

Tangent - Public Peace, Morals and Safety

Chapter 7.20 NUISANCES

Section

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7.20.010 Purpose and Applicability.

This Chapter is designed to establish basic standards for the maintenance and upkeep of private and public property throughout the City of Tangent to protect public health, safety and welfare and to help ensure that activities on one property do not disturb or impact significantly the use or enjoyment of neighboring properties. The owners and all persons using and in control of property within the City shall adhere to these standards, and any violation may be processed as a civil infraction under the City's Civil Enforcement Chapter, Tangent Municipal Code Chapter 2.15. (Ord. 2011-05)

7.20.020 Definitions. The following definitions shall apply to this Chapter:

- (1) "**Ordinances**" means all ordinances adopted by the Tangent City Council and any state law adopted therein by reference as these provisions now exist or may from time to time be amended or supplemented, and any codification of city ordinances that may be adopted.
- (2) "**Junk**" means discarded, broken or disabled material including, but not limited to furniture, appliances, toys, tires, machinery or other equipment and any other item that is inoperable or otherwise unusable.
- (3) "**Litter**" means discarded waste materials, including but not limited to paper wrappings, packaging materials, discarded or used bottles, cans and other containers.
- (4) "**Nuisance**" means any condition or use of property that annoys, injures or endangers the safety, health, comfort or repose of the public, unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage a public park, sidewalk, street or alley. Any violation of a substantive requirement of any Tangent Municipal Code, ordinance or any permit or approval issued by the City of Tangent constitutes a nuisance.
- (5) "**Owner**" means any person with an ownership interest in real property, as shown on the Linn County real property records or the most recent property tax records, and any person in possession or control of real property such as a renter, lessee, guest, invitee or other tenant.
- (6) "**Person**" means any individual, corporation, limited liability corporation, partnership, unincorporated association, local government, government agency or other legal entity.
- (7) "**Property**" means land and any improvements located thereon.

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- (8) “Trash” means waste food products, household garbage, discarded furniture, mattresses, inoperable or unused appliances, tires and the like. (Ord. 2011-05)

7.20.030 Duty to Maintain Property.

The following conditions are declared to be nuisances that jeopardize the health, safety and welfare of the residents of Tangent. No person shall engage in any of the following activities, nor shall any owner, resident or user of any real property or improvements, including a vacant lot, maintain or allow to be maintained, any of the following conditions visible from any public right-of-way or from any other property:

- (1) The accumulation of junk, trash, litter, discarded lumber, salvage materials or other similar materials;
- (2) Attractive nuisances dangerous to children, including but not limited to abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavations, wells or shafts, and any unguarded machinery;
- (3) Broken or discarded furniture, equipment, furnishings or shopping carts;
- (4) Dead, decayed, diseased or hazardous trees, or any other vegetation that presents a hazard or danger to the public;
- (5) Trees, hedges or other vegetation, signs or other obstructions that prevent drivers or pedestrians from having a clear view of traffic signs and other control devices or that obstruct the clear vision area (intersection sight distance) for vehicles stopped and waiting to enter traffic from a side street or driveway;
- (6) Limbs of trees that are less than eight feet above the surface of any sidewalk, street or public right-of-way;
- (7) Wires, except clotheslines, which are strung less than 15 feet above the surface of the ground;
- (8) Any sign or graffiti, not in compliance with the City’s adopted sign regulations, on the exterior of any building, fence or other structure;
- (9) Vehicle parts or other articles of personal property which are discarded or left in a state of disrepair, repair or partial construction;
- (10) Except for commercially cultivated agricultural crops, any accumulation of growing or cut and piled grass, weeds, brambles, branches, berry vines, or other vegetation, whether or not such accumulation or growth of vegetation constitutes a fire hazard under Section 7.20.035 or otherwise.
- (11) Hanging signs, awnings, A-frame signs and other similar structures in or over the public right of way, streets or sidewalks without permit, or which are situated in a manner that endangers public safety, or constructed and maintained in violation of applicable city requirements;
- (12) Vehicles, boats, trailers, or parts thereof, that are inoperable due to lack of legal requirements, have no currently valid license or registration, safety equipment or the like, or are not capable of being safely operated or driven in the manner for which they were designed, or have been on the same parcel of private property for 30 days or longer. This section shall not apply to vehicles enclosed or stored within a building with walls and a roof that are completely screened from public view.
- (13) Inhabiting a recreational vehicle or travel trailer in violation of TMC 1.130(7) of the

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Tangent Development Code or chapter 11.50 of the TMC. (Ord. 2011-05)

7.20.035 Duty to Keep Property Free of Flammable Debris During Fire Hazard Season.

- (1) Weeds and Debris to be Removed – Nuisance. The owner and occupant of property, if different entities, shall be jointly and severally responsible for keeping property within the City free of dead trees, bushes, brush, vegetation, ladder fuels and all other flammable debris that could cause, spread or fuel a fire, whether dry or wet. Except for commercially cultivated agricultural crops, between May 1 and September 30 of each year, the owner and occupant of property shall keep cut and remove from the property they own or use all dead bushes, dead trees, stumps, dry brush, dry vegetation, ladder fuels and any other material that could cause, spread or fuel fire. The owner and occupant of property shall cut and maintain the grass and vegetation on the property they own or use at a maximum height of 10 inches between May 1 and September 30 each year. Failure to comply with these requirements shall be deemed to be a nuisance and a fire hazard.
- (2) Obligation to Maintain Weeds and Remove Debris from Abutting Right-of-Way. All of the requirements of this section shall apply to private property and the abutting vegetated public right-of-way out to the edge of the vehicle travel surface. Private property owners and occupants shall be jointly and severally responsible for keeping the vegetated portion of the public right-of-way abutting the private property free of dead trees, bushes, brush, vegetation, grass and weeds taller than 10 inches, ladder fuels and all other flammable debris that could cause, spread or fuel a fire. This requirement applies between May 1 and September 30 of each year and during any officially announced period of fire hazard.
- (3) Notice to Remove Brush, Grass and Flammable Debris. If any owner or user of property in the City fails to timely and fully comply with the requirements of this section, the City shall cause to be served upon the owner and user, if different entities, written notice of violation requiring the removal of all dead bushes, dead trees, stumps, dry brush, dry vegetation, ladder fuels and any other material that could cause, spread or fuel fire within 10 days. Service of this notice shall be by certified First Class U.S. mail to the address indicated on the most recent property tax records maintained by Linn County and by delivery to the property. If the owner or user of the property cannot be found within the City, notice to the property shall be posted in a conspicuous place on the property. Service shall be deemed valid and accomplished on the date of mailing and/or posting on the property.
- (4) City Right to Abate. The owner or user of the property shall respond to the notice provided pursuant to this section within 10 days of service by cutting the vegetation and bringing the condition of the property into compliance with the requirements of this section. If, after the expiration of the 10-day period, the owner and user have failed to fully comply with the requirements of this section and the notice issued by the City pursuant to subsection C, the City shall without further notice order the immediate abatement of the nuisance and authorize the City to abate the nuisance and generally to bring the property into conformance with the requirements of this section. The City's costs of abatement, including all reasonable administrative costs and attorney fees, shall be assessed on the property owner. Notice of the assessment, including an itemization of

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all of the City's costs, shall be served on the owner and user, if different entities, in the manner described in subsection C. The owner and user, if different shall be jointly and severally liable for these costs. The owner may appeal and contest the reasonableness of the City's assessment by requesting in writing a hearing before the City Council within 10 days of service of the notice of assessment. If either the owner or user timely file an appeal of the City's assessment, the City Council shall convene a public hearing within 21 days of the appeal notice, take public testimony and determine if the assessment is reasonable. The Council's decision shall be final. Any unpaid assessment shall be recorded as a lien against the property and may be enforced in the same manner as other municipal assessment liens under state law or the TMC. (Ord. 2011-05)

7.20.040 Nuisances Affecting Health.

The following conditions are declared to be nuisances that jeopardize the health, safety and welfare of the residents of Tangent. No person shall engage in any of the following activities, nor shall any owner or resident of any real property or improvements, including a vacant lot, maintain or allow to be maintained, any of the following conditions:

- (1) Decayed or unwholesome food offered for sale to the public;
- (2) Diseased animals running at large;
- (3) Carcasses of animals not buried or destroyed within 24 hours after death;
- (4) Accumulation of rubbish, trash, household appliances, tires, manure or refuse of any kind;
- (5) Garbage cans or other waste or septic containers that are not flytight;
- (6) Dilapidation or state of filthiness or uncleanness of any dwelling or other structure that endangers health or life, violates the Dangerous Building Code or attracts, harbors or permits entrance by rats, mice or other rodents;
- (7) Smoke, noxious fumes, smells, gas, soot or cinders produced on a property, that are not contained or filtered, and are allowed to leave the property;
- (8) Pollution or contamination of any public stream, river, lake, storm sewer or other surface water body with soil, sediments or dust or the contamination of any public or private street, road or storm water drainage facility with dirt, dust or mud from any construction, earth moving, vegetation removal or development activity.
- (9) The discharge to, or contamination of, any surface water, stream, well, ditch or public right-of-way by sewage, agricultural or industrial wastes, silt, soil, mud or other pollutants;
- (10) The excavation, exposing, destabilization or disturbing of public utility lines or pipes, including sanitary sewer, water, stormwater and the like and the failure to properly cover, stabilize and restore such utility lines or pipes once they have been exposed or otherwise disturbed. The installation or alteration of public utility lines or pipes shall be done in compliance with applicable city requirements after consultation with the City Engineer or other appropriate official, and shall be subject to final inspection to ensure compliance with City requirements.
- (11) All other acts, omissions, occupations or uses of property that are deemed by the City Council, the Board of Health or Department of Environmental Quality to be a nuisance or hazard to public health. (Ord. 2011-05)

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7.20.050 Nuisances Affecting Peace and Safety.

The following conditions are declared to be nuisances that jeopardize the health, safety and welfare of the residents of Tangent. No person shall engage in any of the following activities, nor shall any owner, user or resident of any real property or improvements, including a vacant lot, maintain or allow to be maintained, any of the following conditions:

- (1) Maintenance of explosives, flammable liquids, fungicides, insecticides, herbicides, rodenticides, poisons, chemicals or other dangerous substances stored or disposed of in any manner or amount in violation of any applicable law;
- (2) Frequent, loud or annoying noises or vibrations made or caused to be made by a person, including but not limited to amplified music, singing or a public address system, motor and engine noise from vehicles, lawn mowers, garden tools or other machinery, horns, sirens and any other noise that can be heard beyond the property on which the noise or vibration originates and which unreasonably disturbs or interferes with the peace, comfort or repose of the owners or inhabitants of neighboring property. Where applicable, proof of violation of the noise level limitations set forth in OAR Chapter 340, Division 35 shall be prima facie evidence of a violation of this section, but proof of a violation may be made by other or additional evidence;
- (3) Buildings and alterations to buildings made or erected within fire setback limits as established by applicable requirements of state law, Linn County or the City;
- (4) Obstruction to, or within 5 feet of, a fire hydrant or fire standpipe, including fences, poles, trees, bushes or any other vegetation.
- (5) Buildings, structures, or parts thereof which are abandoned or allowed to fall into extreme disrepair. Any such structures determined by the city council, in consultation with the fire chief, to be hazardous to public safety or to pose undue risk of fire, substantiate a violation;
- (6) Uncut dry grass, ladder fuels including flammable bushes and/or mature trees with branches lower than 8 feet and/or stores of leaf litter or dead needles in the canopy within the area immediately surrounding a building or residential structure. Any such neglected vegetation determined by the city council, in consultation with the fire chief, to pose undue risk of fire, or significantly inhibit the defensibility of a building or habitable structure is a nuisance and a violation. Additionally, a violation of this subsection may be prosecuted as a fire hazard under Section 7.20.035.
- (7) Obstructions and excavations affecting the public's ordinary and safe use of public property or public rights-of-way, including streets, alleys, sidewalks and utility easements, unless specifically permitted by the City;
- (8) Telecommunications receiving or transmitting antennas erected or maintained in any manner in violation of any applicable law or regulation;
- (9) Use of property abutting a public street or sidewalk or any use of a public street or sidewalk, without first obtaining a permit, that causes large crowds of people to gather and obstruct traffic or the free use of the streets and sidewalks;
- (10) The use of any property or improvement that is not allowed by the City's land use regulations, or the failure to obtain a permit or other governmental approval where one is required prior to engaging in a particular use.
- (11) The use or conveyance of property that was created in violation of the procedural or substantive requirements of applicable subdivision or partitioning laws. (Ord. 2011-05)

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7.20.060 Nuisances – Enforcement and Penalty.

The violation of any provision of this Chapter is a nuisance and a civil infraction subject to enforcement and prosecution under the City's Civil Enforcement Chapter in addition to any other means of enforcement available to the city before any court or administrative body of competent jurisdiction. Upon a determination that a person has violated any requirement or prohibition of this chapter, that person shall be subject to a fine of up \$500 per violation. Each day of violation, event or occurrence may be deemed a separate citable and punishable offense. (Ord. 2011-05)

7.20.070 Liability.

The City of Tangent shall not be liable to any person for any loss, injury or damage to persons or property arising from any act, omission, requirement or prohibition of this chapter. Any person, owner or user of property that fails to promptly comply with the requirements or prohibitions of this chapter shall be answerable to any person injured by such a failure for any and all damages recoverable by an action at law. If any claim or legal action is brought against the city arising from a person's actions or failure to act as required by this chapter, the person responsible for the action or failure to act that gave rise to the claim shall be liable to the city for its costs and damages in defending any such claim, including reasonable attorney and witness fees and any penalty or judgment that a court may impose against the city. (Ord. 2011-05)

IN THE CITY COUNCIL OF TANGENT, OREGON

IN THE MATTER OF ADOPTING CHAPTER 7.30)
AN ORDINANCE REGARDING POULTRY)
CONTROL ORDINANCE OF THE CITY)
OF TANGENT, OREGON)

ORDINANCE 2019 - 02

WHEREAS, the City Council has received complaints regarding Roosters and other poultry and

WHEREAS, the City Council reviewed the complaints and determined that an Ordinance regulating Livestock and Poultry Control Ordinance should be implemented and,

WHEREAS, Chapter 7.00 Public Peace, Morals, and Safety of the Tangent Municipal Code (TMC) lacks a chapter on Poultry Control, and

WHEREAS, the City Council reviewed chapter Article 7.30, to add restrictions on Poultry at their meeting of August 12, 2019


NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Tangent Ordains that the Chapter 7.30 be included in the TMC.

AND, HEREBY ORDAINS THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATE UPON PASSAGE.

Passed by the City Council on August 12, 2019

ATTEST:

APPROVED


City Manager, -Georgia Edwards


Mayor, Loel Trulove

EXHIBIT A

**CHAPTER 7:30
Poultry control ordinance**

General Provisions

7.30.010 Title.

7.30.020 Purpose.

7.30.030 Definitions.

7.30.040 Poultry running loose.

7.30.050 Health and sanitation.

7.30.060 Penalty.

7.30.070 Severability.

7.30.080 Secondary use.

7.30.090 Housing Poultry.

General Provisions

7.30.010 Title.

This chapter shall be known as the Poultry Control Ordinance of the City of Tangent Oregon."

7.30.020 Purpose.

The purpose of this chapter is to set forth regulations as they apply to the keeping or raising of poultry within the City of Tangent

7.30.030 Definitions.

"City" means the City of Tangent, Oregon.

"Poultry" means any domesticated birds which serve as a source of food. The term "poultry" includes poultry, domesticated pigeons, turkeys, ducks, and geese.

7.30.040 Poultry running loose.

1. No person, company or corporation shall allow or permit any species of or poultry to run loose upon any public property, ~~without the approval of the City Manager or his/her designee.~~
2. No person owning or having possession of any poultry shall permit such poultry to be tethered or pastured in any manner upon public property, ~~without the approval of the City Manager or his/her designee.~~

7.30.050 Health and sanitation.

The keeping or raising of poultry must not be conducted so as to create an unsanitary condition resulting in a nuisance as may be determined by the City Council or County Health Department. No person keeping or raising such poultry shall create or maintain a nuisance by allowing or permitting unusual or excessive:

1. Noise.
2. Accumulation of manure.
3. Presence of flies.
4. Presence of rodents.
5. Production of odors.
6. Accumulation of surface water without adequate sanitary drainage in or about any barn, stable, roofed structure for the shelter of poultry, corral, or fenced area.

7.30.060 Penalty.

Violation of any provision of this chapter is punishable upon conviction by a fine not more than \$500.00. Each day of occurrence of such violation shall constitute a separate violation of this chapter.

7.30.070 Severability.

The sections and subsections of this chapter are hereby declared severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

7.30.070 Secondary use.

The keeping and raising of poultry shall be secondary to the principal residential use of the property.

7.30.080 Limitation on number.

The maximum number of poultry allowed on a residential lot shall be limited to five chicken hens, but no roosters, 12 pigeons, and two of any other kind of poultry. Chicks under the age of four months shall not count towards the maximum numbers allowed.

7.30.090 Housing Poultry.

Poultry shall be kept in a fenced enclosure at all times. Poultry shall be shut into the chicken house at night (from sunset to sunrise). During daylight hours, adult poultry shall have access to their chicken house and outdoor enclosure adequately fenced to contain the poultry and prevent access to the poultry by dogs or other predators. Poultry shall be provided with house (also known as a Coop) that:

- Is thoroughly ventilated
- Does not allow mice or other rodents to live underneath or within any part of the structure
- Is sufficient in size to admit free movement of the poultry
 - At least 3 square feet per chicken inside the structure
 - At least 10 square feet per chicken within the enclosed chicken area outside the structure
- Is designed to be easily accessed, cleaned, and maintained by the owners