

A BILL FOR AN ORDINANCE AMENDING
LEBANON MUNICIPAL CODE CHAPTER 8.08,
NUISANCE ABATEMENT, PRESCRIBING
PROCEDURES AND PENALTIES

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BILL NO. 16 FOR 1994
ORDINANCE NO. 2157

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

Section 1. Section 8.08.080 of the Lebanon Municipal Code is amended to read as follows:

A. If the person in charge of the property protests the abatement as required by the determination of the City Administrator or his designee, and if the notice of protest is filed with the City Administrator as provided in this chapter, a hearing shall be held before a Hearings Officer, who shall decide if a nuisance exists by substantial evidence on the record. If the Hearings Officer decides that a nuisance exists, the person in charge of the property shall cause the nuisance to be abated as directed by the Hearings Officer. If the nuisance is not so abated, said person in charge of the property is in violation of this Code.

B. Hearings held under this section may be informal in nature, but the presentation of evidence in a hearing shall be consistent with the presentation of evidence required for contested cases as provided by ORS 183.450.

C. The Hearings Officer at a hearing under this section may be an officer, official or employee of the City of Lebanon, but shall not have participated in any determination or investigation related to the nuisance declared by the City Administrator or his designate.

Section 2. Section 8.08.090 of the Lebanon Municipal Code is amended to read as follows:

A. In the event that the person in charge of the property, or the owner of the property, disagrees with the decision of the hearings officer, he shall have the right to appeal the decision by filing with the city administrator a notice of appeal within ten days from the date of the decision of the hearings officer. Such notice shall be in writing and shall set forth the reasons for the appeal. The appeal shall be heard by the city council, as a part of the council's regular agenda, at the next succeeding meeting of the council or at such time thereafter as the city administrator shall determine, but no later than sixty days after filing. After notice to the parties, at the time set for consideration of the abatement, the owner or other person in charge of the property may appear and be heard by the council and the council shall thereupon determine whether or not a nuisance in fact exists. Such determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where an appeal has been filed as allowed by this section.

B. If the city council determines that a nuisance does in fact exist, the owner or

other person in charge shall, within ten days after such council determination, abate such nuisance.

Section 3. Section 8.08.100 of the Lebanon Municipal Code is hereby amended to read as follows:

If, within the time allowed by the hearings officer or the city council, the nuisance has not been abated by the owner or person in charge of the property, the City Administrator or his designate shall cause it to be abated.

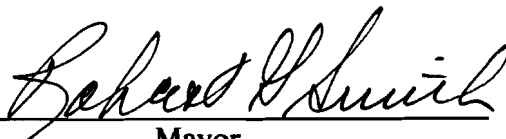
Section 4. Section 8.08.130 of the Lebanon Municipal Code is amended to read as follows:

The city administrator, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property on which the city has abated a nuisance, as provided in this chapter, a notice stating:

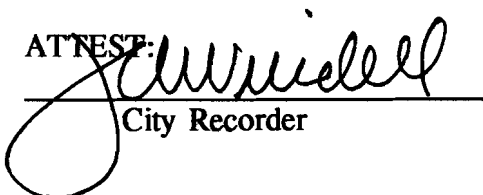
- A. The total cost of abatement;
- B. That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice;
- C. That if the owner or person in charge of the property objects to the cost of the abatement as indicated, he may file a notice of objection with the city administrator not more than ten days from the date of the notice.

Section 5. The provisions of this ordinance shall apply to nuisances which are so declared by the city administrator after this ordinance becomes effective.

Passed by the City Council by a vote of 4 for and 0 against on this 14th day of December, 1994.



Mayor

ATTEST:


City Recorder