

**TITLE IX: GENERAL REGULATIONS**

Chapter

**90. ABANDONED VEHICLES**

**91. ANIMALS**

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**CHAPTER 90: ABANDONED VEHICLES**

Section

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(2) Discarded vehicles may be deemed to include major parts thereof, including but not limited to bodies, engines, transmissions and rear ends.

**§ 90.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CHIEF OF POLICE.** Includes any authorized law enforcement officer of the city.

**COSTS.** The expense of removing, storing or selling a junked vehicle.

**DISCARDED.**

(1) Any vehicle which does not have lawfully affixed thereto an unexpired license plate or is in one or more of the following conditions:

**PERSON IN CHARGE OF PROPERTY.** Any agent, occupant, lessee, contract purchaser, owner, or person having possession, control or title of property where a vehicle is located.

**VEHICLE.** Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

**VEHICLE OWNER.** Any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

**§ 90.02 DECLARATION OF PUBLIC NUISANCE.**

(A) The open accumulation and storage of a discarded vehicle is hereby found to create a condition tending to:

- (1) Reduce the value of private property;
- (2) Promote blight, deterioration, and unsightliness;
- (3) Invite plundering;
- (4) Create fire hazards;
- (5) Constitute an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Create a harborage for rodents and insects; and
- (7) Be injurious to the health, safety and general welfare.

(B) Therefore, the presence of a discarded vehicle on private or public property is hereby declared to constitute a public nuisance which may be abated in accordance with the provisions of this chapter.

**§ 90.03 PROHIBITED ACTION.**

It shall be unlawful to store or permit the storing of a discarded vehicle upon any private property within the city 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.

Penalty, see § 90.99

**§ 90.04 INVESTIGATION AND NOTICE.**

(A) It shall be the duty of the Chief of Police, whenever a discarded vehicle is found upon private property to:

(1) Make an investigation to discover the owner of the vehicle and the person in charge of the property upon which such vehicle is located, and give written notice to them by personal service or by registered or certified mail that the vehicle is in violation of this chapter; and

(2) If the owner of the vehicle is not found, to place a notice upon the windshield, or some other part of the vehicle where it can be easily seen.

(B) The notice shall state that a certain discarded vehicle is in violation of this chapter and that within seven days of the day of the mailing or posting of the notice:

(1) The vehicle must be removed from the city or to the storage yard of a business enterprise dealing in junked vehicles lawfully conducted within the city; or

(2) Completely enclosed within a building.

(C) The notice shall also state that the alternative to compliance with division (B) of this section is to petition the City Council and request, in writing, an appearance before the City Council within seven days of mailing or posting of the notice and show cause why such vehicle should not be immediately abated as provided in this chapter.

(D) The notice shall also state that failure to comply with this chapter authorizes the city to remove the vehicle and charge the cost.

**§ 90.05 ENTRY ONTO PRIVATE PROPERTY.**

(A) The Chief of Police is authorized at all reasonable times to enter upon private property and examine any vehicle for the purpose of determining whether or not it is in a discarded condition. However, before entering upon private property, the Chief shall obtain the consent of an occupant thereof or a warrant of the municipal court authorizing entry for the purpose of inspection, except when an emergency exists.

(B) No search warrant shall be issued under the terms of this chapter until an affidavit has been filed with the Municipal Court, showing probable cause for such inspection by stating the purpose and extent of the proposed inspection, citing this chapter as the basis for such inspection, whether it is an inspection instituted by complaint or other specific or general information concerning the vehicle in question or the property on which it is situated.

(C) It is unlawful for any person to interfere with or attempt to prevent the Chief of Police from entering upon private premises and inspecting any vehicle, when an emergency exists or the Chief of Police exhibits a warrant authorizing entry.  
Penalty, see § 90.99

**§ 90.06 HEARING BY CITY COUNCIL.**

(A) Pursuant to a request, the City Council shall fix a time for a hearing to show cause why a vehicle nuisance should not be immediately abated. It shall receive the evidence and testimony of the Chief of Police and other interested persons concerning the existence, location and condition of the vehicle.

(B) After the hearing, the City Council may authorize and order the vehicle removed by the city in accordance with the provisions of this chapter. The City Council shall make its order in the form of a resolution which declares the vehicle to be a public nuisance. The resolution may order the removal of

more than one vehicle and may consolidate the hearings and orders relating to more than one vehicle. The persons receiving the notice specified in section four shall be sent copies of the resolution of the Council.

(C) In addition, the City Council may impose conditions and take such other action as it deems appropriate under the circumstances in order to carry out the purposes of this chapter. It may delay the time for removal of the vehicle where, in its opinion, the circumstances justify it. It shall refuse to order the removal of the vehicle where the vehicle, in the opinion of the City Council, is not subject to the provisions of this chapter. The City Council shall not be bound by the technical rules of evidence in the conduct of the hearing.

**§ 90.07 ABATEMENT BY CITY AND APPRAISAL.**

(A) Seven days after the mailing of notice required in § 90.04, or three days after adoption of a resolution declaring a vehicle to be a public nuisance as set forth in § 90.06, the city shall be deemed to have acquired jurisdiction to abate the nuisance and may remove the vehicle by use of city employees or duly authorized independent contractors. It shall be unlawful for any person to interfere with, hinder or refuse to allow such persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

(B) After removing the vehicle, the city shall cause it to be appraised.

**§ 90.08 LOW VALUE VEHICLE.**

(A) If the vehicle is appraised at \$300 or less, the Chief of Police shall file with the Motor Vehicles Division an affidavit describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle, and stating that the

vehicle will be junked or dismantled. The Chief of Police may, without notice and public auction, dispose of the vehicle and execute a certificate of sale.

(B) The certificate of sale shall be substantially as follows:

“CERTIFICATE OF SALE

This is to certify that under the provisions of Chapter 90 of the Code of Ordinances entitled 'Abandoned Vehicles,' I did on the \_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_, sell to\_\_\_\_\_ for the sum of \$\_\_\_\_\_ cash, the following-described personal property, to wit:

and in consideration of the payment of the said sum of \$\_\_\_\_\_, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Note: The city of Monroe assumes no responsibility as to the condition of title of the above-described property. In case this sale shall for any reason be invalid, the liability of the city is limited to the return of the purchase price.”

§ 90.09 NOTICE OF PUBLIC SALE.

(A) If the vehicle is appraised over \$300, the Chief of Police shall cause to be published in a newspaper of general circulation within the city a notice of sale. The notice of sale shall state:

(1) The sale is of discarded property in possession of the city;

(2) A description of the vehicle, including the type, make, license number, I.D. number, and any other information which will aid in accurately identifying the vehicle;

(3) The terms of the sale;

(4) The date, time and place of the sale.

(B) The notice of sale shall be published two times. The first publication shall be made not less than ten days prior to the date of the proposed sale, and the second shall be made not less than three days prior to the date of the proposed sale.

§ 90.10 PUBLIC SALE.

(A) If a vehicle is appraised over \$300, the Chief of Police shall hold a sale at the time and the place appointed within the view of the vehicle to be sold.

(B) The vehicle shall be sold to the highest and best bidder, provided that if no bids are entered, or those bids which are entered are less than the costs incurred by the city, the Chief of Police may enter a bid on behalf of the city in an amount equal to such costs.

(C) At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser and the copy thereof filed with the auditor of the city.

(D) The certificate of sale shall be substantially as follows:

“CERTIFICATE OF SALE

This is to certify that under the provisions of Chapter 90 of the Code of Ordinances entitled 'Abandoned Vehicles' and pursuant to due notice of the time and place of sale, I did on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ sell at public auction to\_\_\_\_\_ for the sum of \$\_\_\_\_\_ cash, he being the highest and best bidder, and that being the highest and best sum bid therefor, the following-described personal property, to wit:

and in consideration of the payment of the said sum of \$\_\_\_\_\_, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Note: The city of Monroe assumes no responsibility as to the condition of title of the above-described property. In case this sale shall for any reason be invalid, the liability of the city is limited to the return of the purchase price.”

**§ 90.11 REDEMPTION PRIOR TO SALE.**

(A) A vehicle impounded under the provisions of this chapter may be redeemed by its owner or by the person in charge of the property from which the vehicle was removed, before a sale or disposition has taken place, by applying to the Police Department, whereupon he or she shall:

- (1) Submit evidence of his ownership or interest in the vehicle, satisfactory to the Chief of Police, that such claim is rightful; and
- (2) Pay the costs due and owing at the time the application to redeem is made; and
- (3) Give evidence that the nuisance character of the vehicle will not be allowed to be resumed.

(B) Upon compliance with division (A) of this section, the Chief of Police shall execute a receipt and cause the vehicle to be returned.

**§ 90.12 ASSESSMENT OF COSTS.**

(A) After disposing of the discarded vehicle and deducting the money, if any, received from any sale of the vehicle from the costs, the City Council shall give notice as specified in § 90.04 to the person in

charge of the property from which the vehicle was removed:

- (1) Of the unpaid costs of abatement;
- (2) That the cost as indicated will be assessed to and become a lien against the real property unless paid within 30 days from the date of the notice;
- (3) That if the person in charge of the property objects to the cost of the abatement indicated, he or she may file a written notice of objection with the City Council within 20 days from the date of the notice.

(B) Within 40 days after the date of the notice, objections to the proposed assessment shall be heard and determined by the City Council.

(C) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs shall be made by resolution of the City Council and shall be entered in the docket of city liens, and upon such entry being made shall constitute a lien upon the real property from which the nuisance was removed or abated.

(D) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the current legal rate of interest. Such interest shall accrue from date of the entry of the lien in the lien docket.

(E) An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void. The assessment shall remain a valid lien against the property.

**§ 90.13 SUMMARY ABATEMENT.**

The procedure provided by this chapter is not exclusive, but is in addition to procedure provided by other ordinances, and the City Council may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property.

**§ 90.99 PENALTY.**

(A) A person violating this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$500.

(B) Each day's violation of a provision of this chapter constitutes a separate offense.

(C) The abatement of a nuisance is not a penalty for violating this chapter, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within the specified time within the notice to abate, or if a written protest has been filed, then abatement within the time period specified by the City Council, if determined that a nuisance exists, will relieve the responsible person from the imposition of any fine or imprisonment under this section.



**CHAPTER 91: ANIMALS**

Section

- 91.01 Definitions
- 91.02 Dogs running at large prohibited
- 91.03 Barking dogs prohibited
- 91.04 Vicious dogs
- 91.05 Report of dog bites
- 91.06 Killing livestock
- 91.07 Police officer’s authority to enter private land

91.99 Penalty

**Cross-reference:**

*Animals constituting nuisance, see § 92.15*

**§ 91.01 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**DEPARTMENT.** The City Police Department.

**DOG RUNNING AT LARGE.** A dog off or outside the premises of the owner, not restrained by a rope, line, leash, chain or other similar means or not under the immediate control, restraint, or command of an owner thereof. If a dog is not restrained by a tether of some kind, is not at heel or not a working dog in the field, that dog shall be deemed “at large.”

**OWNER.** Any person who owns, keeps, or harbors a dog.  
(Ord. 130, passed 1-7-74)

**§ 91.02 DOGS RUNNING AT LARGE PROHIBITED.**

No owner shall intentionally or negligently permit a dog to run at large.  
(Ord. 130, passed 1-7-74) Penalty, see § 91.99

**§ 91.03 BARKING DOGS PROHIBITED.**

No person shall keep a dog on any premises in the city which, without provocation by a person, shall, by frequent and sustained barking, howling or yelping, disturb two or more persons separately domiciled in the immediate vicinity or, if there is only one dwelling in the immediate vicinity of the premises, shall disturb the person or persons residing in such dwellings, after having been notified personally or by mail by the Department that the dog had been reported to disturb such person or persons by such barking, howling, or yelping.  
(Ord. 130, passed 1-7-74) Penalty, see § 91.99

**§ 91.04 VICIOUS DOGS.**

No person shall own, keep, or harbor a vicious dog. Any dog which has the propensity to attack or bite any person without provocation and the capacity to inflict serious harm on them shall be regarded as vicious.  
(Ord. 130, passed 1-7-74) Penalty, see § 91.99

**§ 91.05 REPORT OF DOG BITES.**

(A) The owner of a dog which bites a human being shall immediately notify the Department and then the Benton County Health Department of such bite, giving the name and address of the person bitten, if known to him.

(B) Any person who is bitten by a dog shall forthwith notify the Department and the Benton County Health Department of such bite, giving a description of the dog and the name and address of the owner, if known to him.

(C) No person shall keep a dog which has bitten a human being on two occasions. Such a dog shall be turned over to the Benton County Dog Control Officer for quarantine and disposition according to the County ordinance.

(Ord. 130, passed 1-7-74)

**§ 91.06 KILLING LIVESTOCK.**

Any dog not acting under the direction of its master which chases, injures or kills livestock as defined in O.R.S. 609.010 while off the owner's premises may be killed immediately by any person. The owner of the livestock damaged by a dog may bring suit against the dog's owner for the full amount of the damage. If the dog is known to have killed or wounded livestock, the owner may not continue to own, harbor or keep it.

(Ord. 130, passed 1-7-74)

**§ 91.07 POLICE OFFICER'S AUTHORITY TO ENTER PRIVATE LAND.**

Any police officer, in the course of his duty in enforcing this chapter, shall have the privilege of entering onto private land, but shall not enter into any building or dwelling without permission or authority.

(Ord. 130, passed 1-7-74) Penalty, see § 91.99

**§ 91.99 PENALTY.**

A person shall be punished upon conviction of:

(A) Violation of §§ 91.02, 91.03 and 91.05(A) and (B) by a fine of not more than \$30;

(B) Violation of §§ 91.04 and 91.05(C) by a fine of not more than \$100;

(C) Violation of § 91.06 by a fine of not more than \$50.

(Ord. 130, passed 1-7-74)

**CHAPTER 92: NUISANCES**

Section

***General Provisions***

- 92.01 Definitions
- 92.02 General nuisance declaration

***Nuisances Specified***

- 92.15 Animals
- 92.16 Nuisances affecting public health
- 92.17 Nuisances affecting public safety
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***Abatement Procedure***

- 92.30 Notice
- 92.31 Abatement by owner
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- 92.33 Assessment of costs
- 92.34 Application of chapter; summary abatement
- 92.35 Abatement does not constitute penalty
  
- 92.99 Penalty

***Cross-reference:***

*Noise, see § 130.02*  
*Weeds, see Chapter 94*

***GENERAL PROVISIONS***

**§ 92.01 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

***COUNCIL.*** The governing body of the city.

***NUISANCE.***

(1) Any act, course of action, or conduct herein called a nuisance of any kind or type by this chapter or by any other ordinance of the city.

(2) Any prohibited act, course of action, or conduct herein prohibited, or declared unlawful, or against the provisions of this chapter, whether or not called a nuisance.

(3) The committing, permitting, or suffering any thing, substance, or condition prohibited or made unlawful by this chapter to continue by any person upon which a duty is imposed or exists by provisions of this chapter to abate or remove the thing, substances or condition.

(4) Any nuisance, so called, by any other ordinance of the city.

***PERSON.*** Every natural person, firm, partnership, association, or corporation.

***PERSON IN CHARGE OF PROPERTY.*** Any owner, agent, lessee, contract purchaser, or other person having the possession or control of property.

***PUBLIC PLACE.*** Any building, place, or accommodations, whether publicly or privately owned, open and available to the public.  
(Ord. 95, passed 11-6-67)

**§ 92.02 GENERAL NUISANCE DECLARATION.**

In addition to those nuisances specifically enumerated within this chapter, every other thing, substance, or act which is determined by the Council to be injurious or detrimental to the public health, safety, or welfare of the city is hereby declared to be a nuisance and may be abated as provided in §§ 92.30 through 92.34 of this chapter.

(Ord. 95, passed 11-6-67)

***NUISANCES SPECIFIED***

**§ 92.15 ANIMALS.**

(A) *Animals running at large, damaging property.*

(1) No person shall permit any dog owned or controlled by him to cause damage or injury to gardens, flower beds, and other property belonging to another person.

(2) No person shall permit any horse, donkey, mule, or other equine animal, or any cow, sheep, goat, or other ruminant animal, or any swine, or goose, duck, turkey, or other fowl owned or controlled, or which should be controlled by him, to run at large within the city.

(B) *Prohibited animals.* No person shall have or keep goats, sheep, cows, horses or swine within the city; provided, however, this section shall not apply to goats, sheep, cows, horses or swine being transported for commercial purposes. Sheep and goats may be kept within fenced boundaries of sewer lagoons.

(C) *Bees.* No person shall keep a hive or stand of bees in the city at a location within 150 feet of any street, alley, storehouse, establishment, public

building, private dwelling, or barn of another. This provision shall not apply to the dwelling, barn, or other buildings of the owner of such bees.

(D) *Removal of animal carcasses.* No person shall permit any animal carcass owned by him, or under his control, to remain upon the public streets or places, or exposed on private property, for a period of time longer than is reasonably necessary to remove and dispose of such carcass. Anyone wishing to bury a carcass at the city dump ground shall first obtain from the City Recorder a permit to do so.

(Ord. 95, passed 11-6-67; Am. Ord. 136, passed 11-3-75; Am. Ord. 203, passed 7-3-89) Penalty, see § 92.99

**§ 92.16 NUISANCES AFFECTING PUBLIC HEALTH.**

The following are hereby declared to be nuisances affecting the public health, and may be abated in the manner prescribed by §§ 92.30 through 92.34.

(A) *Privies.* Any open vault or privy maintained within the city, except those privies used in connection with construction projects and constructed in accordance with the Oregon State Board of Health regulations.

(B) *Debris on private property.* All accumulations of debris, rubbish, manure, and other refuse located on privately owned real property or sidewalks abutting thereon, and which has not been removed within a reasonable time, and which affect the health, safety, or welfare of the city.

(C) *Stagnant water.* Any pool of water which is without a proper inlet or outlet and which, if not controlled, will be a breeding place for mosquitoes and other similar insect pests.

(D) *Water pollution.* The pollution of any body of water or stream or river 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.* All decayed or unwholesome food which is offered for human consumption.

(F) *Odor.* Any premises which are in such state or condition as to cause a noisome or offensive odor, or which are in an unsanitary condition.

(Ord. 95, passed 11-6-67) Penalty, see § 92.99

### **§ 92.17 NUISANCES AFFECTING PUBLIC SAFETY.**

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

(B) *Storage of rubbish, junk.* It is hereby declared to be unlawful, and to constitute a public nuisance for any person:

(1) Who shall be the owner of, or in possession of, or in charge of any lot or grounds within the corporate limits of the city, to keep thereon, or permit to remain thereon, or to keep or permit to be kept any trash, filth, garbage, brush, cans, containers, empty boxes, or parts of motor vehicles unless the same is kept in an enclosed garage or other suitable building, or decayed or partially burned lumber or timber or waste matter and other debris generally, which shall embrace and include articles and things ordinarily, customarily, or generally hauled off and dumped or junked for the purpose of promoting cleanliness and health, or to prevent and minimize discordant and unsightly surroundings within the city;

(2) Who is the registered or legal owner, including the owner or president of a firm or corporation, to store any inoperable or/damaged vehicles, whether licensed or unlicensed, including any vehicles partially or wholly dismantled, or any part or parts thereof, exposed to public view from either public property or adjacent private property for a period of more than 20 days, provided that the same may be kept upon premises for periods of not to exceed 50 days upon a special vehicle storage permit being obtained from the Chief of Police. Such permit will be issued only for the purpose of mechanical repairs to the vehicle, or pending arrangements to have the vehicle removed or towed away. No more than one permit shall be issued for a premise(s) per year. Not more than one vehicle shall be allowed by such a permit.

(C) *Excavations.*

(1) Any excavation shall be prohibited to remain open for an unreasonable length of time without erecting proper safeguards or barriers to prevent such excavation from being used by children.

(2) The provisions of this section shall not apply to authorized construction projects; provided that during the course of construction reasonable safeguards are maintained to prevent injury or death to playing children.

(3) Any nuisance as described in this section may be abated as provided in §§ 92.30 through 92.34.

(D) *Snow and ice removal.* No owner or person in charge of any premises, improved or unimproved, abutting upon any public sidewalk shall permit:

(1) Any snow to remain on such sidewalk for a period longer than the first five hours of daylight after the snow has fallen.

(2) Any such sidewalk to be covered with ice. It shall be the duty of any such person to remove

any ice accumulating on such sidewalk, or to properly cover it with sand, ashes, or other suitable material to assure safe travel within the first five hours of daylight after the ice has formed.

(E) *Scattering rubbish.* No person shall throw, dump, or deposit upon any street, alley, or other public place any injurious or offensive substance, or any sort of rubbish, trash, debris or refuse, or any substance which would mar the appearance, create a stench, or detract from the cleanliness or safety of such public place, or would be likely to injure any animal, vehicle, or person traveling upon such public way.

(F) *Sifting or leaking loads.*

(1) No person shall drive or move a vehicle on any street unless it is so constructed or loaded as to prevent its content from dropping, sifting, leaking, or otherwise escaping therefrom.

(2) It shall be the duty of any person driving a vehicle from which the contents have escaped to remove any escaped substance or material from the street.

(3) Any escaped substance or material, as set forth in this section is hereby declared to be a nuisance and may be abated as provided in §§ 92.30 through 92.34.

(G) *Fences.* No person shall construct or maintain any barbed-wire fence, or allow barbed wire to remain as part of any fence, unless such wire is placed not less than six inches above the top of a board or picket fence which is not less than four feet high.

(H) *Surface waters, drainage.*

(1) No person in charge of any building or structure shall suffer or permit rain water, ice, or snow to fall from any such building or structure onto any street or sidewalk, or to flow across such

sidewalk; and every such person in charge of property shall, at all times, keep 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 will not be carried across or upon any sidewalk.

(2) The improper drainage of any type of surface water from any source across or upon any sidewalk is hereby declared to be a nuisance and may be abated as provided in §§ 92.30 through 92.34. (Ord. 95, passed 11-6-67; Am. Ord. 196, passed 4-6-87)

### **§ 92.18 NUISANCES AFFECTING PUBLIC PEACE.**

(A) *Fireworks.* The following enumerated sections of the Oregon Fireworks Law, together with all acts and amendments applicable to cities are hereby adopted by reference and made a part of this chapter:

O.R.S. 480.110	O.R.S. 480.140(1)
O.R.S. 480.120	O.R.S. 480.150
O.R.S. 480.130	

(B) *Notices and advertisements.*

(1) No person shall, either as principal or agent, affix or cause to be distributed any placard, bill, advertisement, or poster upon any real or personal property, public or private, without first securing permission from the owner or proper public authority. This section shall not be construed as an amendment to, or a repeal of any regulations now or hereafter adopted by the city regulating the use of and the location of signs and advertising.

(2) No person shall, either as principal, agent, or employee, scatter, distribute, or cause to be distributed on the streets, sidewalks, or other public places, or upon any private property, any placards or advertisements whatsoever. (Ord. 95, passed 11-6-67) Penalty, see § 92.99

***ABATEMENT PROCEDURE*****§ 92.30 NOTICE.**

(A) Upon determination by the Council that a nuisance as defined in this chapter or any other ordinance of the city exists, the Council shall forthwith cause a notice to be posted on the premises liable for the abatement, directing the removal of such nuisance.

(B) At the time of posting, the City Recorder shall cause a copy of such 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 owner or agent.

(C) The notice to abate shall contain:

(1) A description of the real property, by street address or otherwise, on which such nuisance exists;

(2) A direction to remove the nuisance within 30 days from the date of the notice;

(3) A description of the nuisance;

(4) A statement that unless such nuisance is removed, the city will remove the nuisance and the cost of removal shall be a lien against the property;

(5) A statement that the person in charge of the property may, within ten days from the date of the notice, protest the action by giving notice to the City Recorder.

(D) The person posting and mailing the notice, as provided herein, shall, upon completion of the posting and mailing, execute and file a certificate stating the date and place of such mailing and posting.

(E) An error in the name or address of the person in charge of the property, or the use of a name

other than that of such person shall not make the notice void; and in such a case, the posted notice shall be deemed sufficient.

(Ord. 95, passed 11-6-67)

**§ 92.31 ABATEMENT BY OWNER.**

(A) Within 30 days after the posting and mailing of the notice, as provided in § 92.30, the person in charge of the property shall remove and abate the nuisance or show that no nuisance exists.

(B) The person in charge protesting that no nuisance in fact exists shall file with the City Recorder a written statement which shall specify the basis for contending that no nuisance exists.

(C) The statement shall be referred to the Council as a part of the Council's regular agenda at its next succeeding meeting. At the time set for the consideration of the abatement, such person may appear and be heard by the Council; and the Council shall thereupon determine whether a nuisance in fact exists; and such determination shall be entered in the official minutes of the Council. Council determination shall be required only in those cases where a written statement has been filed as provided herein.

(D) Upon Council determination that a nuisance does in fact exist, the person in charge of the property shall, within 30 days after such Council determination, remove or abate such nuisance.

(Ord. 95, passed 11-6-67)

**§ 92.32 ABATEMENT BY CITY.**

(A) 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 Council shall cause the nuisance to be abated.

(B) The City Recorder shall maintain an accurate record of the expenses incurred by the city in abating

the nuisance, and shall include therein an overhead charge of 5% of the total cost for administration.

(C) The total cost, including the administrative overhead, shall thereupon be assessed to the property as hereinafter provided.

(Ord. 95, passed 11-6-67)

### **§ 92.33 ASSESSMENT OF COSTS.**

(A) A notice of the assessment shall be forwarded by registered mail, postage prepaid, to the person in charge of the property by the City Recorder. The notice shall contain:

(1) The total cost, including the administrative overhead, of the abatement.

(2) A statement that the cost, as indicated, will become a lien against the property unless paid within 60 days.

(3) A statement that, if the person in charge of the property objects to the cost of the abatement as indicated, he may file a notice of objection with the City Recorder within 30 days from the date of the notice.

(B) Upon the expiration of 30 days after the date of the notice, objections to the proposed assessment shall be heard and determined by the Council in its regular course of business.

(C) An assessment for the cost of abatement, as determined by the Council, shall be made by resolution of the Council, and shall thereupon be entered in the docket of city liens; and upon such entry being made, it shall constitute a lien upon the property from which the nuisance was removed or abated.

(D) The lien shall be collected in the same manner as liens for street improvements are collected, and shall bear interest at the rate of 6% per annum. Such interest shall commence to run 30 days after the entry of the lien in the lien docket.

(E) An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the assessment render the assessment void; but it shall remain a valid lien against the property.

(Ord. 95, passed 11-6-67)

### **§ 92.34 APPLICATION OF CHAPTER; SUMMARY ABATEMENT.**

The procedure provided by this chapter is not exclusive, but is in addition to procedure provided by other ordinances; and furthermore, the Health Officer, the Chief of the Fire Department, and the police officers of this city may proceed summarily to abate a sanitary or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

(Ord. 95, passed 11-6-67)

### **§ 92.35 ABATEMENT DOES NOT CONSTITUTE PENALTY.**

The abatement of a nuisance, as herein provided, shall not constitute a penalty for a violation of this chapter, but shall be in addition to any penalty imposed for a violation of this chapter.

(Ord. 95, passed 11-6-67)



**§ 92.99 PENALTY.**

(A) Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by imprisonment for a period of not to exceed 90 days, or by a fine not to exceed \$300, or both.

(B) Each day's violation of a provision of this chapter shall constitute a separate offense.  
(Ord. 95, passed 11-6-67)



**CHAPTER 93: PARKS, CEMETERIES AND OTHER PUBLIC PROPERTY**

Section

*General Provisions*

- 93.01 Definitions
- 93.02 Application of chapter

**CITY PROPERTY.** Any real property owned or controlled by the city, within or without the city limits, except maintained city streets.

**COUNCIL.** The City Council of Monroe.

*Regulations*

- 93.15 Park operating hours
- 93.16 Damaging flowers, trees, trails, buildings, and the like
- 93.17 Littering
- 93.18 Camping; building fires
- 93.19 Animals
- 93.20 Weapons
- 93.21 Selling merchandise, operating concessions, erecting signs and the like without permission
- 93.22 Vehicles and traffic
- 93.23 Noise
- 93.24 Use of sports equipment
- 93.25 Use of waterways
- 93.26 Wine and malt beverages
  
- 93.99 Penalty

**PERSON.** Any person, firm, corporation or association.

**PUBLIC PARKS.** Any piece of property, within or without the city limits, which has been set aside by the Council for public recreation. (Ord. 175, passed 7-6-82)

**§ 93.02 APPLICATION OF CHAPTER.**

The rules and regulations contained in this chapter shall apply to the use of the city property. (Ord. 175, passed 7-6-82)

**GENERAL PROVISIONS**

**§ 93.01 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

**REGULATIONS**

**§ 93.15 PARK OPERATING HOURS.**

No person shall use the public parks between 10:00 p.m. and 6:00 a.m. except for a purpose permitted by the Council. (Ord. 175, passed 7-6-82) Penalty, see § 93.99

**§ 93.16 DAMAGING FLOWERS, TREES, TRAILS, BUILDINGS, AND THE LIKE.**

(A) No person shall cut, remove or damage any flowers, trees or trails.

(B) No person shall damage or injure in any way any building, installation, equipment or other property of the city.

(Ord. 175, passed 7-6-82) Penalty, see § 93.99

**§ 93.17 LITTERING.**

No person shall litter. All garbage and refuse of any kind must be deposited in the proper receptacles provided for that purpose. Garbage and refuse shall not be brought on to any city property.

(Ord. 175, passed 7-6-82) Penalty, see § 93.99

**§ 93.18 CAMPING; BUILDING FIRES.**

(A) No person shall build any fire except in a stove or fireplace provided for that purpose. Fires shall not be left unattended and every fire shall be extinguished before its user leaves the park. Portable gas, gasoline, charcoal and oil camp stoves may be used only if in good operating condition and shall be operated in a safe manner.

(B) No person shall camp overnight in the parks except in an area designated by the Council for camping or in connection with an activity authorized by the Council.

(Ord. 175, passed 7-6-82) Penalty, see § 93.99

**§ 93.19 ANIMALS.**

(A) No person shall permit any dog to run at large. All dogs shall be kept in control on a leash or other physical restraint at all times. Cats or other animals must be kept in a vehicle, trailer or on a leash or tether at all times.

(B) No person shall ride or lead any horse in the public parks except on a designated bridle path. Horses and other animals shall not be tied to any tree or shrub in such a manner as to damage the plant.

(C) No person shall hunt, pursue, trap, kill, injure or disturb the habitat of any animal or bird in the parks. (Ord. 175, passed 7-6-82) Penalty, see § 93.99

**§ 93.20 WEAPONS.**

No person shall fire or discharge any firearm, pistol, rifle, or any device which propels a projectile by the use of air pressure, CO2 cartridges, springs, bows, slings, jet or rocket propulsion.

(Ord. 175, passed 7-6-82) Penalty, see § 93.99

**§ 93.21 SELLING MERCHANDISE, OPERATING CONCESSIONS, ERECTING SIGNS AND THE LIKE WITHOUT PERMISSION.**

(A) No person shall sell any merchandise, or operate any concession on city property or in the public parks without permission of the Council.

(B) No person shall erect any signs, markers, or instructions on city property without Council approval. (Ord. 175, passed 7-6-82) Penalty, see § 93.99

**§ 93.22 VEHICLES AND TRAFFIC.**

(A) No person shall operate or park any motor vehicle except on roads or in designated parking areas.

(B) No person shall drive any motor vehicle in excess of ten miles per hour in a public park unless otherwise designated.

(C) No person shall operate or bring any vehicle with a gross weight exceeding five tons into a public park except a bus carrying passengers to the park. (Ord. 175, passed 7-6-82) Penalty, see § 93.99

**§ 93.23 NOISE.**

No person shall use any loudspeaker or amplification system unless they have first secured permission from the Council. No person shall use a radio, tape cassette, or record player in such a manner as to disturb the peace of the immediate vicinity. (Ord. 175, passed 7-6-82) Penalty, see § 93.99

**Cross-reference:**

*Unnecessary noise, see § 130.02*

**§ 93.24 USE OF SPORTS EQUIPMENT.**

No person shall use golf clubs, archery equipment, discus, javelin, shotput or model aircraft in the parks except as permitted by the Council. (Ord. 175, passed 7-6-82) Penalty, see § 93.99

**§ 93.25 USE OF WATERWAYS.**

No person shall wash any clothing or materials or clean any fish in streams, springs, pools, or other waterways on city property. (Ord. 175, passed 7-6-82) Penalty, see § 93.99

**§ 93.26 WINE AND MALT BEVERAGES.**

(A) Wine and malt beverages may be used and consumed in the City Park system to the extent and in the manner allowed under state statutes and administrative regulations.

(B) Wine and malt beverages may be sold by concessionaires in the city parks under permit from the City Council. The permit will be issued on a per

day basis at the cost of \$10 or 5% of gross sales whichever is greater.

(C) Wine, malt beverages and alcoholic liquor may be used and consumed in the City Hall and the Legion Hall to the extent and in the manner allowed under state statutes and administrative regulations. (Ord. 175, passed 7-6-82) Penalty, see § 93.99

**§ 93.99 PENALTY.**

Violation of this chapter is punishable by imprisonment for not more than 90 days, or of a fine of not more than \$500, or both. (Ord. 175, passed 7-6-82)



**CHAPTER 94: WEEDS**

Section

94.01	Definition	(b) Extends into a public way or a pathway frequented by children;
94.02	Obnoxious vegetation constitutes nuisance; authority to abate	
94.03	Waiver	(c) Extends across a property line; or
94.04	Notice	
94.05	Private abatement	(d) Is used for habitation by trespassers.
94.06	Abatement by city	
94.07	Collection of costs	(5) Vegetation which is a vision obstruction.
94.08	Enforcement and discharge of duties	
94.99	Penalty	

**§ 94.02 OBNOXIOUS VEGETATION CONSTITUTES NUISANCE; AUTHORITY TO ABATE.**

**§ 94.01 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

***OBNOXIOUS VEGETATION.*** Includes:

- (1) Weeds more than ten inches high;
- (2) Except agricultural crops that are not a fire hazard or a vision obstruction, grass more than ten inches high;
- (3) Poison oak or poison ivy;
- (4) Blackberry vines or vegetation that:
  - (a) Is a fire hazard because it is near other combustibles;

(A) No owner or occupant shall permit grass, weeds, thistles, or other obnoxious vegetation to grow upon his or her lots within the city limits without removing the same as follows: said weeds, grass, thistles, or other obnoxious vegetation shall be cut and maintained at a height not to exceed ten inches.

(B) It is hereby declared a nuisance for the owner or occupant to permit such vegetation to grow upon his or her lots without removing the same as prescribed above; and in case the vegetation is not removed, then the City Council may cause it to be removed, and the cost thereof assessed against the lot and made a lien thereon, which shall be entered in the docket of city liens to be collected.  
(Ord. 117, passed 5-5-69)

(C) Except as § 94.03 provides to the contrary, between June 1 and September 30 of each year no

owner or person in charge of undeveloped property may allow obnoxious vegetation to be on the property or in the public way abutting the property. Obnoxious vegetation so located is a public nuisance.

(D) In accordance §§ 94.04 through 94.08:

(1) The city may abate the nuisance; and

(2) The costs that the city incurs in the abatement plus a penalty may be charged against the owner or person in charge or against the property itself. Penalty, see § 94.99

#### **§ 94.03 WAIVER.**

Where strict compliance with the requirements of § 94.02 would be impracticable as they apply to a type of obnoxious vegetation, to the height of weeds or grass, to height of tree branches, or to a part of a parcel of property, the Director of Public Works may waive those requirements as they so apply.

#### **§ 94.04 NOTICE.**

(A) Between May 1 and June 15 of each year the City Recorder shall cause to be published two times in a newspaper of general circulation in the city a copy of § 94.02 as notice to all persons responsible for property of their duty to keep their undeveloped property free of obnoxious vegetation. The notice shall state that the city is willing to abate such a nuisance on any particular parcel of undeveloped property at the request of the owner or person in charge of the property, for a fee sufficient to cover the city's costs of such abatement. The notice shall also state that, even in the absence of such requests, the city intends to abate all such nuisances ten or more days after the final publication of the notice, and to charge the cost of doing so on any particular parcel of property plus a penalty to the person responsible or the property itself.

(B) In addition to the published notice, the City Recorder shall send by first class mail postage prepaid, a copy of the published notice to any person responsible for undeveloped property as shown on the Benton County tax rolls or upon record of the city. The failure to receive the mailed notice shall not relieve any person responsible from the obligation to abate obnoxious vegetation or to pay the cost of abatement performed by the city.

#### **§ 94.05 PRIVATE ABATEMENT.**

(A) Within ten days after the second publication of the notice for which § 94.04 provides, or as soon thereafter as a nuisance as defined in § 94.01 occurs, the person responsible for the property where such a nuisance occurs shall abate the nuisance, except as division (B) of this section provides to the contrary.

(B) The person responsible for property who is apprehensive that vegetation on the property is likely to be allegedly in violation of § 94.02, or who denies that a nuisance as defined in § 94.01 exists on the property, may file with the Council a written protest denying that such a nuisance exists on the property. The Council or its designee shall then determine whether the nuisance does so exist. That determination shall be final. If it is affirmative, the person responsible shall cause the nuisance to be abated within ten days after the determination.

#### **§ 94.06 ABATEMENT BY CITY.**

(A) If, within the ten days allowed by § 94.05 for abating a nuisance as defined in § 94.01, the nuisance has not been privately abated, the City Council or their designate shall cause it to be abated.

(B) The person authorized to cause, or retained to do the abating, may enter upon the property at reasonable times for purposes of investigating and abating the nuisance.



(C) The City Recorder shall keep an accurate record of the expense incurred by the city in abating the obnoxious vegetation and shall include therein a reasonable charge for administrative overhead.

(D) Whenever the city abates obnoxious vegetation, in addition to any penalty judicially imposed and to the costs specified in division (C) above, there is hereby imposed on each parcel in separate ownership or contiguous parcels in single ownership, a penalty of \$50 or 10% of the abatement costs, whichever is greater. The City Recorder shall add the penalty to the amount to be collected as provided in § 94.07. The City Recorder shall waive the penalty if the abatement costs are paid within the time specified.

#### **§ 94.07 COLLECTION OF COSTS.**

(A) The City Recorder, by registered or certified mail, postage prepaid, shall forward to the person responsible a notice stating:

(1) The total cost of abatement including administrative overhead and penalty;

(2) That the cost will be assessed and become a lien against the property unless paid within ten days from the date of notice;

(3) That if the cost is paid within the ten days the administrative penalty will be waived;

(4) That if the person responsible objects to the cost of abatement as indicated, he may file a written objection with the City Recorder not more than ten days from the date of the notice and that the written objection must state the facts and reasons for the objection to the cost of abatement.

(B) The responsible persons's written objection to the cost of abatement shall be reviewed by the City Council or its designee, who shall determine the

proper amount of the bill and give written notice to the person responsible of the amount so determined. That determination shall be final.

(C) Within ten days after receiving the bill, if no objection is filed, or within ten days after the determination following an objection, the person responsible shall pay the bill. If the costs of abatement are not paid within the ten days, the City Recorder shall thereupon enter the costs of abatement plus the penalty in the docket of city liens. Upon such entry the amount shall constitute a lien upon the property from which the obnoxious vegetation was removed or upon the abutting property when the obnoxious vegetation was removed from the adjoining public way.

(D) The lien shall be enforced in the same manner as liens for street improvements and shall bear interest at the rate prescribed in this code. The interest shall commence from date of the entry of the lien in the lien docket. For qualifying property owners the payment of the lien may be deferred, extended or modified as provided in sections of this code.

(E) An error in the name of a person responsible shall not void the assessment and lien nor will a failure to receive the notices render the assessment void, but it shall remain a valid lien against the property.

#### **§ 94.08 ENFORCEMENT AND DISCHARGE OF DUTIES.**

In case a duty under this chapter bears on two or more persons, discharge of the duty by one of the persons shall discharge the duty for the other person and preclude any lien to enforce discharge of the duty from being imposed on the other person's property.

**§ 94.99 PENALTY.**

Any person violating the provisions of this chapter shall, upon conviction, be fined not less than \$5, nor more than \$100.  
(Ord. 117, passed 5-5-69)