

ARTICLE SIX - ENVIRONMENT AND HEALTH

DIVISION ONE

SOLID WASTE NUISANCE

SECTION 6.01.010

RESERVED

SECTION 6.01.020

PROHIBITION

The deposit, accumulation, storage, collection, maintenance or display on private property outside the limits of cities of waste or solid waste that is hazardous to the health and safety of the public, or which creates offensive odors or a condition of unsightliness, is hereby prohibited as a public nuisance.

SECTION 6.01.030

DEFINITIONS

(1) The following conditions shall be deemed solid wastes that are hazardous to health and safety or a condition which creates offensive odors:

(a) Putrescible wastes not stored in fly-tight and rodent-proof containers and not removed from the premises at least every seven days.

(b) Accumulation of solid waste material conducive to rodent propagation.

(c) Where permitted, a burning barrel not receiving regular maintenance which has rusted and deteriorated to the extent that the contents are allowed to leak out.

(d) Accumulation of solid waste material conducive to mosquito production.

(e) An abandoned, unattended or discarded ice box, refrigerator, or other container which has an airtight door or lid, snaplock or other locking device which may not be opened from the inside when said door or lid, snaplock or other locking device has not been removed.

(f) Solid waste that may, by itself, or in combination with other solid wastes, be infectious, explosive, poisonous, caustic, toxic or otherwise dangerous or injurious to human, plant, or animal life.

(g) Buildings or structures in such a condition that they have become useless or dangerous for the purpose of habitation, shelter, storage or any other purpose.

(2) When exposed to view from public street or public highway the following shall be deemed solid wastes, creating a condition of unsightliness:

(a) Discarded, useless, abandoned or inoperable household appliances such as washers, dryers, refrigerators, dishwashers, water heaters, stoves and

similar items.

(b) Abandoned, discarded, useless household furniture such as sofas, beds, chairs, mattresses, tables and similar items.

(c) Abandoned, discarded, useless, or inoperable motor vehicles or parts thereof such as automobiles, trucks, farm machinery, motors, tires, chassis and similar items. For purposes of this subsection, the definition of "motor vehicle" as found in ORS 801.360 applies.

(d) Accumulation of rubble or used building material such as lumber, wire, plumbing fixtures, lighting fixtures, used stone or brick and similar items.

(3) The prohibition does not include:

Materials used for fertilizer or for other productive purposes or which are salvageable when such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.

SECTION 6.01.040 INVESTIGATIONS

To determine whether there is reasonable cause to believe that a public nuisance exists on private property outside the limits of any city, the Board, or whomever it designates, may conduct an investigation for that purpose. In conducting such an investigation, the Board, or whomever it designates, may administer oaths, subpoenas and require the attendance of witnesses at public hearings, require the production of relevant documents, and take the testimony of any person.

SECTION 6.01.050 NOTICE

(1) Whenever it appears that there is reasonable cause believe that a public nuisance exists, the Board may order that a notice be issued and served upon the owner, tenant, occupant or person in possession of the premises where the nuisance is alleged or claimed to exist, requiring such person to appear before the board at the time and place stated in the notice to show cause why a nuisance should not be declared to be existing on the premises.

(2) Notice with regard to abandoned, discarded, useless or inoperable motor vehicles shall be given as provided in ORS. 819.170 to 819.200.

SECTION 6.01.060 HEARINGS AND FINDINGS

(1) At the time and place described in said notice, the Board shall conduct a public hearing on the question of the existence of the alleged nuisance, and if the Board finds that a nuisance exists, it shall declare the existence of the nuisance by order entered in its journal, and may order a suit to be brought in the name of the County to institute injunction, abatement or any other proceeding provided by law to prevent temporarily or permanently the existence of the nuisance.

(2) A hearing with regard to abandoned, discarded, useless or inoperable motor vehicles shall be conducted as set forth in ORS. 819.190 to 819.200.

SECTION 6.01.070 ALTERNATIVE ABATEMENT PROCEDURE

In lieu of and not in addition to the remedies provided above where the Board finds that a nuisance exists and declares the existence of a nuisance by order, if the owner or occupant of the property fails to abate the nuisance within 30 days after the entry of the order, the Board may cause the nuisance to be abated. Where such removal is performed by the County, or its agent, neither the County nor its agent shall be liable for any trespass or conversion as to any real or personal property and the costs may be collected from the person served with the notice provided in this division, or may be collected as a lien against such property.

SECTION 6.01.080 CUMULATIVE REMEDIES

The remedies provided for above are in addition to and not in lieu of other remedies provided by law.

SECTION 6.01.090 COMPUTATION OF OFFENSES

Each day the public nuisance exists, after the day it is declared a public nuisance by this Board under this ordinance, shall be deemed a separate and distinct offense under this division.

SECTION 6.01.100 DELEGATION

Any County employee or any body responsible to this Board may, when authorized by this Board, carry out any of the functions vested in this Board by this division. The actions of such person or body are subject to reversal or modification by this Board within 10 days of the action.

SECTION 6.01.110 LIBERAL CONSTRUCTION

The provisions of this division are to be liberally construed to achieve their object: the prevention, abatement, and punishment of the public nuisance created by solid wastes.

SECTION 6.01.120 APPLICATION

This division does not apply to:

(a) Disposal sites operated in compliance with regulations promulgated by the State Environmental Quality Commission or other ordinances or regulations of the County.

(b) Agricultural operations and growing or harvesting of crops and the raising of fowls or animals.