

Title 8 HEALTH AND SAFETY

Chapter 8.04 NUISANCES

8.04.010 Declaration of nuisance, general nuisance.

- A. These acts, conditions, or objects specifically enumerated and defined in Section 8.04.020 through Section 8.04.130 are declared to be public nuisances and such acts, conditions, or objects may be abated by any of the procedures set forth in Section 1.16.080.
- B. In addition to those nuisances specifically enumerated within this chapter, every other thing, substance, or act which is determined by the city council to be injurious or detrimental to the public health, safety, or welfare of the city is declared to be a nuisance and may be abated as provided in this chapter.

8.04.020 Definitions.

For purposes of this chapter:

"Owner" means any person with an ownership interest or with any leasehold or other possessory interest, of record or otherwise, which gives them, either alone or jointly with others, a right to occupy, possess or control real property. Any person who appears as owner on the records of the county assessor shall be presumed to be one of the owners of the property, but such presumption may be rebutted.

"Person" means a natural person, firm, partnership, association, or corporation, or a clerk, servant, employee, or agent acting for a natural person, firm, partnership, association or corporation.

"Person in charge of property" means an agent, occupant, lessee, contract purchaser or other person having possession or control of property, or the supervision of any construction project.

"Person responsible" means the person responsible for abating a nuisance. The person responsible is one or more of the following:

- A. The owner;
- B. The person in charge of property, as defined in this section; or
- C. The person who caused to come into or continue in existence a nuisance as defined in this chapter or another ordinance of this city.

"Private place" means any place other than a public place as defined in this section.

"Public place" means a building, way, place or accommodation, whether publicly or privately owned, open and available to the general public.

(Prior code § 4-1.1)

8.04.030 Nuisances affecting public health.

No person may permit or cause a nuisance affecting public health. The following are nuisances affecting the public health and may be abated as provided in this chapter:

- A. Privies. An open vault or privy constructed and maintained within the city, except those constructed or maintained in accordance with the Oregon Health Authority, Public Health Division regulations.

- B. Debris or Private Property. Accumulations of debris, rubbish, manure, and other refuse located on private property that are not removed within a reasonable time and that affect the health, safety, or welfare of the city.
- C. Stagnant Water. Stagnant water which affords a breeding place for mosquitoes and other insect pests as determined by the North Morrow Vector Control District.
- D. Water Pollution. Pollution of a body of water, well, spring, stream, or drainage ditch by sewage, industrial wastes, or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.
- E. Food. Decayed or unwholesome food which is offered for human consumption.
- F. Odor. Premises which are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition.
- G. Surface Drainage. Drainage of liquid wastes from private premises.
- H. Cesspools or septic tanks that are in an unsanitary condition or that cause an offensive odor.
- I. Mastics, oil, grease, or petroleum products to be introduced into the sewer system by a user connected to the sewer system.
- J. Discarded vehicles. Major parts of vehicles, including but not limited to vehicle bodies, engines, transmissions and rear ends, and any other motor vehicle parts, unless the vehicle is completely enclosed within a building or unless it is in connection with a business enterprise dealing in junked vehicles lawfully conducted within the city.

(Prior code § 4-1.2)

8.04.040 Abandoned iceboxes.

No person may leave in a place accessible to children an abandoned, unattended or discarded icebox, refrigerator, or similar container which has an airtight door with a lock, snap lock, or other mechanism which may not be released for opening from the inside, without first removing such lock or door from such icebox, refrigerator, or similar container.

(Prior code § 4-1.3)

8.04.050 Attractive nuisances.

- A. No owner or person in charge of property may permit:
 - 1. Unguarded machinery, equipment, or other devices on property which are attractive, dangerous, and accessible to children;
 - 2. Lumber, logs, or piling placed or stored on property in a manner so as to be attractive, dangerous, and accessible to children;
 - 3. An open pit, quarry, cistern, or other excavation on property without erecting adequate safeguards or barriers to prevent such places from being used by children.
- B. This section shall not apply to authorized construction projects, if during the course of construction reasonable safeguards are maintained to prevent injury or death to playing children.

(Prior code § 4-1.4)

8.04.060 Snow and ice removal.

No owner or person in charge of property, improved or unimproved, abutting on a public sidewalk may permit:

- A. Snow to remain on the sidewalk for a period longer than the first two hours of daylight after the snow has fallen.
- B. Ice to cover or remain on a sidewalk after the first two hours of daylight after the ice has formed.

Such person shall remove ice accumulating on the sidewalk or cover the ice with sand, ashes, or other suitable material to assure safe travel.

(Prior code § 4-1.5)

8.04.070 Illegal residential occupancy.

No owner, or person in charge of property, shall allow an illegal residential occupancy, consisting of occupancy of tents, campers, motor homes, recreational vehicles, or other structures or spaces not intended for permanent residential use, or occupancy of spaces constructed or converted without a permit. Illegal residential occupancy shall be abated, or the structure shall be brought into compliance with the provisions of the city's development code.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016)

Editor's note(s)—Ord. No. 2-2016, §§ 2, 3(Exh. A), adopted Sept. 6, 2016, added a new § 8.04.060 as set out herein and renumbered former §§ 8.04.060—8.04.220 as §§ 8.04.070—8.04.230. The historical notes of said sections have been preserved for reference purposes.

8.04.080 Scattering rubbish.

No person may throw, dump, or deposit upon public or private property an injurious or offensive substance of any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench, detract from the cleanliness or safety of such property, or would be likely to injure an animal, vehicle, or person traveling upon a public way.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.7)

Note(s)—See note at § 8.04.060.

8.04.090 Trees.

- A. No owner or person in charge of property that abuts upon any street or sidewalk may permit trees or bushes on his or her property to interfere with street or sidewalk traffic. It is the duty of an owner or person in charge of property that abuts upon a street or sidewalk to keep all trees and bushes on his or her premises and on the adjoining parking strip trimmed to a height of not less than eight feet above the sidewalks and not less than ten (10) feet above the streets.
- B. No owner or person in charge of property may allow to stand any dead or decaying tree that is a hazard to the public or to person or property on or near the property.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.8)

Note(s)—See note at § 8.04.060.

8.04.100 Fences.

- A. No person may construct or maintain a barbed-wire fence or allow barbed-wire to remain as a part of a fence along a sidewalk or public way, unless such wire is placed not less than six inches above the top of a board or picket fence which is not less than six feet high.
- B. No person may install, maintain, or operate an electric fence along a street or sidewalk, or along the adjoining property line of another person.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.9)

Note(s)—See note at § 8.04.060.

8.04.110 Surface waters, drainage.

- A. No owner or person in charge of any building or structure may suffer or permit rainwater, ice, or snow to fall from such building or structure onto a street or public sidewalk or to flow across such sidewalk.
- B. The owner or person in charge of property shall install and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about such building is not carried across or upon the sidewalk.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.10)

Note(s)—See note at § 8.04.060.

8.04.120 Dirt, dust, sand.

- A. No owner or person in charge of property, improved or unimproved, shall permit dirt, dust or sand to erode or blow from the property. To reduce erosion and dust, a suitable groundcover shall be maintained on the property.
- B. No person, whether or not he or she is the owner of the property, may perform acts of construction, alteration, or repair upon the property in such a manner as to permit dirt, dust or sand to erode or blow from the property.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.11)

Note(s)—See note at § 8.04.060.

8.04.130 Radio and television interference.

- A. No person may operate or use an electrical, mechanical, or other device, apparatus, instrument, or machine that causes reasonably preventable interference with radio or television reception, provided that the radio or television receiver interfered with is of good engineering design.
- B. This section does not apply to electrical and radio devices licensed, approved and operated under the rules and regulations of the Federal Communication Commission.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.12)

Note(s)—See note at § 8.04.060.

8.04.140 Notices and advertisements.

No person may affix or cause to be affixed any placard, bill, advertisement, or poster upon real or personal property, public or private property, without first securing permission from the owner or person in control of the property. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use of and the location of signs and advertising.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Ord. 3-2001 § 2 (part); prior code § 4-1.14)

Note(s)—See note at § 8.04.060.

Chapter 8.12 GARAGE SALE SIGNS

8.12.010 Definitions.

A "garage sale" means any sale displaying goods for sale, offering to sell used goods, or offering services such as car washes within the city limits by any individual or group of individuals from any private residential, commercial or industrial property.

(Ord. 5-2004 § 1)

8.12.020 Compliance.

- A. Garage sale signs shall be in compliance with general residential sign requirements as set forth in the Boardman Development Code; off premises directional signs for such garage sale and similar residential temporary sales, shall have express written owner's permission of property upon which it is located.
- B. Under the city's general sign requirements, no signs shall be placed on Main Street between North Front Street and South Front Street in the public right-of-way. Signs may be placed in the right-of-way on all other streets within the city boundaries as long as they do not interfere with properly posted signage, vehicle traffic, pedestrian traffic or any other legal usage of the right-of-way.
- C. All signs must be removed within two hours of termination of the garage sale.

(Ord. 5-2004 § 2)

8.12.030 Owner presumption.

In the enforcement of signs, it shall be a presumption that an address or telephone number listed on any garage sale sign shall be that of the individual responsible for posting the sign. In addition, any sign directing the public by right-of-way arrows or other directional signs or phrases to a particular property shall be presumed to have been erected by the owner or occupant of the property.

(Ord. 5-2004 § 3)

8.12.040 Penalties.

Any garage sale sign placed in violation of the provisions of the ordinance codified in this chapter shall be immediately removed by the city. As soon thereafter as is reasonable, the city shall notify the owner or the owner's representative the sign has been removed, the reason, and if not claimed within twenty-four (24) hours, the sign will be deemed abandoned and subject to disposal by the city.

(Ord. 5-2004 § 4)

