

ORDINANCE NO. 130

AN ORDINANCE AMENDING ORDINANCE NO. 29, AND REPEALING ORDINANCE NO. 51 AND ORDINANCE NO. 51 (REVISED), RELATING TO NUISANCES.

"The City of Detroit, Oregon ordains as follows:"

Section 1. Purpose. The purpose of this amendment and repealer is to resolve conflicts with the text of Ordinance No. 29, dated July 13, 1965, the Detroit Zoning Ordinance and the Detroit Enforcement Ordinance.

Section 2. Section 5 of Ordinance No. 29 is amended to read:

Section 5. Livestock and Poultry.

1) 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 under the conditional use zoning procedures.

2) Horses can be ridden within the city limits. Riders are responsible for their waste droppings.

3) 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 3. Section 6 of Ordinance No. 29 is amended to read:

Nuisances Affecting the Public Health. The following are declared to be nuisances affecting the public health.

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

2) 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.

3) 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.

4) Water pollution. 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.

5) Food. All decayed or unwholesome food offered for human consumption.

6) 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.

Section 4. Section 5 is amended by deleting subsection 3, regarding abatement.

Section 5. Section 8 is amended by deleting subsection 3, regarding abatement.

Section 6. Subsection 1 of section 12, of Ordinance No. 29 is amended to read:

1) No owner or person in charge of property shall construct or maintain any barbed-wire fence.

Section 7. Section 18 is amended to read:

General Nuisances. 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 public health, safety or welfare of the city is declared to be a nuisance.

Section 8. Section 19 through Section 23, regarding nuisance abatement, are amended by deleting all text in these sections.

Section 9. Section 24 is amended to read:

Penalty. Violation of a provision of this ordinance is punishable as set forth in the Detroit Enforcement Ordinance.

Section 10. Section 25 is amended by deleting subsection 2, regarding abatement.

Section 11. Repeal. Ordinance No. 51 dated July 11, 1972 and Ordinance No. 51 (revised) dated September 8, 1987 amending Ordinance No. 29 are repealed.

Section 12. Severability. Invalidity 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 13. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first by title only on November 8, 1994 after copies were provided to each council member, and notice of availability of copies for public inspection in the city office were posted at the city hall, post office, and hardware store on October 31, 1994. Read a second time by title only on November 8, 1994.

Passed by a vote of 5 ayes and 0 nays of the city council this 8th day of November, 1994.

Signed and approved by the mayor this 8th day of November 1994.


MAYOR

ATTEST this 17th day of November, 1994.


CITY RECORDER