

ATTACHMENT 2 TO STAFF REPORT

NUISANCES

6.200. Definitions.

As used in Sections 6.202 to ~~6.2296-260~~, unless the context requires otherwise, the following terms shall mean:

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6.215. Graffiti Nuisance Property.

- (1) Any property, building or structure within the city which becomes a graffiti nuisance property is in violation of this Chapter and is subject to nuisance abatement procedures under ~~WC 6230-6.250~~Wilsonville Code Chapter 1.
- (2) Any persons responsible for property who permit property under their control to become a graffiti nuisance shall be in violation of this Chapter and subject to its remedies. As used herein "permit" means to knowingly suffer, allow or acquiesce by any failure, refusal or neglect.
- (3) Where graffiti is applied by an unemancipated minor, the parent, guardian or other person having the legal custody of the minor shall be liable for actual damages to person or persons in connection with the removal of graffiti or the costs and assessment for city abatement of the nuisance.
- (4) Persons subject to subsections (1) and (2) above may, at any time, show good cause why the city should not pursue remedies there under such as serious illness or disability, extremely inclement weather that temporarily prevents removal of graffiti, or other extraordinary circumstances.

(Ord. No. 645, 4-7-2008)

6.220. Nuisances Noxious Vegetation.

- (1) No owner, person in possession or agent of the owner of any lot, tract, or parcel shall allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. Noxious vegetation includes:
 - a. Weeds or grass that is 12 inches in height or taller that is observable from the public right-of-way or other public property.
 - b. Poison oak.
 - c. Poison ivy.
 - d. Blackberry bushes that extend into a public thoroughfare or across a property line.
 - e. Trees or bushes with limbs that pose a threat to the safety of a public thoroughfare.
 - f. Other vegetation as determined by the City to be:
 - i. A health hazard;
 - ii. A fire hazard because it is near other combustibles;

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- iii. A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous;
 - iv. Impeding stormwater flows into or through a stormwater quality facility.
 - v. Affecting treatment capacity and/or altering designed drainage paths in a water quality facility;
 - vi. Offering vector or rodent harborage;
 - vii. Unreasonably interfering with the use and enjoyment of abutting public or private property;
 - viii. Hindering the view necessary for the safe operations of vehicles at or near intersections;
or
 - ix. Hindering the view necessary for the safe operations of crosswalks or other pedestrian right of ways.

(2) Nothing herein contained shall be considered to apply to bushes, trees, shrubbery and/or other vegetation growth for food, fuel or ornament or for the production of food, fuel or ornament, providing that the health and safety of the public be not thereby endangered by the maintenance of such growth or vegetation.

(3) Excluded from this provision is vegetation on undeveloped property that is not thorny, poisonous, a fire hazard, and 10 feet from the public right of way.

~~(1) The owner, person in possession or agent of the owner of any lot, tract, or parcel, improved or unimproved, shall cut and remove, and keep cut and removed therefrom and from the half of the street or streets abutting the property, all weeds and other noxious vegetation, and all dead bushes, dead trees, stumps and anything likely to cause fire.~~

~~(2) Nothing herein contained shall be considered to apply to bushes, trees, shrubbery and/or other vegetation growth for food, fuel or ornament or for the production of food, fuel or ornament, providing that the health and safety of the public be not thereby endangered by the maintenance of such growth or vegetation.~~

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6.228. General Nuisance.

(1) In addition to those nuisances specifically enumerated and defined in Sections 6.200—6.226, every other thing, substance or act which is determined to be injurious or detrimental to the public health, safety or welfare, is declared to be a nuisance and may be abated by the non-exclusive remedies as provided in Section 6.230 to 6.244, 6.250 and 6.260 Wilsonville Code Chapter 1.

(2) The acts, conditions, or objects specifically enumerated and defined in Sections 6.200 to 6.228(1) are declared to be public nuisances and may be abated by the non-exclusive remedies provided in Wilsonville Code Chapter 1 Sections 6.230 to 6.244, 6.250, and 6.260.

(3) Nothing contained in Sections 6.200 to 6.228 shall be construed as permitting any activity otherwise prescribed or regulated by this Code or Ordinance or Resolution of the City.

(Ord. No. 370, 6-4-1990)

6.229. Enforcement.

The City Manager or designee or Authorized Officer has responsibility for the enforcement of the nuisance regulations contained this Chapter. Enforcement will be carried out in accordance with the procedures provided in WC Chapter 1.

~~The following individuals shall enforce this Ordinance: The City Manager or designee or Authorized Officer has primary responsibility for the enforcement of the nuisance regulations contained this Chapter. Nothing in this Ordinance shall prevent the City Manager or designee, or Authorized Officer from obtaining voluntary compliance by way of warning, notice or education.~~

~~(Ord. No. 631, 8-6-2007)~~

6.230. Abatement Notice – Proposed deletion – incorporate into Chapter 1

6.240. Abatement by Person Responsible - Proposed deletion – incorporate into Chapter 1

6.242. Abatement by City - Proposed deletion – incorporate into Chapter 1

6.244. Abatement Assessment of Costs - Proposed deletion – incorporate into Chapter 1

6.250. Abatement Summary - Proposed deletion – incorporate into Chapter 1

6.252. Citation - Proposed deletion – incorporate into Chapter 1

6.260. Violation Civil - Proposed deletion – incorporate into Chapter 1