

ORDINANCE NO. 839

AN ORDINANCE DEFINING A PUBLIC NUISANCE, PROVIDING FOR ITS ABATEMENT, DECLARING THE CREATION AND MAINTENANCE THEREOF AN OFFENSE, AND FIXING A PENALTY FOR VIOLATION THEREOF.

The City of Lead River does ordain as follows:

Section 1. The word "person" as used herein shall mean and include every individual, firm, company, association, copartnership, and corporation.

Section 2. A public nuisance shall consist in unlawfully doing an act or in causing to perform a duty which either annoys, injures, or endangers the comfort, health, repose, and safety of citizens of the city generally or unlawfully interferes with or tends to obstruct or in any way renders unsafe and insecure other persons generally in the enjoyment of life or in the use of property.

Section 3. In addition to every other act or thing declared by ordinance or which may otherwise be found to be a public nuisance, the following are declared to be public nuisances:

- (a) To suffer, permit, or allow any outside toilet, cesspool, barn, stable, corral, pen, chicken coop, rabbit hutch, or other premises to become or continue to be in such a state or condition as to cause a nuisance or offensive odor or to be or remain in an unsanitary condition.
- (b) To expose, offer for sale, or sell any spoiled or tainted fish, meat, fruit, or vegetables or the flesh of any calf less than six weeks old or to cause or leave or keep in or adjoining any public street, thoroughfare, or public place or in any yard, lot, block, or premises any bones, putrid, uncooked, unwholesome, or refuse beef or meat, hides, or skins of any kind, or any part of a dead animal, fish, or fowl or any stagnant or impure water or any putrid or unwholesome substances or any offal, garbage, or any decayed or decaying substances or any filth of any kind.
- (c) To suffer, allow, or permit any snow, ice, sleet, or rain water to accumulate, collect, or remain on any sidewalk in such an amount as to impede pedestrian traffic or to create an undue hazard to the public for a longer period than 24 hours after the accumulation, collection, or formation thereof.
- (d) To keep or maintain any apiary or to raise, keep, or maintain bees on any premises in such numbers or in such a manner as to endanger the health, safety, and welfare of the public.
- (e) To place or deposit any ashes, bones, cans, papers, dirt, trash, manure, straw, broken glasses, bottles, crockery, nails, or rubbish of any kind and allow the same to remain for a longer period than twelve hours upon **any**

public street or public premises or any private premises or to expose or carry on any public highway or thoroughfare any rubbish, garbage, or fish offensive to the public without proper coverage or protection thereof or to carry any basket, boxes, or wares suspended from a pole or bar on any public sidewalk.

(f) To obstruct, close, or barricade any public street or highway or to squat upon, enter into possession of, occupy, use, cultivate, or enjoy or to build, construct, or maintain any buildings or structures, canals, fences, or improvements upon any city owned public premises or to remain or continue to use and occupy the same or any part thereof or any land or real property of the city of Hood River.

(g) To place or deposit upon any street or public thoroughfare any substance tending to mar the appearance or detract from the cleanliness or safety of such street or thoroughfare.

(h) To keep or maintain a pigsty, slaughterhouse, or tannery.

(i) To place any animal carcass or any part thereof or any excrement, putrid, nauseous, decaying, deleterious, or offensive substances in any stream, well, spring, brook, ditch, pond, or other inland waters within the corporate limits of the city.

(j) To suffer or permit the carcass of any dead animal to remain upon the public streets or thoroughfares by the owner thereof after receiving notice thereof; for any person who is the owner or occupant of any property to suffer or permit the carcass of any dead animal to remain thereon for a longer period than 12 hours.

(k) To create, assist in creating, permit, continue, or permit the continuance of any loud, disturbing, or unnecessary noise.

The following acts are declared to be violations of this section, but such enumerations shall not be deemed to be exclusive:

- (1) The keeping of any animal which by frequent or loud, continued noise shall disturb the comfort and repose of any person in the community.
- (2) The use of any automobile, motorcycle, streetcar, or other vehicle, engine, stationary or moving instrument, device, or thing so out of repair, so loaded, or operated in such manner as to create loud, unnecessary grating, grinding, rattling, or other noises.
- (3) The sounding of any horn or signal device on any automobile, motorcycle, streetcar, or other vehicle on any street or public place of the city, except as a necessary warning of danger to property or persons.
- (4) The use of any mechanical device operated by compressed air, steam, or otherwise, unless the

noise created thereby is effectively muffled.

- (5) The erection or repair of any building, including excavating, demolition, alteration, other than between the hours of 7 a.m. and 6 P.M., except upon special permit granted by the common council.
- (6) The use of any siren or alarm upon any vehicle other than police, fire, or other emergency vehicle.
- (7) The operation of any gasoline engine without having the same equipped and using thereupon a muffler.
- (8) The use of a "muffler about" on any motor vehicle upon any street.
- (9) The use or operation of any automatic or electric piano, phonograph, radio, loud-speaker or any sound amplifying device so loudly as to disturb persons in the vicinity thereof or in such manner as renders the same a public nuisance; provided, however, that upon application to the common council, permits may be granted to responsible persons or organizations to conduct programs of music, news, speeches, or general entertainment.
- (10) For any owner, lessee, occupant, or any person having control or custody or management of any premises to suffer or permit to remain unguarded upon such premises any machinery, equipment, or other device having the characteristics of an attractive nuisance or which is likely to attract children. It shall further be unlawful for any such owner, lessee, occupant, or person having control or custody or management of any such premises to suffer or to permit to remain unguarded upon such premises any pit, quarry, cistern, well, or other excavation.
- (11) To suffer, permit, or allow any weeds, dry grass, including Canadian, Russian, or Chinese thistles, to grow to seed on any lot, block, premises, or parking strip between the property boundary and curb line.
- (12) To cause, permit, or allow any water from any ditch, canal, flume, reservoir pipe line, or conduit, above or below the ground, to leak, seep, flow, or overflow, run back or through, or escape or run upon, over, or under any premises, public street, alley, sidewalk, or other public property which shall endanger the public health, safety, welfare, and convenience.
- (13) To place, deposit, or maintain on any public sidewalk or thoroughfare or public place any article or structure which shall obstruct such public street, thoroughfare, or public place without first having a permit so to do from the city council; provided, however, that this section shall not apply to goods, wares, and merchandise placed or deposited for a period of time not more than 5 hours upon the public sidewalk, thoroughfare, or public place in the process of delivery to or from any business house or private residence, and providing, further, wood, coal, and snowshut may remain on the public street adjacent to the premises where said fuel is to be used in such a manner as to cause the least obstruction to public travel for a period of not to exceed ten days.

Section 4. Any person found guilty of causing or continuing a public nuisance, upon conviction thereof, shall be punished by a fine of not less than \$5 or more than \$100 or by imprisonment in the city jail for a term of not less than 2 nor more than 50 days or by both such fine and imprisonment, within the discretion of the court. Each day that a public nuisance is continued or maintained after the receipt of notice from the city marshal and the expiration of the time given by said notice within which to abate said nuisance, shall be considered a separate offense and punished accordingly.

Section 5. It shall be the duty of the chief of police, upon receipt of information that a public nuisance exists, to make an investigation based on such information or upon his own initiative and, in case he finds that such a nuisance does exist, to at once serve a written notice upon the person responsible thereof or post a copy thereof upon the premises affected thereby, in case personal service of such notice cannot be made, to abate the same within a period of 24 hours or such additional time as the chief of police shall deem necessary for the abatement thereof. If, at the expiration of the time provided in said notice, said person fails, refuses, or neglects to abate said nuisance, then the marshal shall proceed to abate and remove the same and may incur such expense as is reasonably necessary in order to accomplish said abatement or removal. The marshal shall keep an accurate account of the expense incurred in such action and shall present an itemized statement thereof to the city council, which expense so incurred shall in the first instance be paid by the city, and the council shall immediately proceed by ordinance to assess such cost against each lot, part of lot, block, or premises on which or in front of which said nuisance was maintained, and the actual cost of such abatement shall become a lien on said premises by having the same entered in the city lien docket and shall have the same force and effect, as provided for assessments for improvement of streets, or may institute an action in the circuit court for Hood River County for the recovery of said amount against the author or continuer thereof, or may pursue both remedies to recover said money so expended.

If any person shall be aggrieved by the notice by the chief of police, he may take an appeal to the city council within twenty-four hours from the receipt of said notice, and upon twenty-four hours' notice, a hearing will be held and a decision rendered forthwith thereon. The remedy herein provided shall not be deemed to be exclusive and the procedure prescribed herein may be followed in the abatement of any public nuisance when practical.

Passed by the common council _____, 1939.

Signed and approved by the mayor _____, 1939.

Mayor

Attest:

Recorder

ORDINANCE NO. 888