

ORDINANCE NO. 261

AN ORDINANCE ADDING NUISANCE HOMES PROVISIONS INTO THE  
METOLIUS CITY CODE SECTION 8.12

WHEREAS, the City of Metolius has determined that there exists within the City certain buildings that constitute a danger to its citizens health, safety, and welfare; and

WHEREAS, the City declares such buildings to be a nuisance; and

WHEREAS, the City finds it necessary to update its code to address nuisance buildings to better protect the health, safety and welfare of its citizens.

NOW, THEREFORE, THE CITY OF METOLIUS ORDAINS AS FOLLOWS:

SECTION 1: The Metolius Municipal Code Book is amended as follows [~~deleted text is struck through~~ and new text is ***bold and italicized***]:

8.12.030 Nuisances affecting Public Safety

A. Creating a Hazard. No person shall create a hazard by:

1. Maintaining or leaving in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside; or
2. Being the owner or otherwise having possession of property upon which there is a well, cistern, cesspool, excavation, or other hole of a depth of four feet or more and a top width of twelve (12) inches or more, fail or refuse to cover or fence it with a suitable protective construction.

B. Attractive Nuisances.

1. No owner or person in charge of property shall permit thereon:
  - a. Unguarded machinery, equipment or other devices which are attractive, dangerous and accessible to children;
  - b. Lumber, logs or piling placed or stored in a manner so as to be attractive, dangerous and accessible to children;
  - c. An open pit, quarry, cistern or other excavation without safeguards or barriers to prevent such places from being used by children.
2. This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.

C. Noxious Vegetation.

1. The term "noxious vegetation" does not include vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard or a fire or traffic hazard within the meaning of subsection (C)(2) of this section.
2. The term "noxious vegetation" does include, at any time between May 15th and September 30th of any year:

- a. Weeds more than ten (10) inches high;
  - b. Grass more than ten (10) inches high and not within the exception stated in subsection (C)(1) of this section;
  - c. Poison oak;
  - d. Poison ivy;
  - e. Blackberry bushes that extend into a public thoroughfare or across a property line;
  - f. Sagebrush;
  - g. Vegetation that is:
    - i. A health hazard,
    - ii. A fire hazard because it is near other combustibles, or
    - iii. A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.
3. Between May 15th and September 30th of any year, no owner or person in charge of property may allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. It shall be the duty of an owner or person in charge of property to cut down or to destroy grass, shrubbery, brush, bushes, weeds or other noxious vegetation as often as needed to prevent them from becoming unsightly, from becoming a fire hazard, or, in the case of weeds or other noxious vegetation, from maturing or from going to seed.
  4. Between April 1st and May 15th of each year, the city recorder may cause to be published three times in a newspaper of general circulation in the city a copy of subsection (C)(3) of this section as a notice to all owners and persons in charge of property of their duty to keep their property free from noxious vegetation. The notice shall state that the city is willing to abate such a nuisance on any particular parcel of property at the request of the owner or person in charge of tile property for a fee sufficient to cover the city's costs of the abatement. The notice shall also state that, even in the absence of such requests, the city intends to abate all such nuisances ten (10) or more days after the final publication of the notice and to charge the cost of doing so on any particular parcel of property to the owner thereof, the person in charge thereof, or the property itself.
  5. If the notice provided for in subsection (C) (4) of this section is used, it shall be in lieu of the notice required by subsection A of Section 8.12.060.
- D. Scattering Rubbish. No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, or would be likely to injure a person, animal or vehicle traveling upon a public way.
- E. Trees.
1. No owner or person in charge of property that abuts upon a street or public sidewalk shall permit trees or bushes on his property to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of property that abuts upon a street or public sidewalk to keep all trees and bushes on his premises, including the adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk and not less than ten (10) feet above the roadway.
  2. No owner or person in charge of property shall allow to stand a dead or decaying tree that is a hazard to the public or to persons or property on or near the property.

F. Fences.

1. No owner or person in charge of property shall construct or maintain a barbed-wire fence thereon, or permit barbed-wire to remain as part of a fence along a sidewalk or public way except with a permit as required by Section 17.40.040; except such wire may be placed above the top of other fencing at least six feet in height.
2. No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person.

G. Surface Waters, Drainage.

1. No owner or person in charge of a building or structure shall suffer or permit rainwater, ice or snow to fall from the building or structure onto a street or public sidewalk or to flow across the sidewalk.
2. The owner or person in charge of property shall install and maintain in proper state of repair adequate drainpipes or a drainage system, so that any overflow water accumulating on the roof or about the building is not carried across or upon the sidewalk. (Ord. 114 § 15-21, 1981)

H. *Derelict Buildings.*

1. *No owner or person in charge of property shall allow there to be a nuisance building on their property.*
2. *For the purposes of this section a nuisance building is any structure or portion thereof which because of damage, structural weakness or deterioration, dilapidation by reason of age, or for lack or want of maintenance or proper repair, is structurally unsound or has a possibility of its partial or entire collapse.*
3. *The City Code Enforcement Officer is responsible for identifying structures that violate this subsection and issuing abatement notices or citations under this Chapter. The owner or person in charge of the property is responsible for providing evidence that a building identified by the Code Enforcement Officer is not a nuisance and may do so as allowed by this Chapter.*

SECTION 2. This Ordinance shall take effect 30 days after adoption by the City Council.

Passed and approved by the Common Council and signed by the Mayor of the City of Metolius, Oregon, on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR, City of Metolius

ATTEST:

\_\_\_\_\_, City Recorder