

**CHAPTER 94: NUISANCES**

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- (7) Public indecency, ORS 163.465;
- (8) Criminal trespass, ORS 164.245 or 164.255;
- (9) Criminal mischief, ORS 164.345, 164.354, or 164.365;
- (10) Disorderly conduct, ORS 166.025;
- (11) Harassment, ORS 166.065;
- (12) Minor in possession of alcohol, ORS 471.430;
- (13) Unlawful manufacture, delivery, or possession of a controlled substance, ORS 475.992; or
- (14) Public urination/defecation.

**§ 94.01 TITLE.**

This chapter may be referred to as the Health and Public Nuisances chapter. (Ord. 96-09, passed 9-18-96)

**§ 94.02 NUISANCES ENUMERATED.**

(A) In the unincorporated areas of county, it is a public nuisance for any person in charge of property to permit, or any person to cause to exist in any place or business where patrons, employees, residents, or occupants engage in a pattern of behavior involving the commission of three or more of the following offenses:

- (1) Public consumption of alcohol;
- (2) Loitering to solicit prostitution;
- (3) Prostitution procurement activities;
- (4) Excessive noise;
- (5) Assault, ORS 163.160, 163.165, 163.175, or 163.185;
- (6) Sexual abuse, ORS 163.415, 163.425, or 163.427;

(B) For purposes of this section, **PATTERN OF BEHAVIOR** means one or more patrons, employees, residents, or occupants of the place or business having been arrested or issued a citation for violation of three or more of any of the offenses specified in division (A) above that occur over any six month period at the place or business or within 300 feet thereof. (Ord. 96-09, passed 9-18-96)

**§ 94.03 BUSINESSES AS NUISANCES.**

(A) It is unlawful for any place or business to be a public nuisance or to be used as a public nuisance. If any place or business is found to be a public nuisance or to be used as such, it shall be subject to closure for a period of up to one year.

(B) Public nuisance closure will be cited, investigated and administratively decided utilizing the code enforcement procedures in Chapter 38 of

this code.  
(Ord. 96-09, passed 9-18-96)

**§ 94.04 ABATEMENT.**

(A) Where there is no imminent danger to human life or to property, the abatement procedures in this section shall apply.

(B) Notice of abatement, in the form of a warning citation, shall be posted on the premises where the condition, substance, act, or nuisance exists, directing the owner or person in control of the property to abate the situation. At the time of posting, the Code Enforcement Officer shall also attempt to personally serve the owner or person in control, or both, with a copy of the warning citation and shall also send a copy of the warning citation by certified mail to the last known address of the owner or person in control of the property, or both.

(C) If prior notice of abatement was sent to the owner or person in control of the property within the preceding 12 months and ownership or control of the property has not changed and the prior notice was returned as undeliverable or if delivery was refused, then notice can be provided by publication as set forth in division (E) below.

(D) The notice to abate shall contain:

(1) A description of the real property, by street address or otherwise, on which the condition, substance, act, or nuisance exists;

(2) A description of the condition, substance, act, or nuisance which must be abated;

(3) A direction to abate the condition, substance, act, or nuisance within 10 days from the date of the notice;

(4) A statement that unless the condition, substance, act, or nuisance is removed, the county

may abate the situation and the cost of abatement will be charged to the owner;

(5) A statement that the owner or person in charge of the property may protest the abatement by giving written notice to the Board of Commissioners within 10 days from the date of the notice; and

(6) A statement that if the cost of abatement is not paid by the owner or person in charge of the property, the cost of abatement will be assessed to and become a lien on the property.

(E) If the notice by certified mail is returned as undeliverable or delivery is refused, notice of the nuisance shall be published in a newspaper of general circulation at least 10 days before abatement action is taken. This shall be in addition to notice by posting and attempted notice by personal service.

(F) Upon completion of the posting, mailing and attempted personal service, the person posting and mailing the notice shall file a certificate with the Hearing Officer stating the date and place of the mailing, posting and attempted personal service.

(G) An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner or person in charge of the property shall not make the notice void and in such case the posted notice shall be sufficient.

(H) Within 10 days after the posting, mailing and attempted personal service, the owner or person in charge of the property shall remove the situation or show that the situation does not exist.

(I) A person protesting that the situation does not exist shall file with the Board of Commissioners a written statement within 10 days after the posting and mailing of the notice, which shall specify the basis for the protest.

(J) The statement of protest shall be referred to the Hearing Officer for a hearing after the Code Enforcement Officer issues a citation, complaint and summons for a hearing upon the complainant.

(K) If the Hearing Officer determines that the situation does exist, the owner or person in charge of the property shall abate the situation within 10 days of that determination.

(L) If the situation has not been abated within the time allowed, the county may cause the situation to be abated.

(M) The person charged with the abatement of the situation shall have the right at reasonable times to enter upon the property to investigate and cause the removal of the situation. (Ord. 96-09, passed 9-18-96)

#### **§ 94.05 ASSESSMENT OF COSTS.**

(A) The Code Enforcement Officer shall keep an accurate record of the expense incurred by the county for abatements. This record shall include the costs of personal services, materials and an additional charge of 10% for administrative overhead.

(B) After abatement by the county has been completed, the Code Enforcement Officer shall send by certified mail to the owner or person in charge of the property, a statement of:

(1) The total cost of abatement including the administrative overhead;

(2) The cost that will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice;

(3) Notification that if the owner or person in charge of the property objects to the cost of abatement as indicated, a written objection may be filed with the Board of Commissioners within

10 days from the date of the notice.

(C) A person objecting to the cost of abatement shall file with the Board of Commissioners a written statement within 10 days from the date of the notice of the costs. If the objection is timely, the Code Enforcement Officer shall issue a citation, complaint and summons to the complainant and the matter shall be heard at a hearing before the Hearing Officer. (Ord. 96-09, passed 9-18-96)

#### **§ 94.06 HEARINGS.**

(A) If a written statement of protest or objection to the cost of the abatement is timely filed, the matter shall be referred to the Hearing Officer for a hearing.

(B) All hearings permitted by this chapter shall be conducted by the Hearing Officer in accordance with the provisions of the code enforcement procedures in Chapter 38 of this code. (Ord. 96-09, passed 9-18-96)

#### *County Owned Property*

#### **§ 94.10 TOBACCO/SMOKE-FREE POLICY.**

(A) There is a tobacco/smoke free policy on all county owned or controlled property.

(B) All smoking and use of any smoking instruments are prohibited on county owned or controlled property effective March 1, 2014, and tobacco free July 1, 2014.

(C) Smoking is defined to encompass use of any smoking instrument, including but not limited to cigarettes, cigars, pipes, hookahs, electronic cigarettes and vaporizers. (Ord. 2006-17, passed 11-6-2006; Order BCC2007-66, adopted 5-2-2007; Ord. 2013-11, passed 1-2-2014)