

An Ordinance to provide for the prevention and removal of nuisances and to punish those who allow or maintain them, and to provide how the costs and expenses of abating such nuisance shall be collected and paid, and to define what shall constitute a nuisance within the limits of the City of Lebanon —

The People of the City of Lebanon do ordain as follows

Sec 1

No Butcher or other person shall kill or slaughter within the Corporate limits of the City of Lebanon, any animal, the flesh of which is intended to be sold or offered for sale, and no person shall keep in any yard, pen or corral within the City Limits any sheep, bees, swine or other animals, for sale, or to be slaughtered for a longer period than three (3) days —

Sec 2

No person shall cast or leave or keep in, or upon or adjoining any Street Lane, Alley Square or public place, or in any yard, lot, Block or premises, within the City limits, any bones putrid, unsound, unwholesome or refuse beef or meat of any animal, whether salted or otherwise or any hides or skins of any kind or the whole or any part of any dead animal or fish, or any stagnant or impure water or unsound, putrid or unwholesome substance, or the offal, garbage or the offensive part of any animal or animals —

Sec 3

No person or persons shall permit or suffer to accumulate in or upon any yard, lot, place or premises, or upon any Street Alley or sidewalk, adjacent to or abutting upon any lot, Block place or premises owned or controlled by him or them, or for which he or they may be agent or

agents, within the City of Lebanon any stagnant or impure water, or refuse vegetables, decayed or decaying substances, garbage, manure or filth of any kind nor suffer such lot-place or premises to be or remain in such a condition as to cause or produce or create any noisome or offensive smell or atmosphere or thereby to be, become or cause or create or produce a public nuisance, nor shall the owner or owners or any person or persons, in the control or possession of any lot or premises in said City of Lebanon abutting upon any Street or alley therein, erect, construct or place in or upon or suffer or permit to be erected constructed or placed in or upon, or suffer or permit to remain in or upon any portion of such Street or alley so abutting upon such lot or premises any building or structure or thing belonging to or under the control or in the possession of such person or persons whereby the public use of such portion of such Street or Alley is or may be obstructed or impeded; Provided that no person shall be prosecuted for a violation of this Section, unless such violation shall continue for five (5) days after he or they have received the notice provided for in Section seven (7) of this ordinance

Sec 24

No person who is the owner or occupant or in control of, or the agent for, any house, store, building or premises, in the City of Lebanon, to which a privy or water closet shall be attached or belong or appertain, shall use or keep the same in such a condition or manner as to cause a noisome or offensive smell or atmosphere to arise therefrom so as to become a nuisance. And all persons keeping or having any privy or water closet in the City limits shall use such disinfectants therein as will prevent such privies and water closets from giving off any noisome offensive smell.

Sec 5-

It shall be unlawful for any person or persons to construct or cause to be constructed or used any privy or cesspool under any sidewalk in front of, or adjoining any property owned or occupied by him or them; and every day such person or persons shall use or permit to be used, such privy or cesspool, after receiving the notice provided for in Section seven (7) of this Ordinance, shall be deemed a new and separate offense and violation of this ordinance.

Sec 6

Whenever in the opinion of the Marshal any building, structure or awning within the City limits, shall become so much injured by fire, decay, or on account of defective material used in the construction thereof, or from any other cause, as to be dangerous to surrounding property, or in danger of falling down, the same shall be deemed a nuisance and shall be by him so declared, and he shall forthwith file such declaration with the Recorder, who shall read such declaration to the Council at their next regular meeting thereafter. Upon the reading of such declaration to the Council if they declare such building or structure to be a nuisance by a resolution duly passed by the Council the Recorder shall then furnish the Marshal with a certified copy of such Resolution, to be served by him upon the owner of such property, or his authorized agent in case the owner thereof is absent from the City, or cannot be found therein. And any owner of such property, or building or, in case of the absence of such owner from the City his authorized agent who shall fail neglect or refuse to remove or repair such building, structure or awning for two (2) days after being so ordered so to do by the Marshal, shall be deemed guilty of a misdemeanor and upon conviction thereof before the Recorder's Court shall be fined not less than five (5) dollars nor more than fifty (\$50) dollars, or be imprisoned in the City jail not less than two (2) days nor more

than twenty-five (25) days at the discretion of the Recorder; and each day that such building awning or structure shall so stand, after such conviction, shall be deemed a new and separate offense—

Sec 7

Whenever the Marshal of said City shall be informed of the existence within the limits of the City of any nuisance prohibited by Sections three (3) and four (4) of this Ordinance, he shall immediately make, or cause to be made an examination of the yard, lot, street, alley, sidewalk, place or premises on which it is charged that such nuisance is suffered or permitted to exist, and if a nuisance is found to exist thereon or to exist upon any street, sidewalk or gutter adjacent to or abutting on any such yard, lot, place or premises, unless it shall be necessary in order to abate such nuisance to fill up or drain the property on which the same is situated, he shall forthwith give to either the owner, agent or occupant or person or persons in the possession or control of such yard, lot, place or premises or to all or either of them, a notice to remove such nuisance within five (5) days from the service of such notice upon such owner, agent or occupant or person or persons in such possession or control, and if such nuisance is not removed at the end of five (5) days from the service of such notice on such owner, occupant, agent or person or persons in such possession or control, the Marshal shall cause such owner, occupant, agent or person or persons in such possession or control to be arrested for suffering or permitting such nuisance to exist, and if he or they shall be convicted before the Recorder's Court therefor, the Marshal shall at once thereafter cause the same to be removed and he shall be and he is hereby authorized to remove any and all obstructions that it may be necessary in his judgment to remove in

order to reach and remove or abate such nuisance—
 The expense of the removal of such nuisance by the Marshal shall be paid by the City in the first instance, but in case the author or continuor of such nuisance is the owner or occupant or person in the possession or control of the property whereon or abutting which such nuisance exists, the cost and expenses of the removal thereof shall be taxed to such owner or occupant or person or persons in such possession or control as part of the costs and expenses in such cause and be recovered by the City from such owner or occupant or person or persons in such possession or control notified as heretofore provided.

The Recorder shall tax such costs and expenses as soon as they are ascertained, and if such costs and expenses are not paid when so taxed against such owner, occupant or person or persons in such possession or control within five (5) days after such taxing, the Recorder shall forthwith thereafter enter a statement of such costs and expenses on the Book of City liens; such statement shall contain the following matters and things in relation to the removal of such nuisance—

1st = A. particular description of the land whereon or abutting which such nuisance existed—

2nd = The amount of the costs and expenses of the arrest and conviction of the author of such nuisance—

3^d = The names of the owners and occupant or person in control or possession of the property or land whereon or abutting which such nuisance existed—

4th = The amount of the costs and expenses of the removal of such nuisance by the Marshal—

Sec 8

From the date of the entry of such statement on the Book of City liens, such costs and expenses shall be and constitute a lien on or against the tract of land or premises described in such statement and such lien shall be enforced in the same manner and with like effect as is provided—

in the Charter and ordinances of the City for the enforcement of liens on real property in said City for street improvements; Provided that any such nuisance so found to exist in or upon the part of any street or alley in said City, abutting upon any lot or premises owned by or in possession or under the control of the author or continuor of such nuisance, the Marshal shall proceed in his discretion to abate or remove the same in the manner in this Section provided, without the arrest or conviction of the author or continuor of such nuisance, and the costs and expenses of removing and abating such nuisance by the Marshal shall be taxed against such author or continuor of such nuisance as soon as ascertained, and if such costs and expenses are not paid within five (5) days thereafter the Recorder shall forthwith enter a statement of such costs and expenses on the Book of City liens in the preceding Section provided - And from the date of the entry of such statement on the Book of City Liens such statement shall constitute a lien on the premises therein described for the full amount of such costs and expenses of removing such nuisance and shall be enforced in the same manner and with like effect - that liens for Street improvements are enforced under the Charter and ordinances of the City -

Sec 9

Whenever the Marshal shall find that any Stagnant water exists on any lot or lots within the limits of the City to such an extent as to cause a nuisance or to endanger the health of the citizens of said City residing in the vicinity where such stagnant water is situated and that in order to remove the same from the land whereon it is situated, it is necessary to fill up or drain the same, the Marshal shall report that fact to the Council in writing

at their next meeting, together with a description of the premises upon which such stagnant water exists, the name or names of the owner or owners of such property, together with his estimate of the costs of making such fill or drain. Thereupon, if the Council shall adopt such report, they shall declare by resolution that such stagnant water is a nuisance and that a necessity for such fill or drain exists and state in such Resolution the reasons therefor - Immediately thereafter the Recorder shall deliver certified copies of such resolution to the Marshal, who shall forthwith serve the owner or owners of such land or his or their agent or agents with a copy of such resolution certified to by the Recorder and at the same time notify such persons, owner or agent, to fill or drain such premises within a time specified in such notice, which said time shall be fixed by the Council in the resolution declaring the necessity for such fill or drain, and if such owner or owners, his or their agent or agents shall fail or refuse to make such fill or drain within the time so fixed by the Council, which time shall not be less than five (5) days, then the Marshal shall let the contract for such work to the lowest responsible bidder after first giving five (5) days notice posted in three public places in the City of the time and place of letting the contract for such work - When the contract is let the work shall be done under the direction and supervision of the Marshal, and it shall be his duty to see that such work is done as rapidly as possible - When such work is finished the cost and expense thereof shall be immediately entered in the Book of City lines in the same manner as provided in the Charter and ordinances for entering lines for street improvements, and such entry shall constitute a lien against all of the land upon which

such stagnant water existed and such lien shall be enforced against such property in the same manner and with like effect as a lien for street improvements —

Sec 10

All accumulations in or upon any yard lot or place or premises or upon any street, alley or sidewalk, adjacent to or abutting upon any lot, block, place or premises within the limits of said City of any stagnant or impure water, refuse vegetables, decayed or decaying substance, garbage, manure or filth of any kind from which a noisome or offensive smell or atmosphere shall arise, and all buildings structures and awnings of the kind mentioned in Section six (6) of this ordinance, and all privies belonging to or appertaining to any house, store, building or premises in said City, which are or shall be kept in such a manner or condition as to cause a noisome or offensive smell to arise therefrom or to be offensive to decency in any manner, and any building, house or structure standing or being in or upon any street or alley in said City in such a manner as to obstruct or in any manner impede the public travel or use of such street or alley or any part thereof, are hereby declared and defined to be a nuisance —

Sec 11

The notice provided for in regard to the abating and removing of nuisances in said City shall be in writing and shall contain a description of the lot or premises on or abutting which such nuisance exists, and also a description of the nuisance sought to be abated, and if the same or any part thereof is in or upon any street or alley in said City, a description of the portion thereof where such nuisance exists and shall command the owner, agent, occupant, or person in the possession or control of the lot

or premises upon or abutting which such nuisance exists or all or any of them to remove or abate the same within five (5) days from the service of such notice upon any of such persons. Such notice shall be signed by the Marshal and shall be served by him in the following manner —

1st = By delivering a copy thereof, prepared and certified by him to such owner, agent, occupant or person in such possession or control or to all or any of them, if such person or persons or any of them can with reasonable diligence be found within the Corporate limits of said City —

2nd = If after reasonable diligence, the Marshal shall be unable to find any such persons named in subdivisions (1) one of this Section within said City to some person of the family above the age of fourteen (14) years, at the dwelling house, or usual place of abode of any such person in said City —

3^d = When service of such notice cannot be made as provided in subdivisions one (1) and two (2) of this Section, the Marshal shall serve the same by depositing in the Post-office at the City of Lebanon, Oregon, a copy of such notice prepared and certified by himself duly stamped and directed to any or all of the persons named in said subdivisions one (1) and two (2) of this Section, at his or their place or places of residence respectively unless such residence shall be out of the State of Oregon, and in that event such notice shall be served upon such owner, agent occupant or person in possession or control of such lot or premises by publishing the same at least once a week for four consecutive weeks in some Newspaper published in the City and of general circulation in Linn County, Oregon

4th = The proof of the service of such notice or of the depositing thereof in the Post-office, shall be the affidavit of the Marshal —

5th = In case of service of such notice by publishing the same as provided in subdivision three (3) of this Section, the proof shall be the affidavit of the printer or his foreman or his principal clerk showing the same

The proof of the service of such notice shall be attached to the original thereof and be filed in the office of the Recorder where such notice and proof shall remain in the custody of the Recorder as a perpetual record — And such proof and notice shall be evidence in all proceedings or action involving the giving of such notice —

Sec 12

If any person or persons shall violate any of the provisions of this ordinance, he or they shall be deemed guilty of a misdemeanor and upon conviction thereof before the Recorder's court shall be fined not less than five (5) dollars, nor more than One hundred (\$100) dollars, or imprisoned in the City Jail not less than two (2) days, nor more than fifty (50) days, and in all cases of conviction under this ordinance the costs of the case, together with the costs of removing or abating the nuisance shall be taxed against the defendant —

Sec 13

This Ordinance shall be in full force and effect after its approval by the Mayor —

Enacted and approved August 4th 1891.

Attest

Geo W Rice
City Recorder

M. A. Miller
Mayor