

Chapter 9.10

NUISANCES AND ABATEMENT

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Article I. Nuisances Enumerated

9.10.010 Definitions.

“Person” means a natural person, firm, partnership, association or corporation.

“Person in charge of property” means an agent, occupant, lessee, contract purchaser or other person having possession or control of property or the supervision of any construction project.

Person Responsible. The person responsible for abating a nuisance shall include:

- (a) The owner.
- (b) The person in charge of property, as defined in this section.
- (c) The person who caused to come into or continue in existence a nuisance as defined in this chapter or another ordinance of this city.

“Public place” means a building, way, place or accommodation, whether publicly or privately owned, open and available to the general public. [Ord. 117 § 1, 1977.]

9.10.020 Dangerous animals.

No owner or person in charge of an animal shall permit an animal which is dangerous to the public health or safety to be exposed in public. If the animal is exposed in public, it may be taken into custody by the city and disposed of in accordance with the procedures provided by ordinance for the impoundment of dogs; except that before the animal is released by the city, the municipal judge must find that proper precautions will be taken to insure the public health and safety. [Ord. 117 § 2, 1977.]

9.10.030 Removal of carcasses.

No person shall permit an animal carcass owned or controlled by him to remain upon public property, or to be exposed on private property, for a period of time longer than is reasonably necessary to remove or dispose of the carcass. [Ord. 117 § 3, 1977.]

9.10.040 Animals or fowl at large.

Except for household pets, no owner or person in charge of an animal or fowl shall permit the animal or fowl to be at large. Animals or fowls at large may be taken into custody by the city and disposed of in accordance with the procedures provided by ordinance for the impoundment of dogs. [Ord. 117 § 4, 1977.]

9.10.050 Nuisances affecting public health.

No person shall cause or permit on property owned or controlled by him a nuisance affecting public health. The following are nuisances affecting public health and may be abated as provided in this chapter.

- (1) *Privies.* Open vaults or privies constructed and maintained within the city, except those constructed or maintained in connection with construction projects in accordance with the Health Division regulations.
- (2) *Debris.* Accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time and that affect the health of the city.
- (3) *Stagnant Water.* Stagnant water which affords a breeding place for mosquitoes and other insect pests.
- (4) *Water Pollution.* Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water.
- (5) *Food.* Decayed or unwholesome food which is offered for human consumption.
- (6) *Odor.* Premises which are in such a state or condition as to cause an offensive odor, or which are in an unsanitary condition.
- (7) *Surface Drainage.* Drainage of liquid wastes from private premises.
- (8) *Cesspools.* Cesspools or septic tanks which are in an unsanitary condition or which cause an offensive odor.
- (9) *Slaughterhouses, etc.* Slaughterhouses, tanneries or pigsties. [Ord. 117 § 11, 1977.]

9.10.060 Creating a hazard.

No person shall create a hazard by maintaining or leaving in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside. [Ord. 117 § 15, 1977.]

9.10.070 Attractive nuisances.

(1) No owner or person in charge of property shall permit thereon:

- (a) Unguarded machinery, equipment or other devices which are attractive, dangerous and accessible to children.
- (b) Lumber, logs or piling placed or stored in a manner so as to be attractive, dangerous and accessible to children.
- (c) An open pit, quarry, cistern or other excavation without safeguards or barriers to prevent such places from being used by children.

(2) This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children. [Ord. 117 § 16, 1977.]

9.10.080 Snow and ice.

No owner or person in charge of property, improved or unimproved, abutting on a public sidewalk shall permit:

- (1) Snow to remain on the sidewalk for a period longer than the first two hours of daylight after the snow has fallen.
- (2) Ice to remain on the sidewalk for more than two hours of daylight after the ice has formed unless the ice is covered with sand, ashes or other suitable material to assure safe travel. [Ord. 117 § 17, 1977.]

9.10.090 Noxious vegetation.

No owner or person in charge of property shall permit weeds or other noxious vegetation to grow upon his property. It shall be the duty of an owner or person in charge of property to cut down or to destroy grass, shrubbery, brush, bushes, weeds or other noxious vegetation as often as needed to prevent them from becoming unsightly, from becoming a fire hazard or, in the case of weeds or other noxious vegetation, from maturing or from going to seed. [Ord. 117 § 18, 1977.]

9.10.100 Scattering rubbish.

No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person, animal or vehicle traveling upon a public way. [Ord. 117 § 19, 1977.]

9.10.110 Trees.

(1) No owner or person in charge of property that abuts upon a street or public sidewalk shall permit trees or bushes on his property to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of property that abuts upon a street or public sidewalk to keep all trees and bushes on his premises, including the adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk and not less than 10 feet above the roadway.

(2) No owner or person in charge of property shall allow to stand a dead or decaying tree that is a hazard to the public or to persons or property on or near the property. [Ord. 117 § 20, 1977.]

9.10.120 Fences.

(1) No owner or person in charge of property shall construct or maintain a barbed wire fence thereon, or permit barbed wire to remain as part of a fence along a sidewalk or public way; except such wire may be placed above the top of other fencing not less than six feet, six inches high.

(2) No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person. [Ord. 117 § 21, 1977.]

9.10.130 Surface waters and drainage.

(1) No owner or person in charge of a building or structure shall suffer or permit rainwater, ice or snow to fall from the building or structure onto a street or public sidewalk or to flow across the sidewalk.

(2) The owner or person in charge of property shall install and maintain in proper state of repair adequate drainpipes or a drainage system, so that any overflow water accumulating on the roof or about the building is not carried across or upon the sidewalk. [Ord. 117 § 22, 1977.]

9.10.140 Radio and television interference.

(1) No person shall operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.

(2) This section does not apply to devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission. [Ord. 117 § 31, 1977.]

9.10.150 Junk.

(1) No person shall keep any junk outdoors on any street, lot or premises, or in a building that is not wholly or entirely enclosed, except doors used for ingress and egress.

(2) The term “junk” as used in this section includes all old motor vehicles, old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances or parts thereof, old iron or other metal, glass, paper, lumber, wood or other waste or discarded material.

(3) This section shall not apply to junk kept in a duly licensed junkyard or automobile wrecking house. [Ord. 117 § 32, 1977.]

9.10.160 Other specific nuisances prohibited.

(1) It is unlawful for any person to maintain or allow to exist the following elements, practices or conditions on any property, including unoccupied structures, or within public road rights-of-way adjacent to that property, which shall be nuisances:

- (a) A pond or pool of stagnant water which emits an obnoxious odor or is a source of vector breeding or otherwise presents a threat to the public health, safety and welfare;
- (b) An animal carcass not buried or destroyed within 24 hours after death;
- (c) Accumulation, collection or storage of solid waste in a building, vehicle, trailer, open or closed receptacle, or in any other manner whatsoever other than in sealed approved garbage receptacles unless prior approval has been received by the nuisance abatement officer or unless the person is licensed by lawful authority to operate a business specifically for those purposes; additionally, any solid waste must be removed from the property of any owner at least monthly;
- (d) An abandoned, discarded or unattended icebox, refrigerator or other container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside;
- (e) Any property, whether vacant or improved building, residence, structure or accumulation of any materials which may attract or harbor vectors or rodents;
- (f) Any explosive or radioactive substance, unless the possession is authorized by law;
- (g) Any accumulation of dirt, sand, gravel, pieces or chunks of concrete or other similar inorganic material, which is unsightly and reduces the aesthetic appearance of the neighborhood;

- (h) An open pit, well, quarry, cistern, excavation or other hole of a depth of four feet or more and a top width of six inches or more without reasonable safeguards or barriers to prevent them from being accessible to children and domestic animals;
- (i) Dead or decaying trees and tree limbs that present a safety hazard to the public or to abutting property owners;
- (j) Any abandoned vehicle upon private or public property; however, a vehicle being restored and covered with an approved vehicle cover may be exempt;
- (k) Any vehicle or personal property parked or stored in such a way as to obstruct the flow of traffic on a public right-of-way or the movement of pedestrians on a public sidewalk or create a substantial safety hazard;
- (l) Signs, hedges, shrubbery, natural growth or other obstructions at or near intersections which hinder the view necessary for the safe operation of vehicles;
- (m) Obstruction to public sidewalks or roadways by trees, bushes, roots, other natural growth, soil or solid waste;
- (n) Excavation which endangers the lateral support or causes cracking, settling or other damage to streets, sidewalks or other public property;
- (o) Any building or structure which is either vacant or under construction, which is not locked or otherwise secured by barriers or other devices to prevent them from being accessible to children;
- (p)
 - (i) Uncontrolled or uncultivated growth of poison oak, poison ivy and/or tansy ragwort,
 - (ii) Weeds, brush, grasses and other vegetation of six or more inches in height which are within 30 feet of any structure, or
 - (iii) Any uncultivated growth of vegetation which offers active vector or rodent harborage, contributes noxious pollens to the atmosphere and/or constitutes a fire hazard or unreasonably interferes with the use and enjoyment of abutting public or private property. This prohibition specifically excepts and excludes uncontrolled or uncultivated vegetation growth on public land which is specifically planned for the purpose of providing native wildlife habitat;
- (q) All buildings or structures which have any or all of the following defects shall be deemed “dangerous or unfit buildings or structures” and shall therefore be designated as nuisances subject to abatement under this chapter:
 - (i) Those which have parts thereof which are so attached that they may fall and injure members of the public or property;
 - (ii) Those which because of their condition are unsafe or unsanitary, or dangerous to the health, safety or general welfare of the people of this city;

- (r) Any structure that is contaminated by toxic chemicals or that is in a condition that renders the structure unsafe. Where a governmental agency authorized by law to make the determination that a structure is unfit for use due to hazardous conditions on the property makes such a determination, there is a rebuttable presumption that the structure is a nuisance in violation of this chapter;
- (s) Maintaining an occupied travel trailer, motor home, camper, or vehicle or trailer modified for sleeping at any location other than a recreational vehicle park licensed under the provisions of the state and local law, except as follows: vacation trailers and motor homes may be used by visitors of the residents, and shall be allowed on the residents' lot for a period of time not to exceed 14 days in any consecutive six-month period. Unless located, as provided by law, in a recreational vehicle park licensed under the provisions of the state and local law, no travel trailer, motor home, camper, or vehicle or trailer modified for sleeping shall be connected to electricity, water, sewer or any other utilities for a period of more than 14 days in any consecutive six-month period;
- (t) Connection of any electric, water, sewer, gas, or telephone line from any source to a motor home, travel trailer, camper or utility trailer if any portion of such line between the connection at the termination and the point of connection at the source extends over, across, or under any public street, sidewalk, alley, or other public right-of-way or portion thereof;
- (u) Placement in a public right-of-way or on a public sidewalk of a newsstand, dispensing machine or any similar device intended for dispensing materials, including, but not limited to, newspapers, magazines, and advertising publications;
- (v) Creating, causing, or maintaining any condition or use which violates the provisions of the city of Maupin zoning ordinance, comprehensive plan, subdivision ordinance or any other ordinance of the city of Maupin;
- (w) Maintaining loud fowl or animals within the city of Maupin;
- (x) No owner or person in charge of an animal shall permit an animal which is dangerous to the public health or safety to be exposed in public;
- (y) No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse or any substance that would mar the appearance, create stench or fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person, animal or vehicle traveling upon a public way;
- (z) No person shall keep any junk outdoors on any street, lot or premises, or in a building that is not wholly or entirely enclosed, except doors used for ingress and egress. [Ord. 298 § 1, 2015; Ord. 297 § 1.070, 2014.]

9.10.170 Vehicle storage and repair.

Unless the practice or condition occurs as part of a lawfully established nonconforming use, or nonconforming development pursuant to MMC Title [18](#), every person shall comply with MMC Title [18](#) insofar as it provides that every person shall maintain the following elements, practices or conditions on any property:

(1) Within residential neighborhoods, no commercial vehicle which exceeds 8,000 pounds gross weight, 21 feet in length or eight feet in height shall be parked in the street unless it is a vehicle that is routinely on standby and necessary to use under emergency circumstances. Commercial rafting busses and trailers are exempt from May 1st through October 1st of each year.

(2) Within residential neighborhoods, service, repair or storage of vehicles not owned and properly registered with the state of Oregon to a resident of the site is prohibited. A vehicle registered to a resident of the site may be serviced and repaired if it can be completed in a reasonable time set by the nuisance abatement officer and the owner. [Ord. 297 § 1.075, 2014.]

Article II. Nuisance Control and Abatement

9.10.180 Title.

This article shall be known as the “City of Maupin Nuisance Control Ordinance,” and may be so pleaded and referred to and shall apply within the jurisdictional limits of the city. [Ord. 297 § 1.010, 2014.]

9.10.190 Definitions.

As used in this chapter, unless the context requires otherwise:

“Abandoned vehicle” means any vehicle which reasonably appears to be inoperative, wrecked, discarded, displays expired vehicle registration plates, has no vehicle registration plates displayed, or is totally or partially dismantled.

“Council” means the city council of the city of Maupin.

“Excessive noise” shall have the definition(s) as provided by Chapter [8.10](#) MMC.

“Explosive” means a chemical compound, mixture or device that is used or intended to be used for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including but not limited to dynamite, blasting powder, nitroglycerin, blasting caps and nitro jelly, but excluding fireworks as defined by state law, black powder, smokeless powder, small arms ammunition and small arms ammunition primers.

“Garbage” means all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of food.

“Hearings officer” means that person appointed by the council to preside at hearings held pursuant to this chapter.

“Intersection” means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more streets or highways which join one another at an angle, whether or not one street or highway crosses the other.

"Junk" includes all old motor vehicles unregistered, old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances or parts thereof, old iron or other metal, glass, plastics, paper, lumber, wood or other waste or discarded material.

"Liquid waste" means waste oil, septic tank pumping, liquid industrial wastes or other similar material.

"Nuisance" means any unsafe, annoying, unpleasant or obnoxious condition or practice causing or capable of causing an unreasonable threat to the public health, safety and welfare in the circumstances and includes anything defined as a nuisance in MMC Title [18](#) or other ordinances of the city of Maupin.

"Nuisance abatement officer" means the individual appointed for that purpose by city council of the city of Maupin or that officer's authorized representative.

"Owner" means any person having a legal interest in real or personal property or any person in possession or control of real or personal property, and excludes any person whose interest is for security only.

"Person" means any natural person, association, trust, partnership, firm or corporation.

"Personal property" means any tangible item including, but not limited to, vehicles, trailers, boats, recreational equipment, structures, carts, tables, racks, and similar items. Personal property shall not include trash or recycling containers placed in the public right-of-way for pick up.

"Radioactive substance" means a substance which emits radiation in the form of gamma rays, X-rays, alpha particles, beta particles, neutrons, protons, high-speed electrons or other nuclear particles, but radiation does not include sound waves, radio waves, visible light, infrared light or ultra-violet light.

"Reasonable time" means not to exceed time agreed upon with nuisance abatement officer and it doesn't affect others and does not create a safety, health or environmental hazard.

"Right-of-way" means a public or private area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, streets, sidewalks, bike paths, alleys and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

"Rodent" means a mouse or rat.

"Rubbish" means glass, metal, paper, wood, plastics or other nonputrescible solid waste.

"Sewage sludge" means residual waste of sewage treatment plants, consisting of digested organic waste and indigestible solids.

"Sidewalk" means that portion of a public right-of-way, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

"Solid waste" means all putrescible and nonputrescible wastes, whether in solid or liquid form, except wastes produced by the human body, liquid-carried industrial waste or sewage, or sewage hauled as an incidental part of septic tank or cesspool cleaning service, and includes garbage, rubbish, ashes, fill dirt, sewage sludge, street refuse, industrial wastes, swill, demolition and used construction materials, abandoned vehicles or parts thereof,

discarded home or industrial appliances, manure, vegetable or animal solids and semisolid waste, dead animals and other discarded solid materials.

“Vector” means any insect organism, including but not limited to flies, fleas, lice, ticks, fly maggots and mosquito larvae, capable of bearing or carrying a disease transmittable to human beings.

“Vehicle” means any device which is designed or used for transporting people, goods or property upon a public street or roadway, including but not limited to a body, engine, transmission, frame or other major parts, but does not include a device propelled by human power, such as a bicycle, or a device operated exclusively upon fixed rails or tracks. [Ord. 297 § 1.020, 2014.]

9.10.200 Purpose.

The council has determined it necessary to establish and maintain a program for the effective control and abatement of nuisances which constitute a hazard or menace to the health, safety and welfare of the people of the city and this chapter shall be liberally construed to effectuate that purpose. [Ord. 297 § 1.030, 2014.]

9.10.210 Administration – Enforcement.

(1) The nuisance abatement officer (NAO) shall be responsible for the administration and enforcement of this chapter.

(2) The nuisance abatement officer shall have authority to administer oaths, certify all official acts, issue citations, subpoena and require the attendance of witnesses and production of relevant documents at hearings before the hearing officer and take testimony of any person by deposition. [Ord. 297 § 1.040, 2014.]

9.10.220 Administration – Rules and regulations.

The nuisance abatement officer may adopt rules necessary for the administration and enforcement of this chapter. [Ord. 297 § 1.050, 2014.]

9.10.230 Notice procedure.

If a violation has been determined by the NAO and contact with the violator has occurred a notice should be sent containing the following:

(1) Notices of violations shall be in writing in a letter, summons or citation.

(2) Notice of violation provided in accordance with MMC [9.10.260](#) may be placed at the location of the violation or mailed to the property owner, property manager, and/or the tenant. If mailed, the notice may be sent by regular postpaid mail.

- (3) Notice of a violation provided in accordance with MMC [9.10.270](#) may be affixed to the property or mailed to the property owner. If mailed, it shall be mailed certified or registered mail, return receipt requested, or signature confirmation.
- (4) Summons, citations, and notices of city abatement, liens and penalties shall be mailed certified or registered mail, return receipt requested, or signature confirmation, or personally delivered to the property owner.
- (5) A mailed notice shall be presumed to have been received on the seventh mail delivery day after mailing. [Ord. 297 § 1.060, 2014.]

9.10.240 Emergency inspections – Authority.

- (1) When an emergency exists, the nuisance abatement officer shall obtain the consent of the owner or a warrant from any court of competent jurisdiction before entering private property or a private building.
- (2) As used in this section, an emergency exists when the nuisance abatement officer has reasonable cause to believe that a nuisance constitutes an immediate and active danger to the public health, safety and welfare. [Ord. 297 § 1.080, 2014.]

9.10.250 Nuisances not enumerated.

In addition to the nuisances specifically enumerated within this chapter, 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 a nuisance in this chapter. [Ord. 297 § 1.085, 2014.]

9.10.260 Routine inspections and abatement – General procedures.

- (1) An investigation may be conducted whenever the nuisance abatement officer observes a violation or receives a written and signed complaint that a nuisance exists or if he observes a serious safety or health violation.
- (2) Whenever it appears to the nuisance abatement officer that there is reasonable cause to believe that a nuisance exists, the nuisance abatement officer shall provide written notice to the owner of the existence of the nuisance. Repeat nuisance violations are subject to immediate abatement within a reasonable time set by the NAO and property owner.
- (3) Notice of the nuisance shall demand abatement within 10 days from the date of the written notice or such time as may be set by the nuisance abatement officer to protect the public health, safety and welfare.
- (4) The notice of a nuisance that is not subject to immediate abatement shall contain:
 - (a) A description of the real property by street address or otherwise on which the nuisance exists;
 - (b) A description of the nature of the nuisance;

- (c) The action necessary to abate the nuisance;
 - (d) The time within which the nuisance must be abated;
 - (e) A statement that unless the nuisance is abated, the city may abate the nuisance and the cost of abatement shall be a lien against the property as provided by law;
 - (f) A statement that the owner may request a hearing to contest whether a nuisance exists or to contest the imposition of any lien for city abatement of the nuisance by writing to the nuisance abatement officer within 15 days of the date of the notice.
- (5) The notice of a nuisance that is subject to immediate abatement under MMC [9.10.270](#) shall contain:
- (a) The information in subsections [\(4\)\(a\)](#) through [\(4\)\(f\)](#) of this section;
 - (b) A statement that the nuisance shall be abated immediately, which means as soon as possible and no later than the time line established by the NAO and the property owner;
 - (c) After the notice of the nuisance was affixed to the property or mailed to the owner, a statement that the owner may request a hearing to contest the finding of a nuisance; provided, that the hearing will occur after the nuisance has been abated. [Ord. 297 § 1.090, 2014.]

9.10.270 Abatement – Emergency situations.

- (1) In an emergency, the nuisance abatement officer may order immediate abatement of a nuisance. The nuisance abatement officer shall give notice of the requirement for immediate abatement to the owner.
- (2) In an emergency, the nuisance abatement officer may proceed with immediate abatement of the nuisance. The nuisance abatement officer shall then immediately send written notice of abatement to the owner of the property. [Ord. 297 § 1.100, 2014.]

9.10.280 Appeal and hearing procedures – General requirements.

- (1) Any person receiving a notice may request a hearing by writing the nuisance abatement officer within 15 days of the date of notice. A hearing request does not stay the requirement to immediately abate a nuisance.
- (2) The nuisance abatement officer shall, upon receipt of a request for a hearing, promptly notify the hearings officer who shall set a time and place for the hearing at the earliest possible time and shall promptly notify the person requesting the hearing as to the time and place for the hearing. Notice may be by any means of giving actual notice. Notice may also be given to such persons as the hearings officer may determine to be interested persons.

- (3) The person requesting the hearing and the nuisance abatement officer may make argument, submit testimony, cross-examine witnesses and submit rebuttal evidence on the pertinent issues. Any person may be represented by counsel.
- (4) If requested by either party, all hearings shall be recorded in a manner which will allow for written transcription to be made and all materials submitted at the hearing shall be retained by the hearings officer for a period of two years.
- (5) Failure of the persons requesting the hearing to appear at the hearing shall constitute a waiver of the right to a hearing.
- (6) After the hearing, the hearings officer shall issue and mail a copy of the order determining the question within 15 days from the date of the hearing, or any continuance thereof not to exceed 15 days from the date of the hearing, to the person requesting the hearing and the nuisance abatement officer.
- (7) If the hearings officer finds the nuisance to exist, the order shall set a date for abatement to be accomplished by the owner or affirm the abatement was proper if the nuisance has already been abated.
- (8) If the hearings officer determines that anything removed no longer constitutes a nuisance or can be released upon such condition as the hearings officer may prescribe that will eliminate the nuisance, the person requesting the hearing may claim it upon paying the expense incurred in its removal and storage. [Ord. 297 § 1.110, 2014.]

9.10.290 Appeal and hearing procedures – Review of decision.

Review of any action of the hearings officer taken under this chapter and the rules adopted under them shall be taken solely and exclusively to the members of city of Maupin city council (without any member of council who acted as hearings officer), sitting as an appellate body. Notice of appeal must be filed with the city recorder not later than 15 days after the date of the decision of the hearings officer or the right to appeal shall be lost. Notice of appeal does not stay the requirement to immediately abate a nuisance. Review of any action of the city council of the city of Maupin, sitting as an appellate body, shall be by writ of review in the manner set forth in ORS [34.010](#) through [34.102](#). [Ord. 297 § 1.120, 2014.]

9.10.300 Abatement by owner – Required.

- (1) Failure of the owner to abate the nuisance within the time set by the hearings officer shall be a violation of this chapter.
- (2) If a nuisance is not abated within 15 days of the initial written notice for abatement, unless a request for a hearing is made, or if a nuisance is not abated within the time set by the hearings officer, the NAO shall impose abatement charges at the rate of the cost to city to abate plus 20 percent administration fees. The NAO shall provide notice of the imposition of any abatement and administrative charges to the owner. [Ord. 297 § 1.130, 2014.]

9.10.310 Abatement by city – Assessments.

If an owner fails to abate a nuisance as required under this chapter, the nuisance abatement officer may cause abatement of the nuisance and/or file charges against the owner for violation of nuisance mandates, as provided by law. If the city abates the nuisance, an accurate record of the abatement costs shall be kept and shall include a surcharge of 20 percent of the cost of the abatement for administrative overhead. A billing for the amount of the costs, and notice that those costs may be imposed as a lien should payment not be timely received, shall be forwarded by certified or registered mail, return receipt requested, to the owner. Payment shall be due to the city of Maupin recorder within 15 days from the date of the billing. [Ord. 297 § 1.140, 2014.]

9.10.320 Waiver of assessments – Conditions.

The cost of abating a nuisance and administrative costs imposed by the nuisance abatement officer may be waived for low income, elderly or disabled persons, if upon timely application it appears to the nuisance abatement officer that the following conditions are met:

- (1) The owner is disabled or over 65 years of age, and had an income during the preceding calendar year from all sources of less than the established federal standards for poverty level.
- (2) The owner is living on the property from which the nuisance is to be abated. [Ord. 297 § 1.150, 2014.]

9.10.330 Waiver of assessments – Application procedures.

Application for waiver of nuisance abatement costs shall be filed with the nuisance abatement officer, in writing, within 10 days from the date of notice of the amount of cost of abatement or within 10 days of the date of the notice of the imposition of the enforcement penalty. The nuisance abatement officer may require the owner to supply additional information as evidence that the applicant qualifies for a waiver. An application for waiver of nuisance assessment costs or enforcement penalties must be submitted for each cost of abatement notice or each enforcement penalty notice sent to the applicant. [Ord. 297 § 1.160, 2014.]

9.10.340 Liens against property.

- (1) The nuisance abatement officer shall file a lien against the property if payment is not made or waived.
- (2) The lien provided for in subsection [\(1\)](#) of this section shall be given priority over all liens except those for taxes and assessments and shall include interest at the legal rate accruing from the date billing is sent to the owner of the property.
- (3) The lien provided for in subsection [\(1\)](#) of this section shall be foreclosed in the manner prescribed by state law for the enforcement of liens and collection of assessments. [Ord. 297 § 1.170, 2014.]

9.10.350 Summary abatement.

The nuisance abatement officer may proceed summarily to abate a nuisance which poses imminent danger to human life or property. [Ord. 297 § 1.180, 2014.]

The Maupin Municipal Code is current through Ordinance 309, passed February 27, 2019.

Disclaimer: City Hall has the official version of the Maupin Municipal Code. Users should contact City Hall for ordinances passed subsequent to the ordinance cited above.

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