

# CITY OF SHERWOOD

## Ordinance No. 98-1037

### AN ORDINANCE AMENDING ORDINANCE 97-1024, THE CITY OF SHERWOOD PROPERTY MAINTENANCE CODE WITH RESPECT TO CONTROL OF OFFENSIVE ODORS.

---

WHEREAS, the City enacted the Property Maintenance Code, Ordinance 97-1024, and pursuant thereto, citations were issued under Section 303.9 thereof prohibiting offensive odors; and

WHEREAS, said ordinance provisions were found unconstitutionally vague by the municipal court; and

WHEREAS, the City Council believes that persons in the city should have some measure or protection from having their use and enjoyment of their property, use and enjoyment of city streets, sidewalks, and parks unreasonably interfered with by the presence of odors of such degree, intensity, and duration as to cause discomfort and be objectionable to reasonable persons.

#### NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

**Section 1. Section 303.9 of Ordinance 97-1024 is hereby amended to read as follows:**

##### **Section 303.9 Offensive Odors.**


- (a) No animal, substance, condition, or process shall be kept, maintained or permitted to exist on a premises that causes an odor detectable at the property line of the premises and which is of such degree, intensity, frequency, and duration that it unreasonably interferes with or unreasonably affects the reasonable and ordinary use and enjoyment by reasonable persons of their homes, yards, businesses premises, city streets, sidewalks, parks and other public property.
- (b) Temporary odors infrequently occurring caused by such reasonable and necessary activities as retarring roofs, asphaltic paving, house and building painting, spraying vegetation for insect and pest control, fertilizing lawns shall not be defined as odors constituting a violation of this ordinance. Likewise, for purposes of this ordinance, odors from cooking food for purposes of this ordinance, odors from cooking food for meals from homes, outside barbecues, and restaurants shall not be deemed unreasonably offensive odors.
- (c) Evidence of emanation of an odor from an animal, substance, condition or process on the property of the producer continuously for a period of more than one hour, and which causes physical or mental discomfort to reasonable persons, or which causes interference with the customary and ordinary use and enjoyment of reasonable persons'

property, public streets, sidewalks, or other public property shall be prima facie evidence of violation of this section.

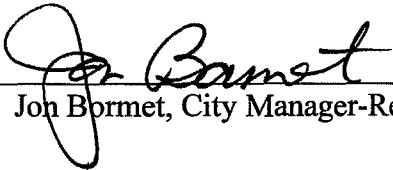
**Section 2. Effective Date.** This ordinance shall become effective thirty (30) days after passage and approval.

Duly passed by the City Council this 14<sup>th</sup> day of April 1998.

Approved by the Interim Mayor this 14<sup>th</sup> day of April 1998.

  
\_\_\_\_\_  
Jane Turner, Council President

Attest:

  
\_\_\_\_\_  
Jon Bormet, City Manager-Recorder

AYE   NAY

Boyle	<u>✓</u>	_____	
Cottle	<u>✓</u>	_____	
Krause	_____	_____	Absent
Turner	<u>✓</u>	_____	