

ORDINANCE NO. 213

An ordinance defining nuisances, providing for their abatement and declaring an emergency. This ordinance repeals Ordinance No. 29, Ordinance No. 74 and Ordinance No. 130 in its entirety and repeals all other ordinances or parts of ordinances in conflict therewith.

The City of Detroit, Oregon ordains as follows:

SECTION 1: SHORT TITLE - This ordinance shall be known and may be cited as the Detroit Nuisance Ordinance.

SECTION 2: PURPOSE - The purpose of this ordinance is to prevent and regulate nuisances that are deemed harmful to the health, safety and quality of life to the citizens of Detroit. This ordinance shall be liberally constructed to achieve this purpose.

SECTION 3: DEFINITIONS - (Refer to Ordinance No. 200 Section 8 and Chapter 1.3 definitions in Development Code).

SECTION 4: ENFORCEMENT - Ordinance No. 207 Detroit Enforcement Ordinance

SECTION 5: ANIMALS

- (A) Communicable Disease. No person shall permit any animal or bird, owned or controlled by him to be at large within the city if such animal or bird is afflicted with a communicable disease.
- (B) Removal of Animal Carcasses. No person shall permit any animal carcass owned by him or under his control to remain upon public streets, public property or private property for a period longer than 48 hours.
- (C) Dogs are subject to the exclusive authority and control by Marion County Animal Control under ORS Chapter 609.

SECTION 6: LIVESTOCK AND POULTRY

- (A) No person shall keep or maintain cattle or other livestock, or poultry on residential or public property. Horses will be allowed temporarily at residences for a 72-hour period. Cattle or other livestock, or poultry will be allowed on commercial or industrial property when authorized by the city council.
- (B) Horses can be ridden within the city limits. Riders are responsible for their waste droppings.
- (C) No owner or person in charge of any livestock or poultry shall permit such livestock or poultry to run at large. Livestock or poultry shall be kept in an enclosure and shall be properly caged, fenced or housed; and maintained in a clean, sightly and sanitary condition at all times. All accumulations, droppings and materials soiled by waste shall be collected frequently and disposed of in such manner as to prevent nuisance conditions and fly breeding.

SECTION 7: NUISANCES AFFECTING PUBLIC HEALTH – The following are declared nuisances to public health:

- (A) Privies. Any open vault or privy is prohibited. Chemical toilets used in connection with construction projects are allowed only if required by the Oregon State Board of Health regulations. The use of chemical toilets on private residential property is prohibited, unless approved by City Council for short-term use. The use of chemical toilets on commercial property must have city approval.
- (B) Debris on private property. All accumulations of debris, rubbish, manure and other refuse located on privately owned real property which have 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 insects.
- (D) Water Pollution. The pollution of any body of water, stream, or river by sewage, industrial waste, residential or businesses grey water or other substances placed in storm drains or near such water in a manner that will cause harmful material to pollute the water.
- (E) Food. All decayed or unwholesome food offered for human or animal consumption.
- (F) Odor. Any premises which are in such state or condition as to cause a noxious or offensive odor or which are in an unsanitary condition.
- (G) No person shall accumulate, store, collect, maintain or display on private property inoperative vehicles, equipment, solid waste or liquid waste that:
 - 1. Is offensive or hazardous to the health and safety of the public.
 - 2. Creates offensive odor.
 - 3. Is unsightly.

SECTION 8: NUISANCES AFFECTING PUBLIC SAFETY

- (A) No person shall discharge firearms within the city limits. For the purpose of this section, high velocity air rifles and pistols, and high-pressure pneumatic guns of all types, are also classed as firearms.
- (B) Lethal weapons.
- (C) Any abandoned building or structure deemed by the city to be a safety or fire hazard.
- (D) Any excavation to remain open for an unreasonable length of time without erecting proper safeguards or barriers.

SECTION 9: ATTRACTIVE NUISANCES - An attractive nuisance is a potentially harmful object so inviting or interesting to a child that it would lure the child onto a property to investigate and that injury was foreseeable.

No owner in charge of any premises shall permit or leave:

- (A) Any abandoned, unattended or discarded ice box, refrigerator or similar container, which has an air-tight door with a snap lock or lock or other mechanism which may not be released for opening from the inside, without first removing such lock or door from such ice box, refrigerator or similar container.
- (B) Any machinery, equipment or other devices on such premises, which are attractive and dangerous.

- (C) The piling of any lumber or logs in such manner as to be attractive and dangerous.
- (D) The provisions of this section shall not apply to authorized construction projects, provided that during the course of construction safeguards are maintained to prevent injury or death.

SECTION 10: TREES, SHRUBS AND WEEDS

- (A) No owner or person in charge of any real property shall permit upon such property, improved or unimproved, or upon any parkway or access area abutting such property, any weeds, grass or other noxious growth. It shall be the duty of every owner or person in charge of such property to cut down or otherwise to destroy any noxious growth on such property, parkway or access area abutting thereon as often as necessary to prevent such growth from being unsightly or a fire hazard, or maturing or going to seed.
- (B) Nothing in this section shall be construed to prohibit lawns, bushes, trees and other shrubbery grown or maintained for ornamental purposes. Nor shall it prohibit the growth or maintenance of any vegetation designed for food or fuel purposes, except that the owner or person in charge of any real property shall not permit the limbs of any shrub or tree projecting into or extending over the street to interfere with the use of the access area or roadway, or to obstruct a driver's view of an intersection or traffic upon streets approaching an intersection or otherwise to constitute a hazard to the public. Trees shall be trimmed so that the minimum clearance of any overhanging portion thereof is eight feet above the access and 10 feet above the roadway. Trees, hedges and other shrubbery on corner lots shall be trimmed and maintained so as to permit the minimum vision clearance prescribed by the zoning ordinance.
- (C) Weeds or other noxious growth, and obstructing or hazardous trees and shrubs prohibited in this section are hereby declared a nuisance.

SECTION 11: SCATTERING OF DEBRIS

- (A) No person shall throw or deposit upon any public street or street right of way, alley, or other public place any injurious or offensive 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 or person, or damage a vehicle traveling upon such public way.
- (B) Any owner or occupant of a dwelling or business serviced by a water meter or city water shut off on their property, must keep the water service area free of any debris.

SECTION 12: OPEN BURNING

The City of Detroit open burning policy is under the jurisdiction of the Fire Chief or designee of the Idanha-Detroit RFPD as regulated by DRFPD Policy No. 46, a copy of which is attached hereto and by this reference incorporated herein as the policy of the City of Detroit, and enforced by City Ordinance No. 207.

SECTION 13: FENCES

- (A) No owner or person in charge of property shall construct or maintain any barbed wire fence.
- (B) No person or business shall install, maintain or operate an electric fence within the city.
- (C) Fences on personal or business properties must be structurally and aesthetically maintained to prevent an unsightly appearance to the public, as deemed by the city.

SECTION 14: SURFACE WATER DRAINAGE

(A) Storm water drainage from property must be channeled to an appropriate natural drainage, culvert, or gutter. Overflow onto a street or walkway is not allowed.

SECTION 15: NOISE DISTURBANCE

(A) A noise disturbance is any unreasonable sound, which annoys, disturbs, injures or endangers the health, safety and quality of life to the citizens of Detroit.

(B) Definitions:

“Dwelling unit” means any day care center, hospital, rest home, retirement home, group home, single family dwelling, duplex, triplex, multifamily dwelling, or mobile home or other use of the same general type.

“Motor vehicle” means any vehicle that is, or is designed to be, self-propelled.

“Non-road area” means any area that is not a public road, but does not include areas commonly held open to vehicular use, such as parking lots and racetracks.

“Off-road vehicle” means any self-propelled motor vehicle that is designed or capable of traversing natural terrain, including, but not limited to motorcycles, dirt bikes, four-wheel drive vehicles, all terrain vehicles, jeeps and halftracks, but does not include vehicles used for farming, timber, military, fire prevention, emergency services, or law enforcement.

“Watercraft” means any self-propelled water craft that is designed or capable of traversing on the water, but not limited to pleasure boats, ski boats, ski sleds, and house boats.

“Plainly audible” means unambiguously heard by the listener. Plainly audible sounds include, but are not limited to understandable spoken words, comprehensible musical rhythms or vocal sounds.

“Sound producing device” means:

1. Loudspeakers, public address systems;
2. Radios, tape recorders or tape players, phonographs, compact disc players, television sets, stereo systems, including those installed in a vehicle;
3. Musical instruments, amplified or unamplified;
4. Sirens, bells;
5. Motor vehicle engines or exhausts;
6. Domestic power tools and equipment used for home or building repair, maintenance, alteration or similar construction project, including but not limited to powered hand tools, lawn mowers, garden equipment and snow removal equipment, but only between 10:00 p.m. and 7:00 a.m. of the following day;
7. Heat pumps, air-conditioning units, and refrigeration units, including those mounted on vehicles; and
8. Other similar sound producing devices.

(C) Policy

It is the policy of the City to prevent and regulate excessive noise that is deemed harmful to the health, safety, welfare and quality of life of the citizens of the City of Detroit. This ordinance shall be liberally construed to achieve this purpose.

(D) Prohibitions

1. It shall be unlawful for any person knowingly to create, assist in creating, permit, continue or permit the continuance of any noise disturbance with a sound producing device that is plainly audible at any time between 10:00 pm and 7:00 am the following day.

- a) within a dwelling unit which is not the source of the sound; or
- b) on a public right of way at a distance of 50 feet or more from the source of the sound.

(E) Exemptions

- 1. Sounds generated by activities for which a mass gathering permit or conditional use permit has been granted if the activities are conducted in accordance with the terms and conditions of the permit.
- 2. Sounds made by work necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger.
- 3. Sounds made by warning devices to protect persons or property from imminent exposure to danger, provided however that burglar or fire alarms shall not operate continuously for more than fifteen minutes.
- 4. Sounds made by an emergency vehicle when responding to or returning from an emergency or when in pursuit of an actual or suspected violator of the law.
- 5. Sounds made by the normal and usual operation of equipment and machinery in connection with and on land being used for the growing and harvesting of timber and other forest products.
- 6. Sounds caused by organized athletic, religious, educational, civic or other group activities, when those activities are conducted between 7 a.m. and 10 p.m. on property generally used for those purposes, including stadiums, athletic fields, parks, race tracks, schools, churches, airports and waterways.
- 7. Sounds made in conjunction with permitted industrial or commercial uses.
- 8. Sounds made by activities by or on direction of the city for the state of Oregon in maintenance, construction or repair of public improvement on public lands or in public rights of way or easements.
- 9. Sounds regulated by federal and state law, including but not limited to sounds caused by railroads and aircraft.
- 10. Sounds caused by motor vehicles operated on public roads, which are regulated by state law (ORS 815.250) except where a motor vehicle is idling for more than 15 consecutive minutes in such a manner as to be plainly audible within a dwelling unit between 10:00 p.m. and 7 a.m. the following day.

SECTION 16: FIREWORKS

(A) Oregon Fireworks Law, Sections 480.110 through 480.170 of the Oregon Revised Statutes, are adopted and incorporated herein by reference and made part of this Ordinance.

SECTION 17: NOTICES AND ADVERTISEMENTS

(A) No person shall affix, post, or cause to be affixed or posted any placard, bill, advertisement or poster upon any real or personal property, public or private, without first securing permission from the owner or person in control of private property. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use of and the location of signs and advertising, or the posting of public notices.

(B) No persons shall as principal or agent scatter, deposit or distribute on the streets, sidewalks or other public places or upon any private property any placards or advertisements whatsoever.

(C) This section shall not be construed to prohibit the distribution of advertising materials during a parade or any public gathering.

SECTION 18: GRAFFITI – Marking or defacing of personal property is prohibited. Property owners have the responsibility to remove, or have removed, any of these markings within 30 days.

SECTION 19: GENERAL NUISANCE - In addition to those nuisances specifically enumerated within this ordinance, every other thing, substance or act, which is determined by the council to be injurious or detrimental to the health, safety and quality of life to the citizens of Detroit is declared to be a nuisance.

SECTION 20: SEVERABILITY - Invalidation of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

SECTION 21: EMERGENCY CLAUSE – Upon adoption by the Detroit City Council and signature by the Mayor, Ordinance No. 213 shall become effective immediately.

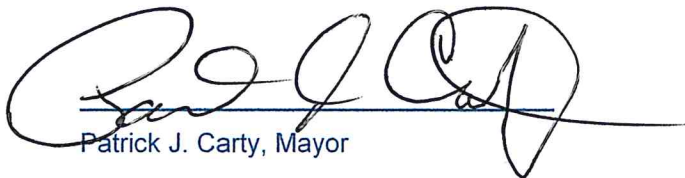
Read by title only on May 13, 2008 after copies were provided to each council member, and notice of availability of copies for public inspection in the city office were posted at City Hall, Post Office, and Mountain High Grocery on May 6, 2008.

This Ordinance adopted and passed by the Common Council of the City of Detroit and signed by the Mayor on this 13th day of MAY 2008.


Ayes 6

Nays 0

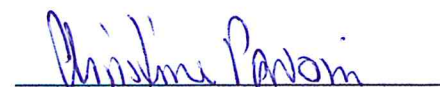
Absent 0
(1 VACANT SEAT)


Patrick J. Carty, Mayor

Approved as to form


Wallace W. Lien, City Attorney

Attest


Christine Pavoni, City Recorder