

City of St. Helens
RESOLUTION NO. 1932

**A RESOLUTION DETERMINING THAT A NUISANCE EXISTS UPON PROPERTY
LOCATED AT 565 S. 9TH STREET WITHIN THE CITY OF ST. HELENS AND
DIRECTING THAT NOTICE TO ABATE THE NUISANCE BE POSTED ON SAID
PREMISES**

WHEREAS, St. Helens Municipal Code (SHMC) Section 8.12.090(3) provides that, "Except as provided in subsection (4) of this section, no owner or person in charge of property shall allow weeds or grasses to grow on his or her property or in adjacent streets or alleys in excess of 10 inches in height. If weeds or grasses are allowed to exceed 10 inches in height, the city may cut the vegetation if the owner or person in charge of the property fails to do so or requests the city to do so and the cost shall be charged to the owner or person in charge of said property or assessed against the property. "Weeds" and "grasses" shall mean, in addition to all plants commonly known by these terms, Russian thistles, Canadian thistles, Chinese thistles, cocklebur, poison oak, poison ivy, white mustard, silver saltbush, blackberries, any noxious weed or growth, or any brush, ferns, shrubs, or grass that are, or constitute, a fire hazard, a menace to public health or safety, or are unsightly;" and

WHEREAS, SHMC Section 8.12.150(2) provides that "Keeping of Junk Prohibited. It is hereby determined and declared that the keeping of or allowing of junk to be on or remain out of doors on any public or private premises within the city, unless the same is completely enclosed within a building, is a nuisance and is unlawful;" and

WHEREAS, SHMC Section 8.12.150(1) defines "the term 'junk' shall include, but will not be limited to, old motor vehicle parts, old machinery, old machinery parts, old appliances and parts thereof, old iron or other metal, glass, paper, old lumber, old wood, waste material, discarded material or abandoned personal property of any nature;" and

WHEREAS, the property located at 565 S. 9th Street, St. Helens, Oregon, has been determined by the Code Enforcement Officer to be in violation of one or more provisions of Chapter 8.12 of the St. Helens Municipal Code as described above and therefore a nuisance pursuant to the Code.

NOW, THEREFORE, THE CITY OF ST. HELENS RESOLVES AS FOLLOWS:

Section 1. The property located at 565 S. 9th Street, St. Helens, Oregon, constitutes a nuisance under SHMC Chapter 8.12.090(3) and 8.12.150(1) and (2), based on the photographs of the premises, attached hereto and incorporated herein by reference as Exhibit A, and information from the Code Enforcement Officer. Council finds that the photographs show trash, rubbish, debris, junk, and tall grass/weeds. Council hereby directs that the person(s) in charge of the premises located as 565 S. 9th Street, shall, within 30 days after such Council determination, remove or abate such nuisance.

Section 2. Pursuant to SHMC 8.12.250(10), Council hereby delegates, "If within the time fixed, as provided in this chapter, the nuisance has not been abated by the person in charge of the property, the common Council shall cause the nuisance to be abated." Council further directs that this nuisance be permanently abated within 30 days from the date of this Resolution.

Section 3. Council hereby directs a notice to be posted on property located at 565 S. 9th Street, St. Helens, Oregon, which contains: a description of the real property, by street address or otherwise; a direction to remove the nuisance within 30 days of the date of the notice; a description of the nuisance; a statement that unless a permanent abatement of the nuisance is performed within 30 days of this Resolution, the City will permanently remove the nuisance and that the costs shall be a lien against the property; and a statement that the person in charge of the property may protest the action by giving notice to the City Recorder within ten (10) days from the date of the notice.

Section 4. The City Recorder shall cause a copy of said notice to be forwarded by registered or certified mail, postage prepaid, to the person in charge of the property at the last known address of such person. That notice shall contain all the elements listed in Section 3, supra, that is, the posting. If the person responsible for the nuisance is not the owner, an additional notice shall be sent to the owner, stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.

Approved and adopted by the City Council on August 18, 2021, by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

EXHIBIT A



