

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 7-02

IN THE MATTER OF AMENDING CHAPTER 5 OF LANE CODE, ADMINISTRATIVE ENFORCEMENT, TO ADD PROPERTIES DECLARED "UNFIT FOR USE" DUE TO ILLEGAL DRUG MANUFACTURING TO THE LIST OF ACTIVITIES DEFINED AS A NUISANCE AND SUBJECT TO ADMINISTRATIVE ENFORCEMENT PROCEDURES AND TO REMOVE PROVISIONS PERTAINING TO ANIMAL CARCASSES

The Board of County Commissioners of Lane County ordains as follows:

Chapter 5 of Lane Code is hereby amended by removing, substituting and adding new sections as follows:

REMOVE THESE SECTIONS

5.710
i.e. 5-15 to 5-17
(a total of 2 pages)

5.735
i.e. 5-19
(a total of 1 page)

NONE

INSERT THESE SECTIONS

5.710
i.e. 5-15 to 5-17
(a total of 2 pages)

NONE
i.e. 5-19
(a total of 1 page)

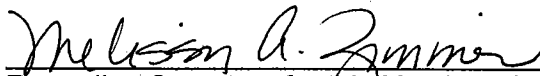
5.750
i.e. 5-20
(a total of 1 page)

Said pages are attached hereto and incorporated herein by reference. The purpose of these additions is to amend Lane Code Chapter 5 to define property fitness (LC5.710 and LC 5.750 and to remove provisions pertaining to animal carcasses (LC 5.735).

ENACTED this 15TH day of MAY 2002.



Chair, Board of County Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 4-11-02 Lane County



OFFICE OF LEGAL COUNSEL

NUISANCE

5.700 Purpose. The purpose of LC 5.700 through 5.750 is to regulate the accumulation of waste, solid waste, tires, inoperable vehicles and vegetation on public and private property. The remedies provided for failure to comply with LC 5.700 through 5.750 shall not be exclusive and shall be in addition to other remedies provided by law. The County expressly reserves the right to seek abatement through separate civil proceedings in addition to and not in lieu of administrative enforcement under this chapter. Nothing contained herein shall preclude civil actions alleging failure to comply with the provisions of this chapter constitute negligence per se.

5.705 Exemptions. Unless specifically provided otherwise, LC 5.700 through 5.750 does not apply to:

(1) Disposal sites operated in compliance with regulations promulgated by the Environmental Quality Commission, Department of Environmental Quality, or other ordinances or regulations of the County.

(2) Outdoor storage of inoperable or unregistered vehicles when the land has a zoning district which permits or conditionally permits outdoor storage of inoperable or used vehicles and the vehicles are stored in accordance with applicable provisions.

(3) Property located within the corporate limits of incorporated cities.

5.710 Definitions. For the purposes of LC 5.700 through 5.750, the following words and phrases shall mean:

Certificate of Fitness. A certificate issued for a particular property by the Oregon Health Division following a satisfactory site characterization by a licensed drug laboratory decontamination contractor, sampling and testing by an independent, third party approved by the Oregon Health Division, and any necessary contamination reduction of the property by such licensed contractor. The certificate authorizes removal of the property from the State Building Codes Division's "Unfit for Use" listing and allows reuse of the property.

Director. The Director of Public Works, the Director's designee, or the Manager of the Land Management Division, or the Manager's designee.

Inoperable Vehicle. A vehicle which:

(a) Has been left on private property for more than 30 days;
and

(b) Has broken or missing window(s); or broken or missing windshield; or a missing wheel(s), or a missing tire(s); or lacks an engine or will not run; or lacks a transmission or the transmission is inoperable; and

(c) The vehicle is over three years old.

(d) For purposes of this section, a showing that the vehicle(s) in question is unlicensed and, if operated on a public highway of this state, would be in violation of one or more of the following provisions: ORS 815.020, 815.100, 815.125, 815.155, 815.160, 815.170, 815.180, 815.195, 815.235, 815.245 through 815.260, 815.270, and 815.295 constitutes a rebuttable presumption that it is inoperable.

Motor Vehicle. A vehicle that is self-propelled or designed for self-propulsion.

Noxious Vegetation: Includes:

- (a) Weeds more than 10 inches high.
- (b) Grass more than 10 inches high unless that vegetation is an agricultural crop and does not create a fire hazard or traffic hazard.
- (c) Poison Oak or Poison Ivy.
- (d) Tansy Ragwort.
- (e) Blackberry bushes that extend into a public thoroughfare or across a property line.
- (f) Thistle.

Nuisance. Includes, but is not limited to any annoying, unpleasant, or obnoxious condition or practice causing an unreasonable threat to the public health, safety and welfare and defined as a nuisance in LC 5.720 through 5.750.

Person. Includes individuals, corporations, associations, firms, partnerships and joint stock companies.

Person in Charge of Property. An owner, agent, occupant, lessee, tenant, contract purchaser, or other responsible person having possession or control of the property or the supervision of a construction project on the property.

Responsible Person. As defined in LC 5.005(7), and includes:

- (a) The person in charge of property on which the nuisance exists or which abuts a public way where a nuisance exists.
- (b) The person who causes the nuisance to come into or continue in existence.

Putrescible Material. Organic material that decomposes and gives rise to foul or offensive odors, or foul or offensive by-products.

Solid Waste. Solid Waste includes all putrescible and non-putrescible waste, including, but not limited to, garbage, rubbish, refuse, ashes, waste paper and cardboard, grass clipping, composts, sewer sludge, residential, commercial, and industrial appliances, equipment and furniture, discarded or inoperable vehicles, vehicle parts or vehicle tires, manure, vegetable or animal solid and semisolid waste and dead animals. The term Solid Waste does not include:

(a) Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential nonagricultural purposes.

(b) Septic tank and cesspool pumping or chemical toilet waste;

(c) Reusable beverage containers as defined in ORS 459A.725.

(d) Source separated principal recyclable materials as defined in ORS Chapter 459 and the Rules promulgated thereunder, which have been purchased or exchanged for fair market value.

Tire. The band of material used on the circumference of a wheel which forms the tread that comes in contact with the surface of the road.

Unfit for Use. A designation by the Oregon Health Division that means that the property has been found to be, or there are reasonable grounds to believe that the property was, the site of illegal drug manufacture and may be contaminated with hazardous chemicals or substances and therefore is not fit to use until appropriate site assessment and any necessary contamination reduction procedures have been performed by a licensed drug laboratory decontamination contractor.

Unregistered Vehicle. A vehicle without a license plate or with an expired license plate.

Vegetation. Plant life, including but not limited to, trees, shrubs, flowers, weeds and grass.

Vehicle. Any device in, upon, or by which any person or property is or may be transported, or drawn upon a public highway, and includes vehicles that are propelled or powered by any means, but does not include a device propelled by human power.

Waste. Waste is useless unwanted or discarded materials. The fact that materials, which would otherwise come within the definition of Solid Waste or Waste, may from time-to-time have value and thus be utilized, shall not remove them from the definition.

5.720 Nuisances Vegetation.

(1) Any vegetation that creates the following conditions on any public or private property shall constitute a nuisance and no person responsible shall cause or permit such conditions to exist:

(a) Vegetation that is a hazard to pedestrian or vehicular use of any sidewalk or street by obstructing passage or vision. The hazards include, but are not limited to:

(i) Vegetation that encroaches upon or overhangs a pedestrian way or adjacent parking strip lower than nine feet or encroaches upon or overhangs a street lower than 15 feet.

(ii) Vegetation which obstructs motorist or pedestrian view of traffic signs and signals, street lights and name signs, or other safety fixtures or markings placed in the public way.

(b) Vegetation that is an obstruction of access to a use of any public facilities placed within the public way.

(c) Noxious vegetation on public or private property in those areas within Urban Growth Boundaries of incorporated cities or within developed and committed areas designated Community or zoned RR-5, RR-2, RR-1 or RA in the Lane County Rural Comprehensive Plan on August 1, 1987. No owner or person in charge of such property may allow noxious vegetation to be on the property or encroach into the right-of-way of a public thoroughfare abutting on the property.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.

5.725 Nuisance Storage of Tires.

(1) The following things, practices or conditions shall constitute a nuisance and no person responsible shall cause or permit such condition to exist:

(a) The storage of 4 or more used tires on private or public property in those areas within Urban Growth Boundaries of incorporated cities or within developed and committed areas designated Community or zoned RR-5, RR-2, RR-1 or RA in the Lane County Rural Comprehensive Plan on August 1, 1987, unless the tires are used for agricultural or landscaping purposes.

(b) The storage of 10 or more used tires on private or public property not described in 5.725(1)(a) above, unless the tires are used for agricultural or landscaping purposes.

(c) Notwithstanding the above, the storage of tires on private property is permitted if the property owner is conducting a legally operated business that normally deals in tires, or if the tires are completely enclosed within a building and do not constitute a fire hazard or health hazard.

(2) Failure to comply with this section shall be cause for a responsible person to be subject to the administrative civil penalty procedures set forth in this chapter. The imposition of a monetary penalty does not relieve a responsible person of the duty to abate the nuisance.

5.730 Nuisance Vehicle Storage.

(1) The following things, practices or conditions shall constitute a nuisance and no person responsible shall cause or permit such condition to exist:

(a) Storing or permitting to be stored in excess of 90 days within any consecutive 12 month period an unregistered or inoperable vehicle or portion thereof, or two or more unregistered or inoperable vehicles at any one time on any private property in those areas within Urban Growth Boundaries of incorporated cities or within developed and committed areas designated Community or zoned RR-5, RR-2, RR-1 or RA in the Lane County Rural Comprehensive Plan on August 1, 1987, unless the vehicle is completely enclosed within a building, or is not visible from any public way and is located more than 200 feet from any property line, or unless it is stored on the premises of a business enterprise dealing in used vehicles lawfully conducted within the County.

(b) Storing or permitting the storing of more than three inoperable vehicles upon private property within the County and not described in 5.730(1)(a) above, unless the vehicle is completely enclosed within a building, or is not visible from any public way and is located more than 200 ft. from any property line, or unless it is stored on the premises in connection with a lawfully conducted business.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.

5.740 Accumulation, Collection or Storage of Solid Waste or Waste.

(1) Any accumulation, collection or storage of solid waste or waste, shall constitute a nuisance and no person responsible shall cause or permit such condition to exist unless the person responsible is licensed by lawful authority to operate a business specifically for those purposes.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.

5.745 An Abandoned, Discarded, or Unattended Icebox, Refrigerator, or Other Container with a Compartment.

(1) Any abandoned, discarded or unattended icebox, refrigerator or other container with a compartment of more than one and one-half cubic feet capacity and an airtight door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside shall constitute a nuisance and no person responsible shall cause or permit such condition to exist.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.

5.750 Properties Declared "Unfit for Use" Due to Illegal Drug Manufacturing Contamination.

(1) Property placed on the Oregon Health Division "unfit for use list" pursuant to ORS 453.879 because it has been used for the manufacture of illegal drugs shall be considered a nuisance 90 days after it has been listed and shall remain a nuisance until such time as it is issued a "Certificate of Fitness" by the Oregon Health Division, and no responsible person shall cause or permit such a condition to exist.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.

5.990 Failure to Comply.

(1) A person who fails to comply with any provision of Lane Code shall be subject to administrative enforcement pursuant to LC Chapter 5, except for those provisions which are specified to be violations, or which specify incarceration as a penalty. A notice of failure to comply may be signed, issued and served by any designated agent of the County.

(2) A person who fails to comply with LC 5.600 et seq. is subject to a monetary penalty of not less than \$500 for a first failure to comply and \$1,000 for each subsequent failure to comply committed within one year of the first occurrence. However, the hearings officer may suspend up to \$400 of the monetary penalty to be paid for a first offense upon receiving from the person who has failed to comply a signed, verified statement that said person agrees not to cause any further failure to comply with LC 5.600 et. seq. within the following year, and further stating that if it is determined that said person should so fail to comply, the suspended portion of the monetary penalty amount be then due and payable, in addition to any amounts to be due for the subsequent failures to comply. Persons who fail to comply with LC 5.600 et seq. are also subject to the administrative civil penalty procedures set forth in this chapter. Any enforcement proceedings allowed herein may be commenced by the Manager. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. For purposes of this subsection a separate failure to comply will be deemed to have occurred for every occurrence that is more than 15 minutes from the previous failure to comply.

12-77; 10.14.77 6-89; 5.24.89
 17-77; 11.18.77 1-93; 4.16.93
 8-81; 6.3.81 5-99; 7.28.99
 2-82; 4.9.82 1-00; 4.12.00
 21-83; 11.29.83 4-00; 5.10.00
 11-87; 9.17.87

5.700

Lane Code

5.710

NUISANCE

5.700 Purpose. The purpose of LC 5.700 through 5.745~~50~~ is to regulate the accumulation of waste, solid waste, tires, inoperable vehicles and vegetation on public and private property. The remedies provided for failure to comply with LC 5.700 through 5.745~~50~~ shall not be exclusive and shall be in addition to other remedies provided by law. The County expressly reserves the right to seek abatement through separate civil proceedings in addition to and not in lieu of administrative enforcement under this chapter. Nothing contained herein shall preclude civil actions alleging failure to comply with the provisions of this chapter constitute negligence per se.

5.705 Exemptions. Unless specifically provided otherwise, LC 5.700 through 5.745~~50~~ does not apply to:

(1) Disposal sites operated in compliance with regulations promulgated by the Environmental Quality Commission, Department of Environmental Quality, or other ordinances or regulations of the County.

(2) Outdoor storage of inoperable or unregistered vehicles when the land has a zoning district which permits or conditionally permits outdoor storage of inoperable or used vehicles and the vehicles are stored in accordance with applicable provisions.

(3) Property located within the corporate limits of incorporated cities.

5.710 Definitions. For the purposes of LC 5.700 through 5.745~~50~~, the following words and phrases shall mean:

Certificate of Fitness. A certificate issued for a particular property by the Oregon Health Division following a satisfactory site characterization by a licensed drug laboratory decontamination contractor, sampling and testing by an independent, third party approved by the Oregon Health Division, and any necessary contamination reduction of the property by such licensed contractor. The certificate authorizes removal of the property from the State Building Codes Division's "Unfit for Use" listing and allows reuse of the property.

Director. The Director of Public Works, the Director's designee, or the Manager of the Land Management Division, or the Manager's designee.

Inoperable Vehicle. A vehicle which:

(a) Has been left on private property for more than 30 days; and

(b) Has broken or missing window(s); or broken or missing windshield; or a missing wheel(s), or a missing tire(s); or lacks an engine or will not run; or lacks a transmission or the transmission is inoperable; and

~~REDLINE~~ indicates material being added
~~STRIKEOUT~~ indicates material being deleted

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~~5.710~~

Lane Code

~~5.710~~

(c) The vehicle is over three years old.

(d) For purposes of this section, a showing that the vehicle(s) in question is unlicensed and, if operated on a public highway of this state, would be in violation of one or more of the following provisions: ORS 815.020, 815.100, 815.125, 815.155, 815.160, 815.170, 815.180, 815.195, 815.235, 815.245 through 815.260, 815.270, and 815.295 constitutes a rebuttable presumption that it is inoperable.

Motor Vehicle. A vehicle that is self-propelled or designed for self-propulsion.

Noxious Vegetation: Includes:

~~11-87; 9.17.87~~

~~1-00; 4.12.00~~

~~5-15~~

~~WP 1/cr/01004/T~~

~~WP 1/co/00014/T~~

- (a) Weeds more than 10 inches high.
- (b) Grass more than 10 inches high unless that vegetation is an agricultural crop and does not create a fire hazard or traffic hazard.
- (c) Poison Oak or Poison Ivy.
- (d) Tansy Ragwort.
- (e) Blackberry bushes that extend into a public thoroughfare or across a property line.
- (f) Thistle.

Nuisance. Includes, but is not limited to any annoying, unpleasant, or obnoxious condition or practice causing an unreasonable threat to the public health, safety and welfare and defined as a nuisance in LC 5.720 through 5.745~~50~~.

Person. Includes individuals, corporations, associations, firms, partnerships and joint stock companies.

Person in Charge of Property. An owner, agent, occupant, lessee, tenant, contract purchaser, or other responsible person having possession or control of the property or the supervision of a construction project on the property.

Responsible Person. As defined in LC 5.005(7), and includes:

- (a) The person in charge of property on which the nuisance exists or which abuts a public way where a nuisance exists.
- (b) The person who causes the nuisance to come into or continue in existence.

Putrescible Material. Organic material that decomposes and gives rise to foul or offensive odors, or foul or offensive by-products.

Solid Waste. Solid Waste includes all putrescible and non-putrescible waste, including, but not limited to, garbage, rubbish, refuse, ashes, waste paper and cardboard, grass clipping, composts, sewer sludge, residential, commercial, and industrial appliances, equipment and furniture, discarded or inoperable vehicles, vehicle parts or vehicle tires, manure, vegetable or animal solid and semisolid waste and dead animals. The term Solid Waste does not include:

- ~~(a) Environmentally hazardous wastes as defined in ORS 466.005(7).~~

~~REDLINE~~ indicates material being added
~~STRIKEOUT~~ indicates material being deleted

LEGISLATIVE
FORMAT

~~5-710~~ ~~Line Code~~ ~~5-720(1)~~

(b) Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential nonagricultural purposes.

(c) Septic tank and cesspool pumping or chemical toilet waste;

(d) Reusable beverage containers as defined in ORS 459A.725.

~~11-87; 9.17.87~~

~~1-93; 4.16.93~~

~~1-00; 4.12.00~~

~~5-16~~

~~WP 1/cr/01004/T~~

~~WP 1/co/00014/T~~

(cd) Source separated principal recyclable materials as defined in ORS Chapter 459 and the Rules promulgated thereunder, which have been purchased or exchanged for fair market value.

Tire. The band of material used on the circumference of a wheel which forms the tread that comes in contact with the surface of the road.

Unfit for Use. A designation by the Oregon Health Division that means that the property has been found to be, or there are reasonable grounds to believe that the property was, the site of illegal drug manufacture and may be contaminated with hazardous chemicals or substances and therefore is not fit to use until appropriate site assessment and any necessary contamination reduction procedures have been performed by a licensed drug laboratory decontamination contractor.

Unregistered Vehicle. A vehicle without a license plate or with an expired license plate.

Vegetation. Plant life, including but not limited to, trees, shrubs, flowers, weeds and grass.

Vehicle. Any device in, upon, or by which any person or property is or may be transported, or drawn upon a public highway, and includes vehicles that are propelled or powered by any means, but does not include a device propelled by human power.

Waste. Waste is useless unwanted or discarded materials. The fact that materials, which would otherwise come within the definition of Solid Waste or Waste, may from time-to-time have value and thus be utilized, shall not remove them from the definition.

5.720 Nuisances Vegetation.

(1) Any vegetation that creates the following conditions on any public or private property shall constitute a nuisance and no person responsible shall cause or permit such conditions to exist:

(a) Vegetation that is a hazard to pedestrian or vehicular use of any sidewalk or street by obstructing passage or vision. The hazards include, but are not limited to:

(i) Vegetation that encroaches upon or overhangs a pedestrian way or adjacent parking strip lower than nine feet or encroaches upon or overhangs a street lower than 15 feet.

11-87; 9.17.87

1-93; 4.16.93

1-00; 4.12.00

5-17

WP I/cr/01004/T

WP I/cc/00014/T

~~5-720(d)~~ Lane Code ~~5-730(d)~~

(ii) Vegetation which obstructs motorist or pedestrian view of traffic signs and signals, street lights and name signs, or other safety fixtures or markings placed in the public way.

(b) Vegetation that is an obstruction of access to a use of any public facilities placed within the public way.

(c) Noxious vegetation on public or private property in those areas within Urban Growth Boundaries of incorporated cities or within developed and committed areas designated Community or zoned RR-5, RR-2, RR-1 or RA in the Lane County Rural Comprehensive Plan on August 1, 1987. No owner or person in charge of such property may allow noxious vegetation to be on the property or encroach into the right-of-way of a public thoroughfare abutting on the property.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.

~~11-87; 9.17.87~~

~~1-93; 4.16.93~~

~~1-00; 4.12.00~~

~~5-17~~

~~WP 1/cr/01004/T~~

~~WP 1/co/00014/T~~

5.725 _____ Lane Code _____ 5.730(1)

5.725 Nuisance Storage of Tires.

(1) The following things, practices or conditions shall constitute a nuisance and no person responsible shall cause or permit such condition to exist:

(a) The storage of 4 or more used tires on private or public property in those areas within Urban Growth Boundaries of incorporated cities or within developed and committed areas designated Community or zoned RR-5, RR-2, RR-1 or RA in the Lane County Rural Comprehensive Plan on August 1, 1987, unless the tires are used for agricultural or landscaping purposes.

(b) The storage of 10 or more used tires on private or public property not described in 5.725(1)(a) above, unless the tires are used for agricultural or landscaping purposes.

(c) Notwithstanding the above, the storage of tires on private property is permitted if the property owner is conducting a legally operated business that normally deals in tires, or if the tires are completely enclosed within a building and do not constitute a fire hazard or health hazard.

(2) Failure to comply with this section shall be cause for a responsible person to be subject to the administrative civil penalty procedures set forth in this chapter. The imposition of a monetary penalty does not relieve a responsible person of the duty to abate the nuisance.

5.730 Nuisance Vehicle Storage.

(1) The following things, practices or conditions shall constitute a nuisance and no person responsible shall cause or permit such condition to exist:

11-87; 9.17.87

1-93; 4.16.93

1-00; 4.12.00

5-18

WP 1/cr/01004/T

WP 1/co/00014/T

~~REDLINE~~ indicates material being added
~~STRIKEOUT~~ indicates material being deleted

LEGISLATIVE
FORMAT

~~5-730(1)~~

~~Lane Code~~

~~5-743(2)~~

(a) Storing or permitting to be stored in excess of 90 days within any consecutive 12 month period an unregistered or inoperable vehicle or portion thereof, or two or more unregistered or inoperable vehicles at any one time on any private property in those areas within Urban Growth Boundaries of incorporated cities or within developed and committed areas designated Community or zoned RR-5, RR-2, RR-1 or RA in the Lane County Rural Comprehensive Plan on August 1, 1987, unless the vehicle is completely enclosed within a building, or is not visible from any public way and is located more than 200 feet from any property line, or unless it is stored on the premises of a business enterprise dealing in used vehicles lawfully conducted within the County.

~~11-87; 9.17.87~~

~~1-93; 4.16.93~~

~~1-00; 4.12.00~~

~~5-18~~

~~WP 1/ct/01004/T~~

~~WP 1/co/00014/T~~

~~5.730(1)~~

Lane Code

~~5.745(2)~~

(b) Storing or permitting the storing of more than three inoperable vehicles upon private property within the County and not described in 5.730(1)(a) above, unless the vehicle is completely enclosed within a building, or is not visible from any public way and is located more than 200 ft. from any property line, or unless it is stored on the premises in connection with a lawfully conducted business.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.

~~5.735~~ An Animal Carcass:

~~(1) An animal carcass not buried or destroyed within 48 hours after death shall constitute a nuisance and no person responsible shall cause or permit such condition to exist.~~

~~(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.~~

5.740 Accumulation, Collection or Storage of Solid Waste or Waste.

(1) Any accumulation, collection or storage of solid waste or waste, shall constitute a nuisance and no person responsible shall cause or permit such condition to exist unless the person responsible is licensed by lawful authority to operate a business specifically for those purposes.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.

5.745 An Abandoned, Discarded, or Unattended Icebox, Refrigerator, or Other Container with a Compartment.

(1) Any abandoned, discarded or unattended icebox, refrigerator or other container with a compartment of more than one and one-half cubic feet capacity and an airtight door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside shall constitute a nuisance and no person responsible shall cause or permit such condition to exist.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.

REDLINE indicates material being added
STRIKEOUT indicates material being deleted

LEGISLATIVE
FORMAT

5.990750

Lane Code

5.990(2)

5.750 Properties Declared "Unfit for Use" Due to Illegal Drug Manufacturing Contamination

(1) Property placed on the Oregon Health Division "unfit for use list" pursuant to ORS 453.879 because it has been used for the manufacture of illegal drugs shall be considered a nuisance 90 days after it has been listed and shall remain a nuisance until such time as it is issued a "Certificate of Fitness" by the Oregon Health Division, and no responsible person shall cause or permit such a condition to exist.

(2) A failure to comply with this section shall be cause for a responsible person to be subject to the administrative enforcement procedures set forth in this chapter. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.

5.990 Failure to Comply.

(1) A person who fails to comply with any provision of Lane Code shall be subject to administrative enforcement pursuant to LC Chapter 5, except for those provisions which are specified to be violations, or which specify incarceration as a penalty. A notice of failure to comply may be signed, issued and served by any designated agent of the County.

(2) A person who fails to comply with LC 5.600 et seq. is subject to a monetary penalty of not less than \$500 for a first failure to comply and \$1,000 for each subsequent failure to comply committed within one year of the first occurrence. However, the hearings officer may suspend up to \$400 of the monetary penalty to be paid for a first offense upon receiving from the person who has failed to comply a signed, verified statement that said person agrees not to cause any further failure to comply with LC 5.600 et. seq. within the following year, and further stating that if it is determined that said person should so fail to comply, the suspended portion of the monetary penalty amount be then due and payable, in addition to any amounts to be due for the subsequent failures to comply. Persons who fail to comply with LC 5.600 et seq. are also subject to the administrative civil penalty procedures set forth in this chapter. Any enforcement proceedings allowed herein may be commenced by the Manager. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance. For purposes of this subsection a separate failure to comply will be deemed to have occurred for every occurrence that is more than 15 minutes from the previous failure to comply.

12-77; 10.14.77 6-89; 5.24.89

17-77; 11.18.77 1-93; 4.16.93

8-81; 6.3.81 5-99; 7.28.99

2-82; 4.9.82 1-00; 4.12.00

21-83; 11.29.83 4-00; 5.10.00

11-87-01787

5-20

WP 1/cr/01004/T

WP 1/co/00011/T