

ORDINANCE NO. 135

AN ORDINANCE AMENDING ORDINANCE NO. 29 RELATING TO
NUISANCES.

The City of Detroit, Oregon ordains as follows:

Section 1. Purpose. The purpose of this amendment to Ordinance No. 29 is to replace nuisances which are attractive and dangerous to children with vehicle, equipment, unsightliness and solid waste nuisances and definitions.

Section 2. Section 8. Attractive Nuisances. Is amended to read:

Section 8. Vehicle, Equipment, Unsightliness and Solid Waste Nuisances.

(1) No person shall accumulate, store, collect, maintain or display on private property inoperable vehicles, equipment or solid waste that:

(a) Is offensive or hazardous to the health and safety of the public.

(b) Creates offensive odors.

(c) Creates a condition of unsightliness.

(2) No person shall permit the piling of lumber or logs in a manner as to be unsightly, or attractive and dangerous to children.

(3) Inoperable vehicle and equipment exceptions:

(a) Vehicle(s) or equipment which are being or are in the process of being repaired or restored.

(b) "Being repaired or restored" means the person is actively seeking parts or is reshaping, welding or fixing the body or other parts of the vehicle and or equipment. If the vehicle or equipment is not repaired within sixty (60) days after the person is given notice, the vehicle or equipment will be presumed not being repaired or restored.

(c) The exception of inoperable vehicle(s) does not apply to parts, meaning: body, frame, door(s), motor, glass, electrical, upholstery, mechanical components, or a vehicle which has lost or had removed 25% (percent) of its original equipment.

(d) The exemption of equipment does not apply to parts: body, frame, glass, electrical, metal, motor or mechanical components or the storage of same.

Section 3. Section 1. Definitions. Is amended to read:

(1) "City" means the city of Detroit.

(2) "Condition of unsightliness" means inoperable vehicles, equipment or solid waste upon private property subject to view from public property or from property belonging to other persons, accumulation, storage, collection, maintenance or display of same will be considered to be a public nuisance.

- (3) "Council" means the governing body of the city.
- (4) "Inoperable vehicle" means a vehicle which:
- (a) Has been left on private property for more than thirty (30) days; and
 - (b) The vehicle(s) has broken or missing window(s), or engine or will not run; or lacks a transmission or is inoperable; and
 - (c) Vehicles market value as a motor vehicle is less than \$300.
 - (d) Vehicle(s) in question is unlicensed for the current year, constitutes a presumption that the vehicle is inoperable.
- (5) "Person" includes:
- (a) The owner, title holder, contract seller, or contract buyer of the land upon which the violation is occurring, is equally responsible for the nuisance violation, as is the possessor, user of the land, or the person who is taking the action, conduct or omission which constitutes a nuisance.
 - (b) The United States or agencies thereof, any state, public or private corporation, local governmental unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity, contractor, subcontractor or combination thereof.
- (6) "Public place" means any building, place or accommodation, whether publicly or privately owned, open and available to the public.
- (7) "Solid waste" means discarded materials and all putrescible and nonputrescible wastes, including but not limited to: garbage, rubbish, refuse, ashes, wastepaper and cardboards; construction wastes; home, commercial or industrial appliances and or equipment.

Section 4. Emergency. It being necessary for the peace, health, safety and sound development of the city of Detroit, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage by the council and signature by the mayor.

Read first in full and by title on March 14, 1995. Read a second time by title only on April 11, 1995. Passed by a vote of 3 ayes and 1 nays of the city council this 11th day of April, 1995.

Signed and approved by the mayor this 11th day of April 1995.

James M. Evers
MAYOR

ATTEST this 15th day of April, 1994.

Marjann N. Hills
CITY RECORDER

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