

ORDINANCE BILL NO. 2 FOR 1989

ORDINANCE NO. 989

AN ORDINANCE AMENDING ORDINANCE NO. 955, RELATING TO NUISANCES;  
AND DECLARING AN EMERGENCY.

WHEREAS, the placing, storing or leaving of property or materials, or creating of conditions that violate the provisions of Ordinance No. 955 is found to create a condition tending to reduce the value of property; to promote blight, deterioration and unsightliness; to invite plundering; to create fire hazards; to constitute an attractive nuisance causing a hazard to the health and safety of minors; to create a harborage for rodents and insects; and to adversely affect the health, safety or general welfare of the public. Therefore, the presence of said property or materials or condition on private or public property is declared to constitute a public nuisance which may be abated in accordance with the provisions of Ordinance No. 955, and

The City of Sweet Home does ordain as follows:

Section 1. Section 1 of Ordinance No. 955 is amended by adding subsection (3) to read as follows:

(3) The subject division titles and section titles are for clarity and not restrictive in nature in that the nuisance described in each may adversely affect the health, safety or general welfare of the public.

Section 2. Section 5(1) and Section 5(1)(b) of Ordinance No. 955 are amended to read as follows:

(1) The following are hereby declared to be public nuisances, and may be abated in the manner prescribed by this ordinance.

(b) Debris or Junk Property: No person shall leave debris, rubbish, garbage, trash, manure, refuse or junk located on property or sidewalks abutting thereon, and which has not been removed within a reasonable time, and which adversely affects or is detrimental to the health, safety or welfare of the public.

Section 3. Section 16 of Ordinance No. 955 is amended by adding the words "or discarded" after the word inoperable in the first and the next to last sentence in said section.

Section 4. Section 19 of Ordinance No. 955 is amended by adding a second paragraph thereto to read as follows:

The City may summarily abate a nuisance involving an imminent danger to the health or safety or property of the public. The cost of such abatement shall be borne by the offending party as prescribed by this ordinance.

Section 5. Section 21 of Sweet Home Ordinance No. 955 is amended by adding a second paragraph thereto to read as follows:

If a person is convicted of violating more than one section or subsection of this ordinance, arising out of the same nuisance, the Municipal Court Judge shall only fine the person for a single nuisance. This single fine has no effect on each day's violation being considered a separate offense and being fined thereon.

Section 6. Subsection 3(b) of Section 25 of Ordinance No. 955 is amended to read as follows:

(b) A direction to abate the nuisance by a date certain.

Section 7. Section 30 of Ordinance No. 955 is amended to read as follows:

Section 30. Lien, Interest, Special Assessment. Each such lien shall be a lien upon the lot or parcel of land against which it is charged in the City Lien Docket, and shall be subject to collection and foreclosure in the same manner as is now or hereafter provided for the foreclosure of liens under ORS 223.505 to ORS 223.595, inclusive, and shall bear interest at the rate of nine percent (9%) per annum. Interest shall accrue thirty (30) days from the date of the entry of the lien in the City Lien Docket.


As an additional remedy for the collection of the costs of abatement, if the City Council elects not to proceed against an offending party personally, the City may follow the procedures set out in the Uniform Code for the Abatement of Buildings (1988 Edition), as amended by Ordinance No. 986, Code Section 905 to 912, inclusive, and impose a special assessment on the real property on which the abatement took place, and may submit the special assessment to the Linn County Assessor and Tax Collector for collection. Said lien shall bear interest at the rate of 9% per annum.

Section 8. Section 33 of Ordinance No. 955 shall be amended to read as follows:

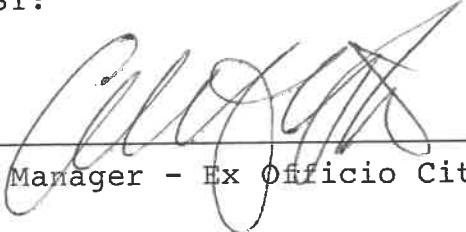
Section 33. Severability. The sections, subsections, or parts thereof, of this ordinance are severable. The invalidity of any section, subsection or part thereof shall not affect the validity of the remaining sections, subsections or parts thereof.

Section 9. Emergency. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health or safety, and an emergency is hereby declared to exist and this ordinance shall take effect and be in full force from and after the passage and approval of the Mayor.

PASSED by the Council and approved by the Mayor this 14th day of March, 1989.

  
\_\_\_\_\_  
President Pro Tem

ATTEST:

  
\_\_\_\_\_  
City Manager - Ex Officio City Recorder