within ten (10) days from the date of the notice.

Upon completion of the mailing, the person mailing the notice shall execute a certificate stating names and addresses of all persons to whom notices were mailed and the date of such mailing.

An error in the name or address of the owner or person in charge of the property, or the use of a name other than that of the owner or other person in charge shall not make the notice void.

Section 7. Appeals. Appeals from orders made hereunder may be made by filing written notice thereof with the City Administrator or his duly authorized representative within ten (10) days after such order is received, stating in substance that appeal is being made from such order to the City Council. The City Administrator or his duly authorized representative shall thereupon call such appeal to the attention of the City Council at the next regular succeeding meeting, at which meeting the applicant and the City Administrator or his duly authorized representative may present evidence. Action taken by the City Council after such hearing shall be conclusive.

Section 8. Violation of this Ordinance - Penalty. Any person violating any of the provisions of this ordinance or failing to comply with them shall upon conviction thereof be punished by a fine not to exceed fifty (50) dollars.

Section 9. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 10. Validity. If any section of this ordinance is declared invalid by any court or competent jurisdiction such decision shall be deemed to apply to that section only and shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared invalid.

Section 11. Emergency Clause. That inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health, and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the City Council by a vote of 6 for and 0 against, and approved by the Mayor this 22 day of May, 1985.

  
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Mayor

ATTEST:

  
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City Administrator