

Title 8

HEALTH AND SAFETY

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Chapter 8.04

GARBAGE COLLECTION AND DISPOSAL¹

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8.04.010. Purpose: The City of Sisters City Council finds that the maintenance of health and sanitation, along with an attempt to fairly equalize the cost of providing a necessary

¹ For statutory provision on solid waste control, see ORS Ch. 459.

service, requires compulsory and universal collection, removal and disposal of refuse by all generators within the city limits. The City Council further finds the public interest is best served by city-operated collection services. (Ord. 283, 1998)

8.04.020 Definitions: In this ordinance, the following words mean:

(1) Collector. Any person, agent, officer or employee of the City to whom authority is given for the collection and disposal of refuse.

(2) Commercial refuse. Solid waste material from stores, shops, or similar enterprises. These include cardboard, papers, bottles, cans, furniture, and bedding. Construction material is excluded.

(3) Construction materials. These shall include cement, plaster, lumber, bricks, stone, wire, nails, metal and other building materials commonly used in construction and repair work.

(4) Disposal area. Any area designated or provided by the Deschutes County Solid Waste Department for the purpose of disposal of refuse.

(5) Food-processing waste. All accumulated refuse from animal, fruit and vegetable matter, liquid or otherwise, that attends the preparation and/or use of meat, fish, vegetable and fruit, which is subject to decay and attraction for flies and rodents.

(6) Garbage. All putrescible wastes, including vegetable waste, grass clippings (except for recognized composting methods), and all substances from all public and private establishments and residences, but not including sewage, body waste, and recognized industrial by-products.

(7) Hazardous materials. (a) Materials such as, but not limited to, motor oil, gasoline, diesel fuel or other flammable liquids, paints, pesticides and herbicides, toxic chemicals, asbestos and also including infectious waste from medical, dental, veterinary clinics or other similar facilities. (b) Any waste as defined as hazardous waste by or pursuant to ORS Chapter 459.

(8) Industrial refuse. Solid waste materials from factories, processing plants or other manufacturing enterprises. The words include putrescible garbage from food-processing plants, condemned foods, and miscellaneous manufacturing refuse.

(9) Refuse. Ashes, garbage, rubbish, swill and all other putrescible and non-putrescible wastes, except sewage, from all public and private establishments and residences.

(10) Rubbish. All non-putrescible waste materials, except ashes, which are rejected, abandoned or discarded by the owners or producers thereof as offensive, useless or no longer

desired by producers thereof and which, by their presence, may injuriously affect the health, comfort or safety of the community by increasing disease or hazard by fire. The term includes paper, cartons, boxes, bottles, cans, wood, tree branches, yard trimming, furniture, bedding, metals, glass, crockery and similar substances or materials of the nature described from all public and private establishments or residences.

(11) Swill Every refuse accumulation of animal, fruit (or vegetable matter), liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, that is subject to decay and/or the attraction of flies or rodents.

(12) Transfer station. Any area designated provided by the Deschutes County Solid Waste Department for the purpose of disposal of refuse.

(13) User. Any tenant, occupant or owner of a building or site on the City's collection route that is assigned an account number for the purpose of using a collector of refuse.

(14) Violation. Class A}
 Class B} Set by Resolution.
 Class C} (Ord. 283, 1998)

8.04.030 Enforcement Officers: Deschutes County Solid Waste Department and all employees of the Sisters Public Works Department shall enforce this ordinance and are authorized to enter property for the limited purpose of fulfilling its purposes.

8.04.040 Refuse Containers:

(1) Refuse containers will be provided to all users by the City.

(2) All containers will be the property of the City.

(3) Each residential container will be assigned an account number. The serial-numbered container shall remain with the assigned account and shall not transfer with the user.

(4) In order to maximize health and sanitation conditions, along with keeping excess water out of the container, all users' containers or dumpsters shall have a closed lid at all times except during loading or emptying.

(5) The size of residential refuse containers will be 32 and/or 64 gallons. The maximum weight for 32 gallon residential containers shall be 75 pounds when fully loaded. The maximum weight for 64 gallon residential containers shall be 150 pounds when fully loaded. Commercial containers will be either 1.5 or 2.0 cubic yards. The maximum weight per yard of refuse in a commercial container shall be 800 pounds.

(6) Stolen or damaged refuse containers shall be reported to the Public Works Superintendent. The City will replace stolen containers or repair damaged containers free of

charge, except those determined by the Public Works Superintendent to be stolen or damaged through customer negligence or abuse.

(7) If a container is determined to be damaged by negligence, the assigned user shall be responsible for replacement of the container from the City. The cost of the container shall be determined by replacement costs at time of damage.

(8) Customer application for City services shall include both City water and City garbage collection services.

(9) Reasonable care and cleaning of refuse container(s) shall be the responsibility of the customer.

(10) Commercial customers shall be furnished an adequate number of dumpsters for their business.

(11) In the event a customer wishes to padlock a dumpster, it shall be the responsibility of the customer to unlock the dumpster before collection time.

(12) The Public Works Department shall have the authority to determine the size of refuse container for commercial accounts.

(13) There will be a charge as set by resolution and adopted by City Council for any and all extra garbage placed by rollcarts and/or dumpsters.

8.04.050 Refuse Container Locations

(1) The City will determine container locations for residential and commercial users.

(2) Residential owners shall have their containers at the designated site by 7:00 a.m. on the day of scheduled pickup and will return the container to their own property by 7:00 p.m. of the same day.

(3) Commercial users shall leave their containers/dumpsters in the designated location at all times unless otherwise authorized by the Public Works Superintendent.

(4) On the day scheduled for pickup service, residential garbage containers shall be placed in the following locations:

(a) Residential users shall place their containers in the place designated by the Public Works Superintendent.

(b) If it is a multi-family dwelling which has individual metered account numbers that have each been assigned a residential container, the container shall be placed at the location designated by the City Public Works Department.

(c) If proof of physical incapacitation is documented by the user to the Public Works Superintendent, certain considerations may be waived as to placing the user's container at the designated site.

(5) The user shall insure that:

(a) The container is free from surrounding obstructions, such as trees, lamp posts, fences, snow, debris, etc. within a three-foot radius.

(b) A 15-foot space on each side of the container shall be free of all parked vehicles, equipment, or delivery trucks prior to collection time.

(c) The container shall not be picked up if access to container is blocked in accordance with Section (5) (a) (b). If user requests a return trip, an additional fee will be charged.

(6) A user requiring the use of a commercial container or dumpster shall provide and maintain a level, hard and durable resting surface for the container. The size and location of the pad is to be determined by the Public Works Superintendent. Commercial containers will not be delivered until a satisfactory dumpster pad has been constructed.

8.04.060 Collection and Disposal:

(1) All residents and businesses are required to participate in the City's universal garbage and refuse collection program.

(2) No person may collect garbage or transport the same upon or through any street or public place unless such person is an employee, a contractor or agent of the City. (Class C violation)

(3) No hazardous materials shall be collected or disposed of by the City. (Class C violation)

(4) A user may transport material from his residence or business premises to the approved transfer station or disposal area. All transportation shall be in a vehicle or truck with sufficient capacity and size to support the load. All fees for disposing of this material will be born by the delivering person.

(5) Any vehicle used by a person to transport commercial refuse, food processing waste, garbage, industrial refuse, refuse, rubbish, swill, construction materials, and hazardous materials shall be so loaded and operated as to prevent the wastes from dropping, sifting, leaking, blowing or otherwise escaping from the vehicle onto the public right of ways or adjacent lands. (Class B violation)

(6) All refuse consisting of rags, used clothing, bedding, mattresses, shoes, or other

rubbish which may carry germs or communicable diseases shall, if possible be taken by the collector direct to the approved disposal area or transfer station on the day of collection. The collector shall not pick up or retain any such described rubbish or carry any such rubbish to any barn, garage, or premises for storage, segregation or use.

(7) Construction material, hot ashes, sod, dirt or rocks shall not be deposited in any container provided by the City. (Class C violation)

(8) No appliances, automobile parts, metal, or tires shall be collected or disposed of by the City. (Class A violation)

(9) Every person who generates or produces wastes shall have removed all putrescible wastes at least every seven days. More frequent removal may be required where a facility or service involves the public health. All wastes shall be removed at sufficient frequency as to prevent health hazards or pollution. (Class B violation)

(10) All garbage and putrescible materials shall be stored in containers supplied by the City, or other means as approved by the City. (Class B violation)

(11) The producers or generator of waste shall clean all containers and shall keep the area around such containers free of accumulated wastes. The City shall provide maintenance as required to containers. (Class B violation)

(12) Cat litter and/or cold ashes must be bagged and tied before placing in waste container. (Class A violation)

8.04.070. Non-profit Organization - Special Drives: Paper, bottle or other approved drives may be carried on from time to time by non-profit institutions or organizations under permit from, and in accordance with, rules and regulations prescribed by the City Administrator. No charge may be made against refuse customers for the removal of such items and no claim may be made by the collector because of loss of business.

8.04.080 Rates and Billing Methods: All rates and methods of billing will be designated by resolution and approved by the City Council. As part of the universal utility service, beginning July 1, 1998, the City will discontinue the practice of billing new accounts separately for city services. All metered accounts will be assigned one account number. One bill will be sent for each metered account for all city services which includes water, garbage, and sewer.

8.04.090 Penalties:

(1) Providing a method for universal refuse collection and disposal, as well as for furnishing water to the inhabitants of the City, are public services which, in many respects, supplement each other; and it is necessary that payment for the services be prompt. In addition to the other provisions set forth in this section, the City may turn off the water supply of any person

who fails to pay utilities as billed or who fails to comply with this ordinance and the rules and regulations adopted therein. When the payment is made or the violation corrected, the water may be turned on upon payment of the required charges and in accordance with the rules and regulations governing the water system.

(2) Any person who receives service from the City shall be responsible to the City for payment for such service. The owner of a rental or lease facility shall be liable for payment for services provided to a tenant of such dwelling or business if the tenant fails to make timely payment for such service.

(3) All charges for furnishing garbage service by the City shall be chargeable to the user at the premises or any former premises where garbage services were supplied. Where the user has a delinquent bill for one premise, the delinquency shall be charged to the user for garbage services obtained at any other premises.

(4) Payment for garbage service is due and payable as hereafter described by the City. If payment becomes delinquent, the enforcement proceedings may be instituted by the City as follows:

(a) In the event of nonpayment after proper notice, the City may establish the debt as a lien against the property in the same manner as liens are created for utility services provided by the City, which lien shall include the cost of service, administration, legal time, recording and other direct or indirect costs plus one percent per month interest for each month or fraction thereof from the time of required payments; or

(b) Withdraw City service of any kind from the property except fire and police protection; or

(c) Collect the debt in the same manner that other debts are collected including, without limitation, the payment for the service, costs of collection by the City or other persons, and interest of one percent per month or fraction thereof from the date payment was required; or

(d) Any combination of the above.

(5) Delinquent accounts.

(a) Delinquent notice. A reminder of account delinquency may be sent, at the discretion of the City Recorder, to each delinquent account on or about ten (10) days after the account becomes delinquent.

(b) Disconnect notice. On or about fifteen (15) days after an account becomes delinquent, a second notice entitled "Disconnect Notice" shall be sent to the customer. Said notice shall state a date on which water will be turned off if the delinquent account is not paid in full prior thereto. At least 24 hours prior to the discontinuance of the water service for

delinquency, a disconnect notice shall be left at the premises receiving the water service or if the Public Works Department personnel is unable to reasonably access the premises, notice shall be mailed to the customer. The disconnect notice shall state that water services shall be turned off unless all delinquent amounts and charges are paid. An administrative charge set by City Council resolution may be added to the account if the account has not been paid and a disconnect notice has been mailed to the customer or left at the premises receiving water services.

8.04.100 Multiple-dwelling Garbage Collection Payments:

Owners of multiple dwellings or apartments (two or more families) shall ultimately be responsible for payment of refuse collection services rendered to premises owned by them, even though the individual apartments or dwellings are serviced by separate water meters or separate garbage collection accounts.

8.04.110 Special Collection

(1) Since no garbage, refuse or rubbish shall be allowed to be stored outside containers or dumpsters, for a fee the City will provide special collection service when requested.

(2) The City may, at the request of a user, pick up refuse requiring special handling for a fee.

(3) Special handling consists of picking up any refuse too large to be placed in a residential container. It also includes garbage, refuse or rubbish that will not fit in the assigned container or dumpster.

8.04.120 Prohibited Practices:

(1) No person may deposit or bury rubbish or garbage except at an approved disposal site. Non-putretive and waste material may be used for filling in holes, depressions and lots if the material is leveled and properly covered. (Violation Class B plus cleanup cost)

(2) It shall be unlawful for any person other than the user to dig into, scatter, displace or disturb any garbage or rubbish which has been put out for collection. (Violation Class B plus cleanup cost)

8.04.130 Refusal of Services: The Public Works Department has the right to refuse service to any party violating any section of this ordinance.

8.04.140 Private Property Disposal: No person may dump, place or deposit upon any lot or property owned by any other person any garbage, swill, dirt, rubbish, refuse or other waste material except that dirt and clean fill material may be dumped or deposited upon any lot or property owned by any other person within the City after first obtaining the written consent of the owner or legal occupant of such property.

8.04.150 Public Property Disposal: No person may dump, place or deposit upon

any of the public streets, alleys, parks or lots of the City any garbage, rubbish, refuse, or other waste materials. (Violation Class C plus cleanup cost)

8.04.160 Industrial Refuse: No person may transport industrial refuse produced by such person upon or through any street or public place of the City unless such person obtains permission in writing to do so from the Public Works Superintendent or his/her designate.

8.04.170 Personal Garbage/Waste: No person shall dump personal garbage or waste materials in City containers with the intent to avoid payment for services in accordance with ORS 164.125.

8.04.180 Classification of Charges: Any fees, charges, taxes or other penalties that are assessed, requested or required by this ordinance or any resolution relating to this ordinance are classified as not subject to the limits of Section 11b, Article XI, of the Oregon Constitution.

Chapter 8.08

REFUSE BURNING

Sections:

- 8.08.010 Permit -- Required -- Authority to make rules for conditions of issuance.
8.08.020 Violation -- Penalty.

8.08.010 Permit -- Required -- Authority to make rules for conditions of issuance. It is unlawful for any person or persons to burn refuse, trash, rubbish, or any other combustible material in any street, alley, or lot within the corporate limits of the city unless a permit has first been obtained in writing from the chief of the fire department. The chief of the fire department is authorized to make such rules and regulations consistent with the safety of persons and property as he deems necessary as a condition to the issuance of such permit. (Ord. 20 §1, 1947.)

8.08.020 Violation -- Penalty. Any person or persons found guilty of the violation of this chapter shall be deemed guilty of a misdemeanor and be fined not to exceed fifty dollars (\$50). (Ord. 20 §2, 1947.)

Chapter 8.12

NUISANCES

Sections:

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8.12.140	Penalties
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NUISANCES

8.12.010 Definitions. For the purposes of the Sisters Nuisance Code, the following definitions mean:

(1) City Police. Those police officers authorized to perform police services within the City of Sisters.

(2) Commercial Property. Property used for commercial purposes and located in a commercial zone.

(3) Control. The ability to regulate, restrain, manage, counteract or govern conduct that occurs on property.

(4) Debris. The remains of something broken down or destroyed, including, but not limited to: scrap metal, paper, plastic or wood; pieces of asphalt, concrete, lumber or other building supplies; or yard clippings or cuttings of plant material.

(5) Development. Any change to real property, including, but not limited to, structures, filling, grading or excavating.

(6) Firebreak. A space in which combustible or flammable materials are removed so as to prevent the spread or travel of fire.

(7) Garbage. Food waste, refuse, rubbish, trash or other useless material.

(8) Good Cause. Circumstances beyond the ability of a person acting with reasonable care and diligence to control.

(9) Inoperative Vehicle. A vehicle that cannot be immediately operated.

(10) Junk. Broken, discarded, or accumulated objects, including but not limited to: appliances, building supplies, furniture, abandoned vehicles, vehicle parts, old machinery, old machinery parts, mattresses, or any discarded material.

(11) Livestock. Beef or dairy animals, burros, goats, horses, llamas, mules, rabbits, pigs, or sheep.

(12) Owner. Any person, agent, firm or corporation having a legal or equitable or management interest in a property. Owner includes, but is not limited to:

a) A mortgagee in possession in whom is vested:

A) All or part of the legal title to the property; or

B) All or part of the beneficial ownership and a right to present use and enjoyment of the premises; or

b) A person who can control what occurs on that property.

(13) Permit. To suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

(14) Person. A person, firm, partnership, association or corporation, trust, estate or any other public or private entity whatsoever.

(15) Person in Charge of Property. An owner, agent, contract purchaser, lessee, occupant, or other person having possession or control of property.

(16) Place or Property. Any premises, room, house, building or structure, or any separate part or portion thereof, whether permanent or not, or the ground itself.

(17) Property. Any real property including land and that which is affixed, incidental or appurtenant to land, including but not limited to any premises, room, house, building or structure or any separate part or portion thereof, whether permanent or not.

(18) Personal Property. Property that is temporary or movable.

(19) Public Nuisance Property. Property upon which three or more instances of any of the below listed behaviors occur, or whose employees, residents, owners or occupants engage in three or more instances of any of the below listed behaviors within 50 feet of the property, during any 30 day period as a result of three or more separate and documented incidents.

- a) Harassment as defined in ORS 166.065.
- b) Intimidation as defined in ORS 166.155.
- c) Disorderly conduct as defined in ORS 166.025.
- d) Noise disturbance as defined in Section 5.335 (19) of this code.
- e) Drinking in public as defined in Section 9.04.100 of this code.
- f) Minor in possession of alcohol as defined in ORS 471.430.
- g) Assault as defined in ORS 163.160 or ORS 163.165 to 166.185.
- h) Sexual abuse as defined in ORS 163.415 or ORS 163.427.
- i) Public indecency as defined in ORS 163.465.
- j) Trespass as defined in ORS 164.245 to ORS 165.265.
- k) Criminal mischief as defined in ORS 164.345 to ORS 164.356.
- l) Child abuse and neglect as defined in ORS 163.535 to ORS 163.547 and ORS 163.665 to ORS 163.695.

(20) Public Sidewalk. A developed walkway or sidewalk within the public right-of-way or on publicly owned property.

(21) Street. The portion of a road ordinarily used for vehicular travel, including the public right-of-way shoulder.

(22) Structure. That which is built or constructed, an edifice or building of any kind, including units thereof or mobile homes; any of which is an addition to or a fixture on real property.

(23) 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.

8.12.020 Declaration of Purpose.

(1) It is hereby found and declared that:

(a) Because repeated disruptive behavior on properties within the City of Sisters can create unreasonable disruptions to the neighborhoods where the properties are located.

(b) Because of certain conditions upon them, properties may become chronic nuisances to surrounding property owners and degrade neighborhoods.

(c) Existing state criminal statutes and city ordinances are inadequate to address, control or remedy the denigration that results from the chronic unlawful activity occurring at the properties.

(2) Based upon these findings, the City Council declares that civil regulation of these properties will provide a remedy to the problems caused by these chronic behaviors and will promote and protect the public health, safety and welfare.

8.12.030 General Nuisance. No person in charge of property may permit, or no person may cause to exist, any thing, substance or act that is detrimental to the public health, safety or welfare. A general nuisance conclusively exists when there is imminent danger to human life or property.

8.12.040 Public Nuisances. The following shall be deemed Public Nuisances within the City of Sisters.

18.12.041 Accumulations of debris, garbage, junk, or animal excrement. No person in charge of property may permit or cause to exist accumulations of debris, garbage, junk, or animal excrement that are not removed within a reasonable time, and that affects the health, safety or livability of nearby residents, except as follows:

(1) Junk may be accumulated if authorized by land use permit.

(2) Yard cuttings, other than grass clippings, may be accumulated to be burned during the first available open burning season. The accumulations shall meet the size and location requirements of the fire code.

(3) Yard cuttings and other organic material may be accumulated for composting, but only if it is not visible from a street or sidewalk, is maintained in a manner that does not attract vermin, and does not produce an offensive odor.

(4) Garbage may be accumulated in order to be hauled by the City solid waste hauler or to be taken by the person to a landfill, if the garbage is secured within a covered or sealed container that is kept clean and in good repair, and is removed at the next pickup cycle.

(5) Animal excrement from livestock may be accumulated for farm or agricultural purposes as long as it does not produce odors on adjacent properties and become a danger to health or safety.

(6) Debris or junk may be stored in a back yard if it is screened from adjoining properties, streets and public right of ways by a sight-obscuring fence.

8.12.042 Vegetation. No person in charge of property may permit or cause to exist

vegetation that:

(1) Is a hazard to pedestrian use of a public sidewalk or is a hazard to bicycle or vehicular use of a public or private street by impeding passage or vision. The hazards include, but are not limited to:

(a) Vegetation which encroaches upon, or overhangs lower than eight (8) feet over a public sidewalk or other pedestrian way, or encroaches upon, or overhangs lower than ten (10) feet over a public or private street.

(b) Vegetation that impedes motorist, bicyclist or pedestrian views of traffic, traffic signs or signals, street lights or name signs, or other safety fixtures or markings places in the public way.

(2) Is a hazard to the public or property on or near the property where the vegetation is located, due to the vegetation's disease or deterioration;

(3) Obstructs drainage facilities in the public way, including but not limited to roadside ditches, street curbs and gutters, catch basins or culverts;

(4) Has roots that have entered a sewer or water line, main or system and that stops, restricts or retards the flow of sewage or water, or damages the pipes or connectors;

(5) Has roots that have cracked or displaced a sidewalk, curb or street;

(6) If a weed or grass more than ten (10) inches high between May 1 and October 31, except for:

(a) Agricultural grasses that are not a fire hazard; or

(b) Weeds or grasses on property, if there is a fire break at least 20 feet wide along the entire perimeter. All cut grasses shall be mulched, or removed.

(c) Areas identified by the Sisters Urban Area Comprehensive Plan as open space or natural resource areas.

(7) Is an invader species such as Knapweed.

An owner may remove a nuisance defined under Subsections (4) and (5) by removing that portion of the root causing the nuisance.

8.12.043 Containers. No person in charge of property may permit or cause to exist on private or public property, containers accessible to children with a capacity of more than one cubic foot and a door or lid that locks or fastens when closed and that cannot be easily opened from the inside, unless said containers are securely locked shut.

8.12.044 Wells, Cisterns, etc. No person in charge of property may permit or cause to exist a well, cistern, cesspool, pit, quarry, excavation, or other hole of a depth of four feet or more with an open top width of 12 inches or more, unless:

- (1) It is fenced or securely covered; or
- (2) The excavation is part of an authorized construction project and during the course of construction reasonable safeguards are maintained to prevent injury.

8.12.045 Sidewalks. No person in charge of property may permit or cause to exist on a public sidewalk adjoining the property of the owner or person in charge of the property, any of the following:

- (1) Snow to remain on a public sidewalk for a period longer than the first six hours of daylight after the snow has stopped falling;
- (2) Ice to remain on a public sidewalk after the first six hours of daylight after the ice has formed, unless the person covers the ice with sand, ashes or other suitable material to assure safe travel;
- (3) Cracks, holes, or unevenness that impairs pedestrian traffic; or
- (4) Drainage across the sidewalk from a rain drain, pipe or other collector.
- (5) It is the duty of owners of property to maintain the public sidewalks adjacent to their property in good repair and to meet the requirements of this subsection.
- (6) The property owner responsible for maintaining the adjacent public sidewalk shall be liable to any person injured because of any negligence of the owner in failing to maintain the public sidewalk in good condition or in failing to meet the requirements of this subsection. No action may be maintained against the City by or for any person injured because of any sidewalk defect. Provided, however, subsection (a) and (b) shall only apply to commercial property.

8.12.046 Dumping on Sidewalks. Except as permitted by the City Public Works Department, no person in charge of property or no driver of a vehicle may permit or cause to exist on a public sidewalk, or public or private street adjacent to the property, any dumping or storage of dirt, sand, rocks, gravel, bark dust, snow or other similar material.

8.12.047 Attractive Nuisances. No owner or person in charge of property shall permit thereon:

- (1) Unguarded machinery, equipment or other devices attractive, dangerous and accessible to children.
- (2) Lumber, logs or piling placed or stored in a manner as to be attractive, dangerous and

accessible to children.

This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.

8.12.048 Fences. No owner or person in charge of property shall construct a barbed wire fence thereon without design review by the City, except such wire may be placed above the top of other fencing not less than six feet high.

(1) 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.

(2) No owner or person in charge of property shall have a fence that is structurally unstable.

8.12.049 Open Burning/Burn Barrels. No person in charge of property shall burn garbage containing animal or vegetable matter or other matter causing an offensive odor. All persons using burn barrels or conducting open burning shall comply with the Uniform Fire Code and any amendment of the Uniform Fire Code and any restrictions imposed by the Sisters/Camp Sherman Rural Fire Department.

8.12.050 Irrigation Canals. Owners of property with irrigation ditches of the Deschutes County Watermaster are responsible for maintenance of the lateral ditches. The maintenance shall be conducted in a reasonable manner or to such standards as promulgated by the Watermaster.

The Deschutes County Watermaster is hereby authorized to inspect the irrigation ditches and insure that the maintenance standards are being met. If necessary, the employees of the Deschutes County Watermaster are authorized to make improvements necessary if the owners are unable or unwilling to do so and said cost shall become a lien against the property owner benefitting from the ditch.

8.12.051 Nuisances Affecting Public Health. No person shall cause or permit on property owned or controlled by him/her a nuisance affecting public health. The following are examples of, but not limited to, nuisances affecting public health and may be abated as provided in this ordinance:

(1) Stagnant water. Stagnant water which affords a breeding place for mosquitoes and other insect pests.

(2) Odor. Premises which are in such a state or condition as to cause an offensive odor for adjacent properties or which are in an unsanitary condition.

(3) Septic tanks. Septic tanks which are in an unsanitary condition or which cause an offensive odor for adjacent properties.

8.12.052 Discarded Vehicles. Discarded vehicles include major parts thereof, including but not limited to bodies, engines, transmissions and rear ends. For the purpose of this section, "discarded" means any vehicle that is in one or more of the following conditions:

- (1) Inoperative
- (2) Wrecked
- (3) Dismantled
- (4) Partially dismantled
- (5) Abandoned
- (6) Junked

No person shall store or permit the storing of a discarded vehicle on any private property for more than two (2) weeks unless it is enclosed within a building or in a rear yard behind a site-obscuring fence or screen from adjacent properties or streets or, unless it is in connection with a business dealing in junked vehicles lawfully conducted within the City.

8.12.053 Notices and Advertisements.

(1) No person shall place or cause to be placed any advertising paper, handbill, circular, poster or any other form of commercial advertising on any real or personal property, whether public or private, without first securing permission from the owner, occupant or proper public authority. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the City regulating the use of and the location of signs and advertising.

(2) No person shall distribute, circulate or pass to or among persons on a public place or premises open to the public within the City, or place in or on any automobile or other vehicles on or along any public place in the City, any advertising paper, handbill, circular, poster or other form of commercial advertising.

(3) Nothing in this section shall prohibit the distribution or delivery of any newspaper that is capable of being entered as second class matter under the provisions of the United States Postal Regulations, and nothing in this section shall be deemed to prohibit or otherwise regulate the delivery of any such matter by the United States Postal Services.

(4) Nothing in this section shall be deemed to prohibit the delivery of any such matter on the porch or stoop of any occupied residence, provided such matter is enclosed within an addressed envelope.

8.12.054 Noise. This section is adopted pursuant to the provisions of ORS 467.100.

(1) Definitions. As used in this section, the following mean:

(a) Motorcycle. A motor vehicle having a seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a trailer. This includes motorcycles suitable for use off a road or on dirt trails, regardless of whether it may also be used on

public streets or highways under state law. It includes motorcycles sold or commonly described as dirt bikes, motor-cross bikes, trail bikes or enduro bikes.

(b) Motor vehicle. A self-propelled vehicle designed for self-propulsion, except road rollers, farm tractors and traction engines. Police vehicles, ambulances, fire engines and other emergency vehicles responding to emergency calls are not subject to this section.

(c) Unreasonably loud or raucous noise:

(A) Motor vehicles. Motor vehicle noise louder or heard for a longer period than that produced by reasonable use that disturbs, injures or endangers the comfort, repose, health, peace or safety of persons 30 or more feet away, if the noise is not emitted in order to make the motor vehicle move up to the maximum speed limit on public streets, roads or highways for the purpose of direct transportation.

(B) Motorcycles. Using a motorcycle outside of public right-of-ways where the use disturbs the sleep, peace, quiet, comfort or repose of persons 30 or more feet away. If the user has a permit allowing a person to operate a motorcycle outside of public right-of-ways within the terms of the permit.

(C) Horns, signaling devices, etc. Sounding a horn or signaling device on an automobile, motorcycle, bus or other vehicles, except as a reasonable signal required by the exigencies of vehicular or pedestrian traffic; created by a signaling device a sound that disturbs the sleep, peace, quiet, comfort or repose of other persons; sounding such device for an unnecessary or unreasonable period of time.

(D) Radios, phonographs, etc. Playing, using or operating a radio, musical instrument, phonograph, television set, tape recorder or other machine or device for producing or reproducing sound in a manner that disturbs the sleep, peace, quiet, comfort or repose of other persons, or using the machine or device with louder volume than is necessary for convenient hearing by the person or persons who are in the room, vehicle or chamber in which the machine is operated and others who are voluntary listeners. The operation of a machine or device in a manner that is plainly audible to a peace officer at a distance of at least 50 feet from the building, room, structure or vehicle in which it is located shall be prima facie proof of a violation of this section.

(E) Loudspeakers amplifiers, etc. Using, operating or permitting to be used or operated a mechanical or electrical loudspeaker or sound amplifier, either stationary or mobile, for producing or reproducing sound that is cast on the public streets or other public property if it disturbs the sleep, peace, quiet, comfort or repose of persons more than 30 feet away. This subpart does not prohibit the reasonable use of mechanical loudspeakers or sound amplifiers as authorized by the City or emergency announcements required by public safety. However, repetitive mechanically or electrically amplified political advertising shall not be allowed in

zoned residential neighborhoods between 10 p.m. and 7 a.m. This subpart shall not apply to public meetings, special events, sports events and shows held at schools, stadiums, the fairgrounds, auditoriums, churches, meeting halls and public parks and playgrounds.

(F) Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on public streets between the hours of 10 p.m. and 7 a.m. or at any time or place that disturbs the sleep, peace, comfort or repose of persons more than 30 feet away. This subpart shall not apply to applause and cheering at public meetings, lectures, sports events and shows held at schools, stadiums, auditoriums, churches, meeting halls, public parks and public playgrounds.

(G) Exhausts. Discharging into the open air the exhaust of a steam engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises.

(H) Defect in vehicle or load. Using an automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to disturb the sleep, peace, quiet, comfort or repose of persons more than 30 feet away.

(I) Unloading, loading, opening boxes. Loading or unloading a vehicle or opening, closing or destroying bales, boxes, crates and containers so as to disturb the sleep, peace, comfort or repose of persons more than 30 feet away.

(J) Constructing or repairing buildings, streets, etc. Constructing (including excavating), demolishing, altering or repairing a building, street, sidewalk, driveway, sewer or utility line between the hours of 10 p.m. and 7 a.m. except as provided in the code.

(K) Schools, courts, churches, hospitals. Creating a sound on a street adjacent to a school, institution of learning, church or court while in use, or an institution for the care of the sick or infirm that would tend to unreasonably interfere with the operations of the institution or disturb the sleep, peace, quiet, comfort or repose of persons more than 30 feet away. "Adjacent" means within 500 feet of an institutional building.

(L) Environmental quality standards. Noise that violates the standards of the Environmental Quality Commission adopted pursuant to OARS 467.030 and that is not exempt under OARS 467.035 or permitted by a variance issued under ORS 467.060.

(M) Blowers and compressors. Operating a blower, power fan, internal combustion engine, electric motor or compressor, or the compression of air, unless the sound from each machine is sufficiently muffled so as not to disturb the sleep, peace, quiet, comfort or repose of persons more than 30 feet away between the hours of 10 p.m.

and 7 a.m.

(d) Acts prohibited. Except as permitted, no person within the boundaries of the City shall make unreasonably loud or raucous noise that disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

(2) Permits.

_____ (a) In cases of emergency or other urgent public necessity, the City Administrator may issue a permit allowing activities to take place at any hour. Emergency permits may not be issued for a period exceeding three days, but may be renewed for successive periods not exceeding three days each for as long as the emergency continues.

(b) The Administrator may also issue a permit for a concert or similar event allowing activities such as concerts or events as permitted under the applicable provisions of this code.

(c) The Administrator may also issue a permit for a special event on commercial property between the hours of 7 a.m. and 10 p.m.

(d) Denial of permits by the Administrator may be appealed to the Council within 15 days after denial. The date of a denial shall be the date a permit is orally denied or the date a written denial is made, whichever is later. The granting of a permit may be appealed at any time by a person who resides or works within 100 feet of the property wherein the noise is generated as a result of granting of the permit.

(e) This subsection shall not apply to emergency work performed on improvements and utilities. Such activities may be conducted without restriction.

8.12.055 Trees.

(1) No owner or person in charge of property that abuts a street or public sidewalk shall permit trees or bushes on the property to interfere with street or sidewalk traffic. Except for trees in the public right-of-way in the central business district, the owner or person in charge of property that abuts a street or public sidewalk shall keep all trees and bushes on the premises, including the adjoining parking strip, trimmed so as not to interfere with street or sidewalk traffic.

(2) No person shall trim or cut any trees in the public right-of-way in the area set forth in Subsection a) unless authorized to do so by the City.

(3) No owner or person in charge of property shall allow a dead or decaying tree to stand.

8.12.060 Unenumerated Nuisances.

(1) The acts, conditions or objects specifically enumerated and defined are declared public nuisances and such acts, conditions or objects may be abated by any of the procedures set

forth in Section 5.345.

(2) In addition to the nuisances specifically enumerated in this code, 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 and may be abated as provided in Section 5.345.

8.12.070 Summary Abatement.

The procedure provided by Sections 5.345 to 5.350 is not exclusive, but is in addition to procedures provided by other sections of the code. The Chief of the Fire Department, the Fire Marshal, the Planning Director, the Public Works Director, the City Administrator or any other city official may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers health or property.

8.12.080 Remedies Not Exclusive.

The abatement of a nuisance is not a penalty for violating the nuisance provisions of this Chapter, but is an additional remedy. The imposition of a civil infraction fine does not relieve a person of the duty to abate the nuisance.

8.12.090 Public Nuisance Abatement Procedure.

(1) Any City police officer or the City Administrator who is satisfied that a public nuisance exists, shall cause a notice to be posted on the premises, or at the site of the nuisance, directing the person or persons in charge of the property to abate the nuisance.

(2) At the time of posting, a copy of the notice to be forwarded by registered or certified mail, postage prepaid, to the person or persons in charge of the property and the owner of the property if different than the person in charge of property, (or registered agent) at the last known address of such person(s) as shown on the tax rolls of Deschutes County.

(3) The notice to abate shall contain:

(a) A description of the real property, by street address or otherwise, on which the nuisance exists.

(b) A direction to abate the nuisance within ten (10) days from the date of notice.

(c) A description of the nuisance.

(d) A statement that unless the nuisance is removed, the City may abate the nuisance and the cost of abatement will be charged to the person responsible and shall become a lien on the property.

(e) A statement that failure to abate a nuisance may warrant imposition of a fine upon

the person responsible for the nuisance.

(f) A statement that the person responsible may protest the order to abate by giving written notice to the City Administrator within ten (10) days from the date of the notice, together with a written statement as to why a nuisance should not be declared.

(4) If the person in charge of the property is not the owner, an additional notice shall be sent to the owner at the time of posting of the notice stating that the cost of abatement not paid by the person responsible shall be assessed to and become a lien on the property. The notice to the owner shall be sent to his or her address as last shown on the Deschutes County tax rolls.

(5) On completion of the posting and mailing, the persons posting and mailing shall execute and file with the City Recorder certificates stating the date and place of the mailing and posting.

(6) The City shall use all reasonable means to provide notice to the person responsible. Failure to provide actual notice to the persons responsible (including the property owner and the person in control of the property) shall not void the procedure to abate the nuisance, however.

8..12.100 Abatement

(1) Abatement by the Person in Charge of Property.

(a) Within ten (10) days after posting and mailing the notice, as provided in this code, the person in charge of the property shall remove the nuisance, present a plan to remove the nuisance or show that no nuisance exists.

(b) A person in charge of the property, disputing the declaration of nuisance shall file within ten (10) days with the City Administrator a written statement which shall specify the basis for the protest.

(c) If after review of the statements, the City Administrator again determines that a nuisance in fact exists, the person responsible shall abate the nuisance within ten (10) days after the City Administrator's final determination.

(d) If the person in charge of the property disagrees with the final determination of the City Administrator, that person may appeal that determination to the City Council by filing a written statement within ten (10) days of the City Administrator's final determination specifying the basis for the appeal.

(e) The City Council shall determine whether or not the City Administrator's determination shall be affirmed, overturned or modified. The decision of the City Council shall be the final action of the City.

(2) Joint Responsibility. If more than one person is in charge of the property, they shall

be jointly and severally liable for abating the nuisance or for the costs incurred by the City in abating the nuisance.

(3) Abatement of Abandoned Vehicles

(a) Removal of abandoned vehicles. The City police shall post a notice of removal form on any suspected abandoned vehicles, parked on public right of way, requiring the abandoned vehicle be removed within five (5) days.

(b) At the time of posting, the City police shall cause a letter requiring removal of the abandoned vehicle to the registered owner as shown by the files of the Oregon Motor Vehicle Department. The letter shall describe the vehicle, make, model, color, registration plate or vehicle identification number, if they know. The City shall use all reasonable means to provide notice to the person responsible. Failure to provide actual notice to the person responsible shall not void the procedure to abate the nuisance, however.

(c) If after five (5) days pass and the abandoned vehicle has not been removed, the City police shall have the vehicle towed by a licensed towing service at the registered owner or the current owner's expense.

8.12.110 Public Nuisance Property Any property within the City of Sisters which becomes public nuisance property is in violation of this chapter and subject to its remedies. Any person who permits property under his or her ownership or control to be a public nuisance property shall be in violation of this chapter and subject to its remedies. No person shall allow a residential dwelling to become a public nuisance property as defined in Section 5.325.

(1) Abatement Procedure for Public Nuisance Property: Notice.

(a) When a City police officer believes in good faith that property within the City has become public nuisance property, the officer shall notify the owner and the occupant, if known, in writing that the property has been determined to be public nuisance property. The notice shall contain the following information:

(A) The street address or description sufficient for identification of the property.

(B) That the officer has found the property to be public nuisance property with a concise description of the conditions leading to his/her findings.

(C) A direction to notify the City Administrator in writing within 15 days from the date of mailing the notice of the actions the owner intends to take to abate the nuisance.

(D) A direction to abate the nuisance or show good cause to the City Administrator why the owner cannot abate the nuisance, within 30 days from the date of mailing the notice.

(E) That if the nuisance is not abated and good cause for failure to abate is not shown, the City Administrator may order abatement, with appropriate conditions. The City Administrator may also employ any other remedy deemed by it to be appropriate to abate the nuisance, including but not limited to authorizing a civil complaint in a court of competent jurisdiction which may include seeking closure of the property.

(F) That the owner may be required to pay to the City a civil penalty for each day the nuisance continues after the Council orders abatement.

(G) That the above remedies are in addition to those otherwise provided by law.

(b) Service of the notice is completed upon mailing the notice first class, postage prepaid, addressed to:

(A) The owner at the address of the property believed to be a public nuisance property, and to such other address as shown on the tax rolls of the county in which the property is located or such other place which is believed to give the owner actual notice of the determination by the City police officer.

(B) A copy of the notice shall be served on occupants of the property, if different from the owner. Service shall be completed upon mailing the notice by registered or certified mail, postage prepaid, addressed to "occupant" or each unit of the property believed to be a public nuisance property.

(C) The failure of any person or owner to receive actual notice of the determination by the officer shall not invalidate or otherwise affect the proceedings under this chapter.

8.12.120 Abatement Procedures for Public Nuisance Property.

(1) Remedies by City Police.

(a) Within 15 days of the posting and mailing of the notice, the owner shall notify the City Administrator in writing of the actions that owner intends to take to abate the nuisance.

(b) Within 30 days of the posting and mailing of the notice, the owner shall abate the nuisance or show good cause to the City Administrator why the owner cannot abate the nuisance within that time.

(c) If the owner does not comply with subsection a or b of this section, the City Administrator may refer the matter to the City Council for a hearing. The City Recorder shall give notice of the hearing to the owner and occupants, if different from the owner. At the time set for hearing, the owner and occupants may appear and be heard before the Council. The City Council shall determine whether the property is public nuisance property and whether the owner has complied with

subsection A and B of this section.

(2) Remedies by City Administrator.

(a) In the event the City Administrator determines that property is a public nuisance property and the owner has failed to comply with Section 1 above, the City Administrator may order that the nuisance be abated. The order may include conditions under which abatement is to occur. The City Administrator may also employ any other remedy deemed by the Administrator to be appropriate to abate the nuisance, including but not limited to authorizing a civil complaint in a court of competent jurisdiction which may include seeking closure of the property.

(b) If the person in charge of the property disagrees with the final determination of the City Administrator, that person may appeal that determination to the City Council by filing a written statement within then (10) days of the City Administrator's final determination specifying the basis for the appeal.

(c) The City Council shall either affirm, overturn or modify the City Administrator's decision. The decision of the City Council shall be the final action of the City.

(d) The remedies in this section are in addition to those otherwise provided by law.

(3) Assessment of Costs for Public Nuisance Property.

(a) The Administrator, by registered or certified mail, postage prepaid, shall send to the owner and the person in charge of property a notice stating:

(A) The total cost of abatement, including the administrative overhead.

(B) That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.

(C) That if the owner or person responsible objects to the cost of the abatement as indicated, a notice of objection may be filed with the administrator, no more than 10 days from the date of the notice, to be heard before the City Council.

(b) On the expiration of 10 days after the date of the notice, the City Administrator shall hear and make a decision on the objections to the costs assessed.

(c) If the costs of the abatement are not paid within 30 days from the date of the notice, the assessment of the costs shall be entered in the docket of the city liens. When the entry is made, it shall constitute a lien on the property from which the nuisance was removed or abated.

(d) The lien shall be enforced in the same manner as liens for street improvements are enforced and interest shall begin to run from the date of entry of the lien in the lien docket.

(e) The City shall use all reasonable means to provide notice of the assessment to the person responsible. However, an error in the name of the owner or person responsible shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

8.12.030 Civil Emergencies.

(1) Definitions. For the purposes of this Section, the following mean:

(a) Civil Emergency. A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force, if accompanied by three or more persons acting together without authority of law; or any time hostages are held; or any natural disaster or man-made calamity including flood, conflagration, fire, cyclone, tornado, earthquake or explosion resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(b) Curfew. A prohibition against a person walking, running, loitering, standing or driving on an alley, street, highway, public property or vacant premises, except persons officially designated to duty with reference to the civil emergency.

(2) Regulations. When the Mayor, or the President of the Council if the Mayor is unable to act, determines that a civil emergency exists as a result of mob action or riotous assembly that causes danger of injury to or damage to persons or property, he or she may impose by proclamation any and all of the following regulations necessary to preserve the peace and order of the City:

(a) Impose a curfew on all or a portion of the City requiring all persons in designated curfew areas to remove themselves from the public streets, alleys, parks or other public places and, if three or more are assembled, to disperse. Physicians, nurses and emergency medical technicians performing medical services, utility personnel maintaining essential public services, fireman, and City authorized or requested law enforcement officers and personnel may be exempted from the curfew.

(b) Close business establishments within the City for the duration of the emergency including, but not limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or fire arms.

(c) Close any public street, thoroughfare or vehicle parking area to motor vehicles and pedestrian traffic.

(d) Call on regular and auxiliary law enforcement and fire agencies outside or without the City to assist in preserving and keeping the peace within the City.

(e) Close all private clubs or portions thereof where the consumption of intoxicating liquor and/or beer is permitted.

(f) Discontinue selling, distributing, giving away or transporting gasoline or other liquid flammable or combustible products in any container other than a gasoline tank property affixed to a motor vehicle.

(g) Discontinue selling, distributing, dispensing or giving away firearms or ammunition of any character.

(h) Issue such other orders as are immediately necessary for the protection of life and property.

(i) Discontinue the sale of alcoholic beverages.

(j) Any violation of a regulation promulgated under this section is punishable as a Class A misdemeanor.

(3) Time Limit on Emergency Regulations. The proclamation of emergency provided in this Section shall become effective on its issuance.

8.12.040 Penalties:

(1) Any person or persons who shall be found to be an owner and/or a person in charge of a property for a nuisance, or otherwise guilty of a violation of any of the provisions of the Nuisance Code shall be subject to the penalty provisions set forth herein.

(2) All persons responsible shall be liable for any injuries resulting from a violation of this Nuisance Code.

(3) Any violations of Sections 5.327 through 5.375 shall be deemed a Class B Civil Infraction.

8.12.050 Separate Violations:

(1) Each day's violation of a provision of this ordinance constitutes a separate offense.

(2) For public nuisance property, a nuisance continues to exist if there is any further single occurrence of a behavior listed in the definitions of public nuisance property upon the property or by any employee, resident, owner or occupant within 50 feet of the property.

(3) The abatement of a nuisance is not a penalty for violating this ordinance, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within ten (10) days of the date of notice to abate, or if a written protest has been filed, then abatement within ten (10) days of the City Council's determination that a nuisance exists will relieve the person's responsible from the imposition of any fine under these code provisions.

Chapter 8.16

WEED AND BRUSH REMOVAL²

Sections:

- 8.16.010 Requirement generally.
- 8.16.020 Removal -- Service of notice -- Action by city -- Costs.
- 8.16.030 Removal -- By street superintendent.
- 8.16.040 Removal -- Filing of statement of cost -- Enforcement and collection of lien.
- 8.16.050 Violation -- Penalty.

8.16.010 Requirement generally. The owner or occupant of any real property within the corporate limits of the city shall cut, close to the ground, and remove or destroy all brush, weeds, thistles, grass, bushes, and rank or noxious vegetable growth, growing to a height of six (6) inches or more upon said real property at least twice in each year, once between May 15th and June 15th, and once between July 15th and August 15th. (Ord. 56 §1, 1957.)

8.16.020 Removal -- Service of notice -- Action by City -- Costs. If any person, firm, or corporation owning, possessing, or having the care or control of any lot or parcel of land within the city fails and neglects to comply with the requirement of this chapter as required in Section 8.16.010, the city shall cause to be served upon the person, firm, or corporation, a written notice to remove the brush, grass, weeds, or other growth within seven (7) days, or the city will cause the same to be done and charge the cost thereof as a lien against the property. Such notice shall be served upon such owner or occupant if he is found upon the premises or within the city, and in case the owner or occupant cannot be found within the city after reasonable diligence and inquiry, such notice shall be posted in a conspicuous place upon the premises and a copy thereof mailed to the last known address of the owner or occupant. (Ord. 56 §2, 1957.)

8.16.030 Removal -- By street superintendent. If any person, firm, or corporation fails to comply with the requirements of this chapter within seven (7) days of the notice required by Section 8.16.020, the street superintendent may go upon such lots or parcels, with such assistance as he may deem necessary, and destroy and eradicate said brush, grass, or weeds, in such manner as shall be most effective in his judgment. (Ord. 56 §3, 1957.)

8.16.040 Removal -- Filing of statement of cost -- Enforcement and collection of lien. Upon the completion of the work set out in Section 8.16.030, the street superintendent shall file with the common council an itemized statement of the cost thereof, plus ten (10) percent to cover the expenses of inspection, overhead, and enforcement of this chapter and the service or posting of the notice as required in Section 8.16.020. After a reasonable opportunity to be heard in objection thereto, the common council shall then, by order, declare the correctness of said statement and declare the same to be a lien upon the property involved, to be entered in the lien docket, which lien

² For statutory provisions on weed control, see ORS 570.505 et seq.

shall be enforced and collected by advertising and selling such property involved in the manner now provided by law for the sale of real property on execution. (Ord. 56 §4, 1957.)

8.16.050 Violation -- Penalty. Any person violating any of the provisions of this Chapter shall upon conviction be punished by a fine not exceeding One Hundred Dollars (\$100) for each day the person or persons is in violation of this Code. (Ord. 56 §5, 1957; amended by Ord. 269, 1995)

Chapter 8.20

PETROLEUM UNLOADING

Sections:

- 8.20.010 Definitions.
- 8.20.020 Requirements.
- 8.20.030 Violation -- Penalty.

8.20.010 Definitions. The following definitions shall apply in the interpretation of this chapter unless the context otherwise requires:

(1) "Petroleum fuels" includes gasoline, naphtha, benzine, kerosene, boiler fuel oil or other petroleum fuel having a flashpoint of less than one hundred degrees (100°) Fahrenheit.

(2) "Vehicle" includes any vehicle, trailer, or semitrailer propelled by mechanical motor or muscular power or any combination of vehicles having a carrying capacity of more than two thousand (2,000) gallons, other than a railroad car on rails. (Ord 78-A §2 1972)

8.20.020 Requirements.

(1) No vehicle shall be permitted to unload petroleum fuels with a flash point of less than one hundred degrees Fahrenheit (100°F) within the City except upon the following conditions:

(a) All unloading of petroleum fuel shall be done in the presence of a truck operator who shall remain within fifteen feet (15') of the control valve at retail service stations and within forty feet (40') of the control valve at all bulk plant locations at all times while petroleum fuel is being discharged or transferred.

(b) All deliveries must be made with the tanker and any trailer on private property and clear of all sidewalk and street areas.

(c) All deliveries must be made by means of a solid, unbroken hose, no greater than twenty feet (20') in length.

(d) All nozzles used in unloading of petroleum fuel of whatever type must meet all state and federal regulations.

(e) Vehicle-to-vehicle transfers by bulk tankers are prohibited within the City limits except within the approved fenced area of bulk petroleum plants. (Ord.78-a, §1, 1972; amended by Ord. 124 §1, 1979; amended by Ord. 218, 1988; amended by Ord 233, 1990)

8.20.030 Violation -- Penalty. Any violation of this Code section is punishable by a fine not to exceed \$500 or imprisonment not to exceed 100 days or both fine and imprisonment.(Ord. 78 A §3, 1972, Ord. 218 §1, 1988)

Chapter 8.24

NON-CERTIFIED WOOD STOVES AND FIREPLACE INSERTS

Sections:

8.24.010	Purpose.
8.24.020	Definitions.
8.24.030	Responsibility for Removal.
8.24.040	Removal.
8.24.050	Disclosure.
8.24.060	Certificate.
8.24.070	Penalties
8.24.080	Forms.

8.24.010 Purpose. The City Council finds that it is necessary for the protection of the health, safety and welfare of the City's residents to require non-certified wood stoves and fireplace inserts be removed and disposed of when structures containing them are sold. (Ord 326, 2001.)

8.24.020 Definitions. Definitions:

(1) "Non-certified wood stoves and fireplace inserts" means a residential space heating device that has not been certified by either the State of Oregon Department of Environmental Quality or federal Environmental Protection Agency as complying with smoke emission standards. "Non-certified wood stoves and fireplace inserts" does not include (1) devices exempt from certification requirements such as pellet stoves and pellet furnaces (a wood burning heating appliance which uses wood pellets as its primary source of fuel), (2) cook stoves (an indoor wood burning appliance the design and primary purpose of which is to cook food). (3) antique wood stoves (a wood stove built before 1940 that has an ornate construction and a current market value substantially higher than a common wood stove manufactured in the same period), and fireplaces.

(2) "Sale of structure" or "sale of structures" means any transaction whereby the ownership of a structure, or the real property upon which a structure is located, is transferred.

(3) "Structure" (Building) is any structure used or intended for supporting or sheltering any use or occupancy. (1997 Uniform Building Code Section 203-B).

(4) "Disposal" means to demolish to such an extent that restoration is impossible. "Disposal" does not include use as a trash burning device or reinstallation into another structure.

(5) "Demolish" includes (1) cutting up for scrap metal, (2) destruction of door, or (3) landfill disposal.

(6) "Seller" shall be singular or plural "Buyer" shall be singular or plural. (Ord 326, 2001.)

8.24.030 Responsibility for Removal. The responsibility for removal and disposal of non-certified wood stoves or fireplace inserts shall be the responsibility of the seller of the structure which contains the non-certified wood stoves or fireplace inserts, unless the seller and buyer agree in writing that it shall be the buyer's responsibility. (Ord 326, 2001.)

8.24.040 Removal. Non-certified wood stoves and fireplace inserts must be removed from structures upon sale of structures containing the non-certified wood stoves and fireplace inserts. If the removal is the responsibility of the seller, then removal shall be accomplished prior to the closing of any real estate transaction involving the structure containing the non-certified wood stoves or fireplace inserts. If removal is to be the responsibility of the buyer, removal shall be accomplish within 30 days after the closing of the real estate transaction. (Ord 326, 2001.)

8.24.050 Disclosure. The presence of all wood stoves or fireplace inserts in a structure shall be disclosed by the seller to the buyer as part of the sale and purchase of any such structure. The disclosure shall be evidenced by notarized disclosure certificate which shall state whether any wood stoves or fireplace inserts are non-certified and the disposal method. The notarized disclosure certificate shall be in substantially the following form included in this ordinance. (Ord 326, 2001.)

8.24.060 Certificate. The notarized disclosure certificate must be prepared by the seller, executed by the seller and the buyer, and delivered by the seller to the buyer at the closing of any real estate transaction involving the real property upon which the structure containing the wood stoves or fireplace inserts is located. A copy of the disclosure certificate after execution and delivery must be submitted to the City of Sisters Planning Department by the seller. Delivery of the notarized disclosure certificate is require whether the real estate transaction is closed in escrow or if the real estate transaction is closed by the seller and buyer without a closing escrow. (Ord 326, 2001.)

8.24.070 Penalties. Failure of the seller to provide the disclosure certificate required by this section, and failure of the seller (or buyer if the parties have so agreed) to remove non-certified wood stoves or fireplace inserts from a structure as required by this section, shall be subject to a fine of not more than \$1,000. (Ord 326, 2001.)

8.24.070 Form.

WOOD STOVE/FIREPLACE INSERT DISCLOSURE CERTIFICATE

The undersigned seller discloses to the undersigned buyer the presence of wood stoves or fireplace inserts located at property which has the following address:

The wood stoves or fireplace inserts
are generally described as:

The wood stoves or fireplace inserts
are: Certified/Non-certified:

1. _____

2. _____

- 3. _____
- 4. _____
- 5. _____

Seller and buyer each understand that the City of Sister’s wood stove/fireplace insert ordinance requires non-certified wood stoves or fireplace inserts to be removed from structures upon sale; and that the seller shall have the responsibility for the removal of the wood stoves or fireplace inserts, unless the seller and the buyer agree that it shall be the buyer’s responsibility to remove the wood stoves or fireplace inserts.

The responsibility for removing any non-certified wood stoves or fireplace inserts shall be:

Responsibility of seller: _____
 Responsibility of buyer: _____

The seller and buyer also understand that this certificate must be completed, signed by both the seller and buyer, and delivered by the seller to the buyer at the closing of the real estate transaction including the property where the stoves or fireplace inserts are located. A copy of the certificate must also be delivered to the City of Sisters Planning Department by the seller.

The penalty for not removing non-certified wood stoves or fireplace inserts is a fine not exceeding \$1,000.

Dated: _____ Seller: _____

State of _____
 County of _____

Signed or attested before me on _____ by _____

 Commission expires _____

Dated: _____ Buyer: _____

State of _____
 County of _____

Signed or attested before me on _____ by _____

 Commission expires _____