

1.200 Nuisance Defined

(a) The following conditions, situations or occurrences shall be deemed to be "Nuisances" and therefore within the parameters of this Ordinance and subject to abatement and enforcement as hereinafter set forth:

(1) The depositing or accumulation upon property of any junk, trash, garbage, vegetative debris, human or animal waste, vehicles, vehicle parts, or any other material which in any way mars the appearance of the area, detracts from the cleanliness of the area, creates a stench or fire or safety hazard which would be likely to injure any person including children.

(2) The keeping of any dangerous animal, wild or domesticated, the permitting of such animals to run at large, or the keeping of animal carcasses on property.

(3) The keeping or maintenance of any outdoor privy except those privies used in connection with construction projects approved by the County's building official.

(4) Any pool of stagnant water which is without a proper inlet or outlet and which is utilized as a breeding place for mosquitoes or other similar insects.

(5) The pollution of any body of water, 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.

(6) The keeping, storing or accumulation of unused appliances including refrigerators.

(7) The location of any machinery or the piling of any lumber or logs in such a manner as to be attractive and dangerous to children or which is accessible to children.

(8) An open excavation that remains open for an unreasonable length of time not protected or surrounded by safety barriers.

(9) The accumulation of weeds, grass or other noxious growth on property that has grown to a height of 10 inches or more.

(10) The installation of any fence or the keeping of any trees, shrubs or vegetative growth that encroaches upon or overhangs any street or sidewalk so as to interfere with vehicles or pedestrian traffic.

(11) The construction or maintenance of any barb wire fence unless the barb wire is placed not less than six inches above the top of a board or picket fence where such fence is not less than six feet in height or the installation, maintenance or operation of any electric fence.

(12) The making, assistance in making or the permitting of any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, health, safety or peace of others. Such loud, disturbing or unnecessary noise would include, but is not necessary limited to the following:

(i) The keeping of any bird or any animal which by causing frequent or long continued noise shall disturb the comfort and peace of any person in the vicinity.

(ii) The use of any vehicle or engine either stationary or moving so operated as to create any loud or unnecessary noise.

(iii) The use of any other electrical battery, compression, mechanical or amplified device so loudly as to disturb persons in vicinity thereof.

(iv) The operation of compression brakes.

(13) Any violation of the Oregon Fireworks Law (ORS 480.110 et. seq.) now in effect or which may be amended from time to time.

(14) Any other act, event, condition, situation or occurrence that offends the senses or produces material annoyance, inconvenience, discomfort or harm.

(b) Condition, situation, or occurrence define in sub sections 2, 3, 4, 8, 9, 10, 11, and 12, shall not be subject to abatement and enforcement in areas of the county with a land use zoning classification of A-1, A-2, A-3, or F-1.

1.300 Abatement of Nuisance.

Any situation or occurrence deemed to be a nuisance as defined herein shall be abated by cessation, repair, rehabilitation or removal in accordance with the procedures specified in 1.400 of this Ordinance

1.400 Abatement Notice.

Upon determination by the County Commissioners or any of its duly authorized agents that a nuisance exists as defined in this or any other ordinance of the County, the County Commissioners or its duly authorized agent shall cause a "notice of

abatement" to be mailed to the alleged offender, property owner, and to the person occupying the property, if that person is not the property owner, both by certified mail and first class mail directing the cessation or abatement of such nuisance.

The notice shall contain:

- (a) A description of the nuisance.
- (b) A street address sufficient for identification of premises upon which the nuisance is occurring.
- (c) A statement specifying the action required to be taken as determined by the County or its duly authorized agent and directing that the nuisance be fully removed or abated within 10 days after receipt of such notice.
- (d) A statement that unless the nuisance is abated or removed within 10 days after receipt of the notice of abatement that the County will remove or abate the nuisance with the cost thereof being assessed as a lien against the property.
- (e) A statement advising any person who receives a notice of abatement of their right to appeal from the notice provided the appeal is made in writing and received by the Commissioners within 10 days after receipt of the notice.
- (f) A statement that any failure to appeal the notice of abatement will constitute a waiver of rights to a hearing and the right to contest the action required to be taken in the notice of abatement.

1.500 Abatement by Owner.

- (a) Within 10 days after receipt of the notice provided in Section 1.400 above the alleged offender, property owner or person occupying the property who receives the

notice of abatement shall remove or abate the nuisance, unless the matter is appealed pursuant to Section 1.800 below.

1.600 Abatement by County.

If the nuisance has not been removed or abated within 10 days and the matter has not otherwise been appealed by the alleged offender, property owner or person occupying the property, then the County shall abate the nuisance. In such case, the County shall maintain an accurate record of the expense incurred by the County in abating and removing the nuisance and shall include therein an overhead charge of 10% of the total cost for administration. The total cost, including the administrative overhead, shall thereafter be assessed pursuant to Section 1.900 below.

1.700 Summary Abatement.

Irrespective of the provisions herein contained, in the event a nuisance exists which reasonably appears to constitute an imminent endangerment to human life, human welfare or property rights, such nuisance may be summarily abated by a County official without notice or other procedural rights. In the case of summary abatement, the costs of the same shall be established and assessed pursuant to Sections 1.600 and 1.900 hereof.

1.800 Appeal.

(a) Any person who receives a notice of abatement under Section 4 above may appeal from the notice and the action required to be taken by such notice by personally delivering or mailing by certified mail to the County Commissioners a written request for an appeal. The appeal shall be received by the County Commissioners within 10 days

after receipt of the notice of abatement. The written request for an appeal shall contain a brief statement setting forth the fact that an appeal is requested and in concise language the relief sought and the reasons why the relief is being sought.

(b) As soon as practical after receiving the written appeal the County Commissioners shall fix a date, time and place for the hearing of the appeal. Such date shall not be less than 10 days nor more than 60 days from date the appeal was received by the County. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date such hearing to the person filing the appeal either by personal delivery or by mailing a copy thereof, postage prepaid, addressed to the person filing the appeal at the address shown on the appeal.

(c) Failure of any person to file an appeal in accordance with the provisions herein contained shall constitute a waiver of the right to a hearing and adjudication of the notice or any portion thereof.

(d) All hearings shall be heard by the County Commissioners and conducted in such a manner as to allow all interested persons full opportunity to be heard. Hearings need not be conducted according to technical rules relating to evidence and witnesses.

(e) Following the hearing the County Commissioners may uphold, overrule or modify any decision or requirement as set forth in the notice of abatement, and shall set forth findings and conclusions for such decision. A copy of the decision shall be delivered to the person filing the appeal personally or shall be sent certified mail, postage prepaid, return receipt requested. The effective date of the decision shall be as stated therein.

(f) A decision of the County Commissioners after the hearing shall be final.

1. 900 Enforcement.

(a) After any notice of abatement or decision of the County Commissioners becomes final, no person to whom any such notice or decision is directed shall fail, neglect or refuse to obey such notice or decision.

(b) If, after any notice of abatement or decision of the County Commissioners becomes final, the person to whom such order is directed shall fail, neglect or refuse to obey such notice or decision the County may institute any appropriate action to abate such nuisance.

(c) When any nuisance abatement work is accomplished by the County or by private contract under the direction of the County the cost of such work shall be paid by the County and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner or property occupier, whichever the County Commissioners shall determine is appropriate.

(d) The County Commissioners, in its discretion, may determine that assessments in the amounts of \$500.00 or more may be payable in installments not to exceed five equal annual installments. The County Commissioner's determination to allow payment of such assessment in installments, the number of installments, whether they shall bear interest, and a rate thereof shall be by a resolution adopted by the County Commissioners prior to the confirmation of the assessment.

(e) If the County Commissioners order that the charge shall be assessed against the property, the County Commissioners shall confirm the assessment and cause the same to be certified as a lien to the Lake County Clerk and thereafter said assessment shall constitute as special assessment against and a lien upon the property and bear

interest at the rate of 9% per annum commencing as of the date of recording. The lien shall continue until the assessment and all accrued interest has been fully paid.

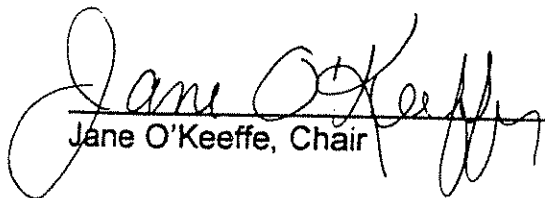
(f) If the County Commissioners order that the charge shall be a personal obligation of the property owner or occupier it shall direct the County's attorney to collect the same on behalf of the County by use of all appropriate legal remedies.

This Ordinance and its purposes being necessary for the preservation of the public peace, health and safety of Lake County and its inhabitants, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect after its passage by the Lake County Commissioners.

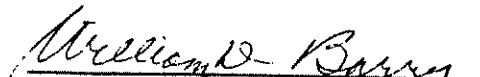
2.000 Emergency Clause

This Ordinance being deemed by the Board of Commissioners of Lake County, necessary for the immediate preservation and protection of the public peace, health, safety and general welfare, an EMERGENCY is hereby declared to exist and this Ordinance shall be in full force upon its adoption.

ADOPTED AND ORDAINED by the above entitled Lake County Board of Commissioners this 17th day of March, 1999.


Jane O'Keeffe, Chair


Kathleen Collins, Commissioner


William D. Barry, Commissioner