

CITY OF DEPOE BAY

ORDINANCE NO. 164

AN ORDINANCE PROHIBITING THE DEPOSIT OR STORAGE OF GARBAGE, REFUSE, RUBBISH OR JUNK UPON ANY PROPERTY WITHIN THE CITY OF DEPOE BAY; PROVIDING PENALTIES AND REMEDIES, AND DECLARING AN EMERGENCY.

The City of Depoe Bay ordains as follows:

Section 1. Definitions. The following terms, whenever used in this Ordinance, shall be given meanings as set forth hereafter, unless the context shall show a different meaning:

(a) Ashes: The solid waste products of burning, including any unburned residue of the material being burned. Burning or attempting to burn a material otherwise having another definition hereunder, such as garbage, refuse, rubbish or junk, shall not preclude the same from also being subject to such other classification.

(b) Person: Any natural person, corporation partnership or association.

(c) Garbage: All putrescible wastes, including vegetable wastes, animal offal and carcasses of dead animals, but excluding by-products of fish processing which are disposed of pursuant to a permit for the disposal thereof in a manner other than as herein provided or are otherwise disposed of in a clean and sanitary manner not otherwise contrary to law.

(d) Rubbish: All non-putrescible waste materials, which are abandoned, discarded or otherwise no longer used or no longer usable, including but not limited to rags, paper, cartons, boxes, bottles, cans, wood (except firewood which has been cut and stacked), lumber (except lumber stored during the course of construction pursuant to a valid and current building permit), brush, limbs, tree branches, yard trimmings, furniture, bedding, metals, dirt, glass, crockery, plastic, construction materials, oil, paint, empty containers, mechanical parts or other similar materials or waste or scrap.

(e) Junk: Any item which has been abandoned or is otherwise no longer used or usable, including but not limited to appliances, such as stoves, refrigerators, dishwashers, televisions, washers and dryers, automobiles outside of an enclosed structure and in an inoperable condition for a period of 72 hours or more, parts of automobiles, mechanical parts and devices and items of a similar nature. Any such items shall not be considered

"junk" hereunder, however, if stored within an enclosed structure.

Section 2. Disposal. It shall be unlawful for any person to place, store, bury, deposit or permit to be deposited in any manner upon public or private property within the City of Depoe Bay, any ashes, garbage, rubbish, or junk, or other objectionable waste, except in a suitable container while awaiting disposal pursuant to Ordinance No. 122 of the City of Depoe Bay, or pursuant to other practice or procedure expressly authorized by statute or Ordinance. While so stored, such waste shall be placed and retained within a suitable watertight container with a tight-fitting lid, which shall be kept clean and continuously closed except when refuse is being placed into or removed therefrom.

Section 3. Property Maintenance. The owner and the occupant of any real property, improved or unimproved, shall remove and keep removed therefrom all dead bushes, dead trees, stumps, junk, dead organic matter, garbage, rubbish, rat harborages or stagnant water.

Section 4. Nuisance Declared. All conditions in violation of this Ordinance shall constitute a nuisance. Summary abatement of such nuisances is hereby authorized whenever the City Council shall reasonably believe a health hazard to exist, which procedure shall be in addition to and cumulative with the procedures of Section 5 of this Ordinance. Following summary abatement the City shall have a claim against the owners and occupants, jointly and severally, for the costs of such abatement and a lien for such costs, enforceable as provided in said Section 5.

Section 5. Procedures. Any condition in violation of this Ordinance may be abated in the same manner as provided for under the Abatement of Building Nuisances, Ordinance No. 29, as though the existence of such condition were to constitute a building determined by the building official to be dangerous or a nuisance. The building official, health officer, City Supervisor, or fire chief shall have the same authority to act in the administration of this Ordinance as provided in the Building Nuisance Ordinance No. 22. All remedies provided hereunder shall be cumulative, each with the other and with any remedy existing by force and effect of law, including but not limited to the right to obtain a civil injunction against violations hereof.

Section 6. Penalties. Any person who shall violate any provision of this Ordinance, or who shall permit any condition to exist in violation of this Ordinance, or whose duty it is to correct such condition and who fails to do so, shall be guilty of an infraction, punishable by a fine not to exceed \$500.00. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue, and all such persons are required to correct or remedy such violations. The continuation

of a prohibited activity shall constitute a separate and subsequent violation for each day that such activity shall continue. Failure to correct a violation within a reasonable time shall constitute a separate and subsequent violation hereof. Except as otherwise specified, or except as otherwise may be established by clear and convincing evidence, a period of ten (10) days is deemed to be reasonable time for the correction of any violation.

Section 7. Severability. If any part of this Ordinance, shall be determined to be void, invalid or otherwise unenforceable, the same shall be deemed severable, and all the rest, residue and remainder of this Ordinance shall nonetheless remain and be deemed in full force and effect.

Section 8. Emergency.

WHEREAS, the adoption of this ordinance is necessary to preserve the peace, health, safety and welfare of the citizens of the City of Depoe Bay, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its adoption by the City Council of the City of Depoe Bay and approval by the Mayor.

Introduced and passed the first reading in a regular meeting of the City Council of the City of Depoe Bay, Oregon on this 1st day of July, 1991.

Passed at the second reading, placed on final passage, and adopted by the City Council of the City of Depoe Bay, Oregon, on this 1st day of July, 1991.

Approved by the Mayor of the City of Depoe Bay, Oregon, this 12th day of July, 1991.

CITY OF DEPOE BAY



Mayor

ATTESTED:



City Recorder