

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: AMUSEMENTS

Section

90.01 Regulating the conduct of dances, presence of minors and hours

§ 90.01 REGULATING THE CONDUCT OF DANCES, PRESENCE OF MINORS AND HOURS.

(A) *Dance regulations.* It shall be unlawful for any person, firm or corporation having the management, custody, supervision or control of any public dance within the City of Union, Oregon, to:

(1) Permit any lewd, obscene dance or any dance in its nature offensive to common decency;

(2) Permit any minor child under the age of 18 years of age to engage in any dance or remain on the premises where the dance is taking place past the hour of 12:00 midnight on Friday or Saturday night, or on any night immediately preceding a holiday, or past the hour of 10:00 p.m. on any other night, unless the minor child is accompanied by his or her parent or duly and legally appointed guardian;

(3) Permit any intoxicated person or person under the influence of intoxicating liquor to remain in any place where the dance is taking place;

(4) Allow any person attending the dance to leave the premises where the dance is taking place and to reenter the premises without the payment of regular admission fee upon each reentry;

(5) Allow any intoxicating beverages in any place where the dance is taking place; and

(6) Conduct any dance in the noisy or boisterous manner as to constitute a public nuisance.

(B) *Supervision.* There shall be in constant attendance at every public dance throughout the hours thereof, an attendant who shall be deputized by the Union Chief of Police to assist in maintaining order and see that the provisions of this section are complied with. The attendant shall be furnished by the person, firm or corporation in charge of the dance and shall be paid by the person, firm or corporation.

(C) *Enforcement.* The Police Department of the City of Union is charged with the enforcement of the provisions of this section and shall have the unrestricted right to enter upon the premises where any dance is taking place in order to insure compliance therewith.

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(D) *Misrepresentation of age.* It shall be unlawful for any person to misrepresent or misstate his or her age to any person having the management, custody, control or supervision of any public dance, or for the person to misstate or misrepresent his or her relationship to any person claimed to be a parent or guardian.

(E) *Curfew.* It shall be unlawful for any minor child under the age of 18 years to remain on the premises where the dance is taking place after the hour of 12:00 midnight on Friday or Saturday night, or any night immediately preceding a holiday or past the hour of 10:00 p.m. on any other night.
(Ord. 257, passed 11-8-1965) Penalty, see § 10.99

CHAPTER 91: ANIMALS

Section

Licensing of Dogs and the Control of Dogs and Livestock

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Cross-reference:

Animals, see Chapter 131

Dangerous Animals, see § 95.02

LICENSING OF DOGS AND THE CONTROL OF DOGS AND LIVESTOCK

§ 91.01 DELEGATION OF AUTHORITY AND ADOPTION OF FEES.

(A) the City of Union hereby delegates to Union County, full authority and responsibility to administer and enforce this subchapter. References in this chapter to “ Sheriff” , “ Deputy”, “ Enforcement

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Officer”, “ County Animal Control Services”, “ Animal Control Division”, County Hearings Section, Justice Court, Hearings Officer, and “ County Health Officer” shall be references to those persons and entities of Union County.

(B) The City of Union hereby delegates to the Union County Justice Court the court functions and duties provided for such Court as set forth in this chapter.

(C) The licenses required by this chapter shall be issued by Union County.

(D) Notwithstanding provisions within this chapter for the adoption by resolution of fees, penalties, fines, deposits, and, assessments (collectively referred to in this division as “ fees”), the City of Union hereby adopts as initial fees, those which are referred to in this chapter. Fees which are referred to but are not stated in a dollar amount are hereby initially set at the amount currently adopted by the Union County Board of Commissioners. Such initial fees may be amended by resolution of the City Council. (Ord. 524, passed 9-13-2010)

§ 91.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT DOG. Any dog having a set of permanent canine teeth, or past the age of six months.

AGGRESSIVE DOG. See § 91.12.

ANIMAL. Any member of the classes of reptiles, birds or mammals except man.

ANIMAL SHELTER. A facility which is used to house or contain stray, homeless, abandoned or unwanted animals, and which is owned, operated or maintained by a public body, an established humane society, animal welfare society, or a society for the prevention of cruelty to animals, or other nonprofit or profit organization devoted to the welfare, protection, and humane treatment of animals. Management policy will determine animals to be accepted at the ***ANIMAL SHELTER.***

AT LARGE. Any dog off the premises of the owner and not under the control of either the owner or a person authorized by the owner.

COMPANION ANIMAL. Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

DANGEROUS DOG. See § 91.12.

ENFORCEMENT OFFICER. An employee or a designee of the county hired for the purpose of enforcing this chapter and any state or federal regulations that may be applicable.

KENNEL. A private residence with four or more adult dogs.

LAWFUL. In regard to herding, hunting, competition or training, means to be engaged in such activity on the property of another by permission, or on public land that is set aside and/or open for such use.

LEASH. A cord, thong, or chain not more than eight feet in length by which an animal is physically controlled by the person accompanying it, and which is of a strength to restrain the animal.

LICENSE TAG or TAG. A pre-numbered identification license sold to an owner/custodian for a specific pet animal. Rabies identification or other identification may not be substituted or accepted in lieu of a **LICENSE TAG**.

LIVESTOCK. As defined by O.R.S. 609.125.

OWNER. Any person owning, keeping, harboring, caring for or having a right of possession to one or more dogs. For purposes of determining responsibility for dogs creating a nuisance, a dog shall be deemed to be harbored and owned if it is fed or sheltered for seven consecutive days or more. If a person decides to keep a stray, and the dog is old enough to be licensed, it shall be licensed within 30 days. In a family setting, the **OWNER** is presumed to be the head of the family or the person whose name appears on a license registration, a rabies vaccination form, or lacking other means of determination, the **OWNER** or leaseholder of the property where the dog is kept.

PERSON. Any individual, partnership, association, corporation or other legal entity.

PUBLIC NUISANCE. Any dog that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The owner shall be personally liable for a dog that becomes a **PUBLIC NUISANCE** and shall be financially liable for actions of his or her dog.

RESTRAINT. Any dog secured by a leash or lead under the control of a responsible person and obedient to the person's commands, or under competent voice control. **RESTRAINT** may include a pet carrier or other device sufficient to keep the dog from running at large.

UNDER CONTROL. The voice, signal or physical control so as to be restrained from approaching a bystander, from entering private property, and from causing damage to property. A dog is presumed not to have been under control if injury, damage or trespass has occurred.

VETERINARY HOSPITAL. An establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

WILD OR EXOTIC ANIMALS. See § 91.17.
(Ord. 464, passed 10-12-1998; Ord. 524, passed 9-13-2010)

§ 91.03 PROVISION OF ANIMAL CONTROL SERVICES.

The animal control services to be provided by this chapter may include, but not be limited to, the following:

(A) Establishing and maintaining a dog licensing program for domestic dogs;

(B) Capture and control of all types of dogs running loose within the city;

(C) Investigation, reporting and, where necessary, issuance of summons to owners on complaints of animals being kept in unsanitary, unhealthy, inappropriate or other unlawful conditions;

(D) Disposal of all abandoned dogs by adoption or euthanasia; and

(E) Provide a shelter for homeless animals.

(Ord. 524, passed 9-13-2010)

§ 91.04 LICENSING.

(A) No person may own, harbor, keep or have custody of any dog over the age of six months unless the dog has a current license. Animal Shelters and foster homes are exempt from licensing.

(B) All licenses shall expire one year from the date of issue and may be renewed within 30 days of expiration without penalty.

(C) It is unlawful for any owner to use a license tag for any dog other than the one for which it has been issued. If there is a change of ownership of a licensed dog, the new owner must apply for and obtain a new license.

(D) It is unlawful for any person to steal or remove the license tag from any dog.

(E) It is unlawful to make any false statements for the purpose of securing a lesser license fee.

(F) The keeping of dogs within the limits of the City of Union is forbidden unless the owners or keepers thereof shall procure a license for each dog. In any prosecution for a violation of this section or for determining the length of time an animal must be kept in impoundment, the absence of a tag appended to a dog' s collar shall be prima facie evidence that the dog has not been legally licensed.

(G) Annual license fees shall be established by Union County and/or the Animal Shelter. (Ord. 524, passed 9-13-2010) Penalty, see § 91.99

§ 91.05 KENNEL LICENSING.

(A) *Land use.* The issuance of a license for a kennel shall not constitute approval of the land use nor be evidence of compliance with land use restrictions or regulations which may apply to the operation or location of the proposed kennel. Applicants must have zoning approval from The City of Union, prior to requesting a kennel license from the Sheriff' s Office.

(B) *Licensing requirement.* No person shall operate a kennel without first obtaining an annual license from Union County and/or Animal Shelter for each kennel operated. Kennel licenses are not required in resource zones of Union County. Fees shall be established Union County and/or animal shelter.

(C) *License procedure.* Upon receipt of an application for a dog kennel license, the Enforcement Officer or Sheriff/Deputy shall inspect the facility, and upon determination that the facility complies with all applicable provisions of this chapter and other applicable city, state, or federal laws, shall issue a license. The Sheriff' s Office shall approve or deny an application made under this chapter within 60 days of its receipt and the payment of the applicable fees, or the application shall be deemed approved for the current year, subject only to revocation as provided in this chapter.

(D) *Display of license.* Each dog in the kennel over the age of six months shall wear a license tag provided by the Animal Control Division. Each dog shall have a license form but the fee shall be the single fee set for kennels.

(E) *Denial and revocation of license.* A kennel license required under this section may be denied or revoked for any of the following reasons:

(1) Failure to comply substantially with any provision of this chapter;

(2) Conviction of the owner or any person subject to his or her direction or control for the violation of any provision of this chapter or other applicable state or federal law, rule, order or regulation pertaining to any activity relating to animals;

(3) Furnishing false information on the application for a license under this chapter: or

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(4) Denial of kennel zoning request by the City of Union where the dog owner resides.

(F) *Appeal from denial or revocation of license.* If an application for a kennel license is denied (for any reason other than Division (E)(4) of this section) or approved subject to conditions, or revoked, the applicant may appeal denial, conditional approval, or revocation to Union City Council no later than 15 days after the date of the decision by the Sheriff or Enforcement Officer. Zoning refusal by the city is subject to the appeal process that is in place for land-use appeals. The Board shall provide a hearing for the applicant within 30 days of notice of appeal. Notice of hearing by the Board shall be mailed to the applicant by certified mail no later than ten days prior to the hearing. A decision by the Board resulting from an appeal under this section shall be reviewable only as provided in O.R.S. Chapter 34.

(G) *Inspection.* A kennel licensed under this chapter shall be subject to inspection by the Sheriff or Enforcement Officer at any time for the purpose of determining compliance with this chapter. The Sheriff or Enforcement Officer shall have the right to inspect the facility itself, as well as all records and other documents required to be kept by this chapter.
(Ord. 524, passed 9-13-2010)

§ 91.06 RABIES CONTROL; BITE QUARANTINE.

(A) No person may keep or harbor in the city a dog over six months of age which is not inoculated against rabies by a licensed veterinarian in accordance with current accepted standards.

(B) Any dog afflicted with rabies or bitten by a rabid animal is a nuisance and the owner or custodian of such dog is required immediately upon discovery to submit the dog to veterinary treatment and guarantee its confinement for such period and in such manner as directed by the County Health Officer, a licensed veterinarian, or Enforcement Officer, Sheriff, or other Peace Officer.

(C) The County Health Officer may direct the detention of dogs suspected of having rabies, in accordance with Health Department administrative rules. Notwithstanding the provisions of any other portion of this chapter, any dog impounded for biting a person shall be held for not less than ten days before redemption or destruction to determine if the dog is rabid.

(D) The owner of a dog who bites a human being shall notify the Sheriff within 24 hours of such bite, giving the name and address of the person bitten, if known.

(E) Any person who is bitten by a dog shall notify the Sheriff of such bite within 24 hours, giving a description of the dog and the name and address of such owner if known.

(F) When a doctor, veterinarian, shelter employee, or hospital employee has information that a person has been bitten by a dog, such person shall notify the Sheriff within 24 hours.

(G) All other animal bites shall be reported to the Union County Health Department, by the person bitten, their doctor or a hospital.

(Ord. 524, passed 9-13-2010) Penalty, see § 91.99

§ 91.07 PUBLIC NUISANCE.

(A) The owner or keeper of a dog shall not allow the animal to be a public nuisance as defined in this chapter. The term **PUBLIC NUISANCE DOG** shall mean and include, but is not limited to, any dog that:

- (1) Is repeatedly found at large;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Chases vehicles;

(5) Excessively makes disturbing noises, including, but not limited to continued and repeated howling, barking, whining for more than 15 minutes or intermittent barking for more than 30 minutes in a 60 minute period, causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored. If the barking is caused by the presence of predators such as coyotes, deer or other wildlife, or by a person intentionally taunting the dog, then the dog is not a public nuisance;

(6) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the dog is kept or harbored;

(7) Causes unsanitary conditions in enclosures or surroundings where the dog is kept or harbored;

(8) Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of dogs maintained;

(9) Attacks livestock or companion animals not belonging to the dog owner;

(10) Scatters garbage; and/or

(11) Is a female in heat and running at large.

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(B) Any person who has cause to believe a dog is being maintained as a public nuisance may complain, either orally or in writing, to the Sheriffs Department or County Animal Control Services. The complaint shall be considered sufficient cause for the Sheriff or Deputy to investigate the matter and determine if the owner or keeper of the dog is in violation of this section or other sections of this chapter pertaining to nuisance.

(C) Every reasonable effort will be made to see that every female dog in heat is confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another dog, except for planned breeding.

(D) Any dog whose owner allows or permits their animal to deposit excreta on public areas, recreation areas or on private property not belonging to the owner is hereby declared to be a nuisance and the owner shall be responsible for the removal of the excreta. In lieu of or in addition to removal of the excreta, the owner or custodian may be cited by an Enforcement Officer or the Sheriff for violation of this chapter.

(E) Each day a nuisance exists may be an additional cause for a citation.
(Ord. 524, passed 9-13-2010)

§ 91.08 DOG AT LARGE.

(A) It shall be unlawful for the owner or custodian of any dog to cause, permit or allow such dog to roam, run, stray or be away from the premises of such owner or custodian and to be on any public place, any public property or the private property of another within the city. An owner or custodian of a dog may take it off the owner's or custodian's premises provided the dog is under restraint. Any dog found roaming, running, straying, or being away from the owner or custodian's premises and not on a leash or under control as herein provided, is hereby declared to be at large, and such dog may be seized and impounded subject to the redemption provisions of this chapter. In lieu of, or in addition to, impounding a dog, the owner or custodian may be cited by a Deputy or the Sheriff for violation of this chapter.

(B) The prohibition contained in division (A) of this section shall not apply to dogs that are under control while engaged in one of the following:

- (1) Lawful herding of farm animals;
- (2) Lawful hunting activities;
- (3) Lawful competition sanctioned by a nationally recognized body or a local chapter thereof;

or

(4) Lawful training in preparation for such herding, hunting, or competitive activities.
(Ord. 524, passed 9-13-2010) Penalty, see § 91.99

§ 91.09 IMPOUNDMENT.

(A) At large dogs may be lawfully taken by any person and impounded in the animal shelter. The person must notify the shelter staff of the owner's name and address, if known.

(B) *Impoundment register.* The Sheriff or shelter shall maintain a register of all dogs impounded pursuant to this chapter and such register shall show the identification tag number, if any, breed of the dog, a description of the dog by coloring and marking, the time and date of the impoundment, the name of the officer impounding the dog, the area in which such dog was picked up, the method and time of notifying the owner, if known, of redemption procedures, and if known, the disposition of the dog and the date and time thereof.

(C) *Redemption.* An owner reclaiming an impounded dog shall pay impoundment fees and board fees in accordance with a resolution adopted by the county. If the dog is required to be licensed, the fees shall be paid at the time of redemption, and the tags issued upon presentation of proof of rabies vaccination. If, the person reclaiming the dog has outstanding unpaid tickets (tickets not pending hearing appeal), those must also be paid prior to the release of the dog.

(D) Impounded dogs shall be released to owners or custodians on presentation of proof of ownership, and proof that all appropriate fees have been paid. Any dog apprehended or turned into the shelter for impoundment shall be held for a minimum of five days. Any dog wearing a collar with a valid license tag shall be held for a minimum of five days, and the Deputy or shelter shall make reasonable effort to contact the owner. Any dog not redeemed during the required holding period shall be deemed to have been surrendered to the animal shelter for disposition.

(E) Seriously injured, diseased, or wild dogs need not be detained for the holding period, but with the concurrence of a veterinarian or certified euthanasia technician may be disposed of in a humane manner at any time. Notwithstanding the provisions of any other portion of this chapter, any dog impounded for biting a person shall be held for not less than ten days before redemption or destruction, to determine if the dog is rabid, unless the owner shows proof of current rabies vaccination and has an adequate area for home quarantine. This determination will be made by the Deputy or Sheriff.

(F) Any impounded dog, following the holding periods, and dogs voluntarily surrendered to the animal shelter, shall be disposed of in a humane manner, or, at the discretion of the shelter manager, may be held for a longer period to allow for adoption. No dogs shall be knowingly sold or given away by the county or its designee for the purposes of animal experimentation.

(G) Other animals may be impounded at the shelter's discretion.
(Ord. 524, passed 9-13-2010)

§ 91.10 ANIMAL CRUELTY; IN ADDITION TO O.R.S. CHAPTER 167.

The following, singly or together, are deemed to constitute cruel treatment to animals. Therefore, it shall be unlawful for any person to:

(A) Tether, confine, or restrain any dog in such a way as to permit the dog to become frequently entangled in such tether, or render the dog incapable of consuming food or water provided for it; while at the same time allowing adequate space for freedom of movement necessary when tethered for extended periods of time; the tether to be not shorter than three times the length of the dog measured from the tip of its nose to the base of its tail;

(B) Confining a dog within or on a motor vehicle or other enclosure or structure when unattended and under such conditions as may endanger the health and well being of the animal. Such conditions include, but are not limited to, dangerous temperature, lack of food or water, and confinement with a vicious dog; or

(C) Knowingly placing food of any description containing poisonous or other injurious ingredients in any location likely to be accessible to domesticated animals or livestock.
(Ord. 524, passed 9-13-2010) Penalty, see § 91.99

§ 91.11 ANIMAL ABANDONMENT.

(A) **ABANDONMENT** is defined as dropping off or leaving an animal on the street, road, or highway, or in a public place, or the private property of another person, firm, corporation; or in the case of a dog impounded at the animal shelter, a dog is presumed to be abandoned by its owner if they have taken no affirmative action to redeem the dog for a period of five days from the date of notice of impoundment.

(B) Animals may be left at the shelter by arrangement with shelter staff. If the owner refuses to redeem or pay fees for his animal, the owner may be cited for abandonment and the dog will be placed for adoption.
(Ord. 524, passed 9-13-2010)

§ 91.12 IDENTIFICATION AND CLASSIFICATION OF DANGEROUS OR AGGRESSIVE DOGS.

(A) *Aggressive - Level 1.* A dog shall be classified as Aggressive Level 1 if while at large, or secured in such a manner as to reach a public right-of-way, or secured in such a manner as to interfere with a legal right of entry to the dog owner's property the dog does menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person or, while at large, threaten or cause injury to any domestic animal.

(B) *Aggressive - Level 2.* A dog shall be classified as Aggressive Level 2 if while at large or secured in such a manner as to reach a public right-of-way, or secured in such a manner as to interfere with a legal right of entry to the dog owner’ s property the dog does aggressively bite or cause physical injury to any person, or while at large kills any domestic animal.

(C) *Dangerous.* A dog shall be classified as dangerous if, whether or not confined, causes serious physical injury or death to a person; or is used in the commission of a crime; or is an Aggressive Level 2 dog that repeats the behavior after the owner is notified of the designation.

(D) No dog shall be classified as dangerous or aggressive, even if the dog has engaged in these behaviors, upon a determination that the behavior was caused by abuse or torment of the dog, or criminal activity on the part of any victim.

(E) No dog shall be found to be dangerous or aggressive if it is a dog trained for law enforcement purposes and is on duty under the control of a peace officer.

(F) A Deputy or the Sheriff shall determine whether any dog has engaged in the behaviors specified in divisions (A) through (C) of this section. The determination shall be based upon an investigation that includes observation of the dog’ s behavior by a Deputy or the Sheriff, or by other witnesses who personally observed the behavior. Observations must be in writing attesting to the observed behavior. (Ord. 524, passed 9-13-2010)

§ 91.13 NOTIFICATION TO OWNER OF DANGEROUS OR AGGRESSIVE DOGS.

The Sheriff’ s Officer shall give the dog’ s owner written notice by certified mail or personal service that includes the following:

- (A) The dog’ s specific behavior;
- (B) The dog’ s dangerous or aggressive classification; and
- (C) Restrictions applicable because of the dog’ s classification.

(Ord. 524, passed 9-13-2010)

§ 91.14 REGULATION OF DANGEROUS OR AGGRESSIVE DOGS.

(A) *Aggressive - Level 1.*

(1) Dogs classified as Aggressive Level 1 shall be restrained at all times by a physical device or structure, in a manner that prevents the dog from reaching any public sidewalk or adjoining property

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and must be located so as not to interfere with the public's legal access to the owner's property, whenever that dog is outside the owner's home and not on a leash.

(2) The dog shall be licensed and the license renewed as required.

(3) Change of residence by owner or keeper or change of ownership of the dog shall be reported to the animal control agency. A new owner shall be subject to the same restrictions for the dog as the original owner.

(B) *Aggressive - Level 2.*

(1) Dogs classified as Aggressive Level 2 shall be confined within a secure enclosure whenever the dog is not on a leash or inside the owner's and/or keeper's home. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's/keeper's property.

(2) The dog shall not be off the property unless it is restrained and under the control of a capable person.

(3) The owner or keeper shall purchase and post a "beware of dog" sign at all entrances to the property if the behavior involved humans.

(4) The dog shall be licensed and the license renewed as required.

(5) Change of residence by the owner or keeper or change of ownership of the dog shall be reported to the animal control agency. A new owner shall be subject to the same restrictions as the original owner of the dog.

(6) To ensure proper identification of the dog, the dog shall be micro chipped at the owner's expense.

(7) The dog shall be sterilized at the owner's expense.

(C) *Dangerous.*

(1) A dog classified as dangerous shall be euthanized not less than ten days after classification to allow for rabies quarantine, unless appealed.

(2) The dog shall be impounded upon receipt by the owner or keeper of written notice of classification, pending completion of any appeals.

(3) Where the subject dog has been impounded and an appeal has been filed, the owner or keeper of the dog shall be required to post a deposit of \$150 at the time the appeal is requested towards the expense of sheltering the animal during the appeal process.

(4) If the Sheriff's classification of the dog as dangerous is upheld on appeal, the owner shall be liable for the cost of the dog's impoundment, and all fees incurred for sheltering and caring for the dog, or forfeit any amount remaining of the original deposit.

(5) If the Sheriff's classification of dangerous is reversed on appeal, the deposit shall be returned.

(6) Failure to file an appeal as provided or unexcused failure of a party to appear at a duly scheduled hearing, shall constitute a waiver by the party of any further appeal under the chapter. Upon entry of a waiver in the record, the last decision issued by the Sheriff shall become final. (Ord. 524, passed 9-13-2010)

§ 91.15 APPEAL PROCEDURES FOR AGGRESSIVE AND DANGEROUS DOGS.

(A) To appeal an aggressive or dangerous classification, the following requirements must be met:

(1) Appeals must be made in writing to the Justice Court or Hearings Officer. Appeal requests may be mailed to the Union County Justice Court, 10605 Island Avenue, Island City, OR 97850;

(2) A \$25 appeal fee must accompany the written request;

(3) In all dangerous dog classification appeals, a \$150 deposit must also accompany the written request to cover the costs to shelter the dog during the appeal process; and

(4) The written appeal, the \$25 appeal fee, and the \$150 deposit for dangerous dog appeals must be received by the Justice Court or Hearings Officer within ten days from the date of the notice of classification.

(B) Pending appeal, the owner shall comply with the restrictions specified in the aggressive or dangerous notice. Failure to comply with these restrictions shall be considered a violation of § 91.14.

IMPORTANT: FAILURE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS UNDER THIS SECTION WITHIN TEN DAYS FROM THE NOTICE OF CLASSIFICATION SHALL RESULT IN THE CLASSIFICATION BEING FINAL!

(C) To appeal the decision of the Justice Court or Hearings Officer regarding a dangerous dog classification, the owner may file a writ of review with Circuit Court. All filing fees and regulations required by Circuit Court must be met in order to schedule the hearing.

(D) The owner can petition the Justice Court or Hearings Officer to have the Aggressive Level 1 and Level 2 classifications removed if no subsequent citations have been issued for the following times:

(1) Aggressive - Level 1: no citations for six months; and

(2) Aggressive - Level 2: no citations for one year.

(Ord. 524, passed 9-13-2010)

§ 91.16 COSTS OF INJURED ANIMALS OR CARCASS REMOVAL.

(A) If an injured dog requiring veterinary treatment is impounded by the Deputy or other person and the owner can be clearly identified, the Sheriff shall have the authority to assess the costs of the veterinary treatment to the owner. Any owner refusing to pay such assessed costs may be cited for a violation of this chapter.

(B) If a Deputy or Sheriff is requested to remove a dead dog and the owner can be clearly identified, the Sheriff shall have the authority to assess the costs of removal and disposal to the owner; provided, however, that the cost of removal/disposal shall be reasonably commensurate with the actual costs and that a reasonable attempt be made to contact the dead dog's owner prior to such removal.
(Ord. 524, passed 9-13-2010)

§ 91.17 KEEPING OF WILD AND EXOTIC ANIMALS.

(A) The keeping of wild and exotic animals shall be in accordance with O.R.S. Chapter 609.

(B) In addition to all exotic animals, any canine or feline hybrid will be considered as exotic for the purposes of this chapter and shall be subject to all provisions in addition to any state or federal restrictions.

(C) Canine hybrids may be licensed for the purpose of tracking and control, but issuance of a license does not imply that the hybrid is protected from rabies with a vaccination.

(D) Hybrids which have bitten a person or another animal shall be taken into custody and immediately be humanely destroyed and the head submitted for analysis as required by state law.

(E) An owner shall identify whether or not an animal is a hybrid, unless there is other evidence to the contrary such as the breeder of the animals stating that they are a hybrid, or other such proof, to the satisfaction of the Deputy or Sheriff. In the event of a dispute over an animal's breeding, the safety of the public shall take precedence over the rights of the animal owner.

(F) Hybrids will not be adopted from the animal shelter. They will be humanely destroyed as soon as possible.

(Ord. 524, passed 9-13-2010)

§ 91.99 PENALTY.

(A) The provisions of this chapter shall be enforced by the Union County Sheriff's Department. It shall be a violation of this chapter to interfere with a Deputy or Sheriff in the performance of his or her duties.

(B) *Definitions.* For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **ADMISSIBLE EVIDENCE.** The Oregon Evidence Code shall be applicable to hearings held for violations of county infractions.

(2) **HEARINGS OFFICER.** The Hearings Officer shall be appointed by the Union County Board of Commissioners and is also subject to removal by the Union County Board of Commissioners.

(3) **JUSTICE COURT.** The Union County Justice Court.

(C) *Establishment and purpose.*

(1) A County Hearings Section with the powers and responsibilities provided in this section, and subject to the procedures and limitations set forth below, is hereby established.

(2) The County Hearings Section has been established for the purpose of providing a convenient and practical forum for the administrative hearing and determination of civil violations of certain county ordinances, in connection with but not limited to dog control ordinance violations.

(3) The Union County Justice Court may exercise authority designated under this chapter to the Hearings Officer.

(D) *Organization.*

(1) The section shall consist of the Hearings Officer and supporting clerical staff and shall be under the general supervision of the Union County Board of Commissioners.

(2) Consistent with this section and other applicable law, the Board of Commissioners may establish rules for the performance of the functions assigned to the section.

(3) The compensation of the Hearings Officer shall be as established separately by the Union County Board of Commissioners and be covered by a personal services contract.

(E) *Summons and complaint.* The Board of Commissioners shall prescribe the form of the summons and complaint to be used for county infractions and shall establish procedures for proper administrative

controls over disposition thereof. The summons and complaint shall include the number and section of the code allegedly violated, a brief description of the time, place and manner of the infraction, indication of the maximum fine assessable for a first offense under division (H) below, and notification as to where to appear in response to the summons and complaint.

(F) *Answer.*

(1) A person who receives a summons and complaint for an infraction shall answer such summons and complaint by (a) personally appearing to answer at the time and place specified therein, or (b) mailing or otherwise delivering to the place specified on or before the assigned appearance date, a signed copy of the summons and complaint, together with a check or money order in the amount of the scheduled fine listed therein, indicating either that the infraction is admitted or that the infraction is denied and a hearing date will be assigned by the Hearings Officer or Justice Court. The Hearings Officer or Justice Court may require a part of or the full amount of the scheduled fine to be paid before a hearing will be assigned. If the infraction is admitted, an explanation of mitigating circumstances may be attached.

(2) If the person alleged to have committed the infraction fails to answer the summons and complaint by the appearance date indicated thereon, which shall be no sooner than seven days from the date of the summons and complaint, or appear at the hearing as provided herein, a default shall be entered for the scheduled fine in division (H) below. If the Hearings Officer or Justice Court believes that an increased fine is appropriate, a hearing must be scheduled on behalf of the defendant.

(3) If the Hearings Officer or Justice Court determines that an infraction constitutes a second or subsequent offense for the defendant within the provision of division (H) below, then the Hearings Officer or Justice Court shall require upon default, admission, or a finding of guilt, that the fine be enhanced in accordance with the relevant penalty.

(G) *Hearing.*

(1) Every hearing to determine whether a county infraction has occurred shall be held before a Hearings Officer or Justice Court. The county must prove the infraction occurred by a preponderance of the evidence. The hearing shall be limited to admissible evidence. The Hearings Officer or Justice Court may prescribe by rule or regulation the procedures for the conduct of the hearings in conformity with applicable state statutes.

(2) The Hearings Officer or Justice Court has the authority to administer oaths and take testimony of witnesses. Upon the request of the person alleged to have committed the infraction, or upon his or her own motion, the Hearings Officer or Justice Court may issue subpoenas in accordance with the Oregon Rules of Civil Procedure, which shall apply to procedural questions not otherwise addressed by this section.

(3) The person alleged to have committed the infraction shall have the right to cross-examine witnesses who testify and shall have the right to submit evidence on his or her behalf, but cannot be compelled to do so.

(4) After due consideration of the evidence and arguments, the Hearings Officer or Justice Court shall determine whether the infraction alleged in the complaint has been established. When the infraction has not been established, an order dismissing the complaint shall be entered and any prior deposit of the scheduled fine shall be returned. When the determination is that the infraction has been established, or if an answer admitting the infraction has been received, an appropriate order shall be entered in the records. A copy of the order shall be delivered to the person named in the order personally or by mail. Any motion to reconsider the order of the Hearings Officer or Justice Court must be filed within ten days of the original order or it may not be heard.

(5) Fines collected pursuant to the provisions of this chapter shall be paid to the Infractions Section or Justice Court and credited to the County Animal Control Program, unless otherwise expressly provided.

(6) Hearings shall be conducted at locations determined by the Union County Board of Commissioners.

(7) A tape recording shall be made of the hearing unless waived by both parties, which tape shall be retained for at least 90 days following the hearing or final judgment on appeal.

(8) A hearing may be postponed at the request of any party upon written request to the Hearings Officer or Justice Court at least 72 hours prior to the date and time scheduled for the hearing.

(H) *Infractions and fines.* Fines for violations of this chapter shall be established by Union County and/or Animal Shelter.

(I) *Review.* A defendant may appeal a final adverse ruling to the Union County Circuit Court within 30 days by writ of review as provided by O.R.S. 34.010 through 34.100.

(J) *Enforcement.* Fines are payable upon receipt of the final order declaring a fine. Fines under this chapter are a debt owing to the county and may be collected in the same manner as any other debt as allowed by law.

(Ord. 524, passed 9-13-2010)

CHAPTER 92: FIRE PREVENTION

Section

General Provisions

- 92.01 Adopting certain articles of the Uniform Fire Code

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- 92.40 Burning permits
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Union - General Regulations***Fee for Fire and Emergency Services Departments;
Emergency Services Fund***

- 92.60 Purpose and policy
- 92.61 Imposition; manner of setting fire and ambulance department user fee
- 92.62 Collection
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GENERAL PROVISIONS**§ 92.01 ADOPTING CERTAIN ARTICLES OF THE UNIFORM FIRE CODE.**

(A) *Adoption.* The codes and sets of regulations listed in this section as hereinafter amended or modified, are hereby adopted as though fully set out herein and shall be known as the Fire Codes for the City of Union. The codes adopted as hereinafter modified or amended are those articles listed below of the Uniform Fire Code, 1991 edition, as promulgated by the International Fire Code Institute and as modified by the State of Oregon 1992 Amendments, together with the definitions applying to these articles.

(B) *Uniform Fire Code Articles.*

- (1) 10, Fire Protection;
- (2) 11, General Fire Safety Precautions;
- (3) 12, Maintenance of Exits and Emergency Escapes;
- (4) 13, General Emergency Procedures;
- (5) 25, Places of Assembly;
- (6) 28, Storage and Handling of Combustible Fiber;
- (7) 29, Garages;
- (8) 30, Lumber Yards and Woodworking Plants;
- (9) 31, Tire Rebuilding Plants;
- (10) 32, Temporary Structures, Tents, Canopies;

- (11) 34, Auto Wrecking Yards;
- (12) 77, Explosive Materials;
- (13) 78, Fire Works;
- (14) 79, Flammable and Combustible Liquids;
- (15) 80, Hazardous Materials (Division 1 only);
- (16) 82, Liquid Petroleum Gases;
- (17) 83, Matches; and
- (18) 87, Fire Safety in Construction, Alteration, Demolition.

(C) *Enforcement.* This section shall be enforced by the Union Police Department or by the Union Fire Chief or designees of the Fire Chief.

(D) *Effective date.* Since the provisions of this section are necessary to protect the health and safety of the citizens of Union, this section shall take effect immediately following its adoption by the City Council and approval by the Mayor.
(Ord. 447, passed 2-12-1996)

BURNING REGULATIONS

§ 92.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

BURNING CONTAINER. An enclosed container of non-combustible material such as ferrous metal or masonry and screened with metal wire mesh. The container shall be constructed so as to entirely contain the allowable material and to prevent any burning materials from leaving the container while burning.

COOKING FIRE. An open burning fire used for cooking food, excluding gas or charcoal fired cooking grill fires.

NUISANCE BURNING. Any burning that is in violation of the Oregon Administrative Rules or other state regulations, or any burning that causes a nuisance as determined by a fire or police officer.

Union - General Regulations

OPEN BURNING. All burning conducted outside the limits of an enclosed building such as a residence, shop, store, garage and the like.

RESPONSIBLE PERSON. A person who is reasonably capable of extinguishing an open burning fire or accidental secondary fire.

SAFETY AREA. An area free of combustible materials surrounding the burning container or an open, unconfined burning pile of sufficient size so as to prevent the kindling of any secondary fire.

SAFETY EQUIPMENT. Water, either in containers or by garden hose, shovels, rakes or any other items that are required for extinguishing of a permitted fire.

UNCONFINED BURNING PILE. A pile of combustible vegetative debris suitable for burning, located within a proper safety area.

VEGETATIVE DEBRIS. Yard debris which includes limbs, twigs and cut trees and shrubbery, and dry leaves, but excludes wet tree leaves, grass clippings and other slow burning vegetable matter.

WIRE MESH or SCREENING. A ferrous metal wire mesh or screen with openings small enough to entirely confine the burning material within the burning container. Openings within the screen or mesh are to be less than one-half square inch in area.

(Ord. 511, passed 2-11-2008; Ord. 516, passed 8-11-2008)

§ 92.16 BURNING REGULATIONS.

(A) Nuisance burning is prohibited. Regulations governing burning that is harmful to persons or the environment are defined in the Oregon Administrative Rules; Chapter 340, Division 23. Also see **NUISANCE BURNING** in definitions.

(B) Open burning is prohibited within the city except as provided in § 92.17.

(C) The use of burn barrels or other burning containers for burning clean paper, dry limbs or twigs is allowed. Burning trash, plastics, magazines, colored paper or diapers is prohibited.

(D) Normally burning will not be allowed from July 1 to September 30. During a period of fire hazard, burning hours will be further restricted by written order of the State Fire Marshal, and/or the Fire Chief of the Union Fire Department.

(E) Burning hours restrictions shall not apply to supervised controlled burning conducted by the Union Fire Department.

(F) These regulations shall be monitored and enforced by members of the Union Emergency Services Department, (Fire Department) Union public work personnel, any and all police, sheriff or ordinance enforcement officers, and any other person or persons authorized by the City Council by resolution. These individuals are authorized to enter onto private premises for the purpose of monitoring and enforcing the regulations.

(G) All burning shall be done in the confines of the owner' s property, and in no event shall any burning be done in the city streets, on the city aprons or rights-of-way.

(H) Open burning piles shall be no larger than two feet in height or three feet in diameter. Any larger piles must be inspected and approved in writing by the Fire Chief or his or her appointee. (Ord. 511, passed 2-11-2008; Ord. 516, passed 8-11-2008) Penalty, see § 10.99

§ 92.17 CONDITIONS PERMITTING OPEN BURNING.

(A) (1) Recreational burning may be done without a permit. This includes:

(a) Cooking fires used exclusively for cooking;

(b) Fires located in fire pits associated with supervised campsites. This also includes outdoor (hearth) fireplaces and chimneys (chimney patio fireplaces) with spark arrestors (i.e. screens on chimney, etc.) used for cooking and/or heating purposes only. Only clean dry wood may be used in these pits, fireplaces and chimneys. No garbage;

(c) Propane, natural gas or briquette barbeques that meet applicable federal and state requirements;

(2) Recreational fires must be completely extinguished before leaving unattended. There are no restrictions on hours unless posted by the Fire Chief.

(B) Vegetative debris may be burned in an open burn pile only under all of the following conditions:

(1) Vegetative debris includes only limbs, twigs and cut trees and shrubbery. Materials other than vegetation (i.e. garbage, tires, paper, cardboard, furniture and the like) is prohibited and is subject to a fine;

(2) The person first obtains a burn permit and an inspection for piles larger than two feet high or three feet in diameter from the Fire Chief or his or her appointee;

(3) The Union Fire Department shall be contacted immediately prior to igniting an inspected burn pile; and

(4) All applicable U.S. Forest Service and Oregon Department of Forestry regulations on opening burning shall apply.

Union - General Regulations

(C) (1) All open burning shall be limited to the hours specified by resolution of the Union City Council.

(2) All open burning fires are to be completely extinguished outside of the time limit(s) set by the aforementioned resolution.

(3) All burning shall be done during the hours from dawn to dead out by dark; and

(D) Violation of this section is unlawful burning.

(Ord. 511, passed 2-11-2008; Ord. 516, passed 8-11-2008) Penalty, see § 10.99

§ 92.18 SAFETY.

(A) All open burn piles and uncontained fires shall have a 25-foot safety area. Burn barrels and contained fires shall have a 15-foot safety area around the fire.

(B) All unconfined burning piles shall be constantly supervised. Safety equipment shall be readily available during burning, for use in extinguishing the fire or any accidental secondary fire.

(C) No open burning shall be permitted if, in the sole judgment of the Fire Chief or his or her designee, the open burning would constitute a fire safety hazard or the smoke would be a nuisance. This also includes recreational burning.

(Ord. 511, passed 2-11-2008; Ord. 516, passed 8-11-2008) Penalty, see § 10.99

§ 92.19 RESPONSIBILITY.

(A) Open burning shall be conducted only by a responsible person or a person directly supervised by a responsible person.

(B) The responsible person in charge of conducting open burning shall be held liable for all damage resulting from the burning, and will be subject to any penalties for the violation of this subchapter or the regulations of the State of Oregon.

(Ord. 511, passed 2-11-2008; Ord. 516, passed 8-11-2008)

§ 92.20 COSTS OF SUPPRESSING FIRES.

If any Fire Department response is required to suppress an uncontrolled fire and the Fire Department determines that the fire was caused or started by one of the exceptions listed in § 92.17(A) through (C), the property owner shall reimburse the Union Fire Department for those costs associated with the suppression efforts.

(Ord. 511, passed 2-11-2008; Ord. 516, passed 8-11-2008)

§ 92.21 PERMIT REQUIRED.

(A) Permits will be issued once a year: January 1 to December 31.

(B) The cost of a permit will be established by resolution.

(C) No permits will be issued between July 1 through September 30 of each year.
(Ord. 511, passed 2-11-2008; Ord. 516, passed 8-11-2008)

§ 92.22 DISCONTINUANCE.

Notwithstanding anything to the contrary in this subchapter or code, the Fire Department may prohibit all open burning within the city and cause the immediate cessation of all open burning if the Fire Department determines, in its sole discretion, that smoke emissions may be offensive to occupants of surrounding properties or that open burning may be a hazardous condition.
(Ord. 511, passed 2-11-2008; Ord. 516, passed 8-11-2008)

§ 92.23 USE OF WOOD STOVES RESTRICTED.

Wood stoves, fireplaces or outdoor fireplaces must be used for heating and cooking purposes only and may not be used to burn household garbage, tires, furniture, colored paper, cardboard, plastics, leaves, green material or other yard debris. Violation of this section is unlawful burning of prohibited materials in a wood stove.
(Ord. 511, passed 2-11-2008; Ord. 516, passed 8-11-2008) Penalty, see § 10.99

§ 92.24 OFFICERS AUTHORIZED TO ISSUE CITATIONS.

These regulations shall be monitored and enforced by members of the Union Emergency Services Department, City of Union Public Works personnel, the City Administrator or any other person or persons which the City Council for the City of Union may authorize by resolution.
(Ord. 511, passed 2-11-2008; Ord. 516, passed 8-11-2008)

BURNING OF TRASH

§ 92.40 BURNING PERMITS.

(A) No person shall set on fire, nor cause to be set on fire, any refuse or debris within the corporate limits within the City of Union without having first obtained a permit from the Fire Chief or City Recorder.

Union - General Regulations

(B) Permits will be issued on a calendar year basis for approved incinerators or burning barrels. Permits for open burning will be issued for a period not exceeding ten days.

(C) The Fire Chief may shorten this period on burning at any time he or she deems it necessary because of weather conditions.

(Ord. 286, passed 5-8-1972) Penalty, see § 10.99

§ 92.41 APPROVED INCINERATOR OR BARREL.

An approved incinerator shall mean an incinerator approved by the Fire Chief. An approved burning barrel shall mean an open top barrel covered with a well-fitting, heavy gauge screen not exceeding three-quarter inch mesh and approved by the Fire Chief.

(Ord. 286, passed 5-8-1972)

§ 92.42 BURNING REGULATIONS.

All permitted burning shall be done subject to the following:

(A) The permit holder shall make adequate provisions for fire control;

(B) All burning shall be done in the confines of the owner' s property, and in no event shall any burning be done in the city streets;

(C) All burning shall be done between the hours of 7:00 a.m. to 7:00 p.m. Pacific Standard Time, or 8:00 a.m. to 8:00 p.m. Pacific Daylight Time; and

(D) No garbage shall be burned.

(Ord. 286, passed 5-8-1972) Penalty, see § 10.99

§ 92.43 REVOCATION OF PERMITS.

(A) Any burning permit may be revoked at any time if:

(1) The permit holder shall be in violation of § 92.42; or

(2) The burning would, in the opinion of the Fire Chief, be a hazard to another person' s health or otherwise unsafe.

(B) The revocation shall be in addition to any penalty that might be imposed for violation of this subchapter.

(C) The representatives of the Fire, Police or Public Works Department shall enforce this subchapter. These individuals are authorized to enter onto private premises for the purpose of monitoring and enforcing these regulations.

(Ord. 286, passed 5-8-1972; Ord. 454, passed 6-30-1997)

§ 92.44 EXPLOSIVES STORAGE.

No explosives or blasting agents shall be stored within the Union city limits.

(Ord. 286, passed 5-8-1972) Penalty, see § 10.99

§ 92.45 LIQUIFIED GAS STORAGE.

The bulk storage of liquified petroleum gas is prohibited within the Union city limits. Providing, however, that liquified petroleum gas in amounts of 1,200 gallons or less used for domestic or commercial purposes may be kept within the city limits if kept within containers meeting the requirements of and installed in conformance with the Oregon State Fire Code.

(Ord. 286, passed 5-8-1972)

§ 92.46 TRAFFIC AND WATER CONTROL; REPORTING.

(A) It shall be unlawful to drive a vehicle over any fire hose line used by the Fire Department unless the hose line is protected by an approved bridge.

(B) It shall be unlawful at all times to park any vehicle in front of any hotel entrance, exit, within ten feet of any fire hydrant or to park any vehicle in front of any theater entrance or exit during theater hours.

(C) During periods of water use restrictions imposed by the City Council, it shall be unlawful to fail or refuse to turn-off all water faucets and fixtures connected with the water system of the city upon the sounding of the fire alarm siren-horn or to fail or refuse to keep same turned off.

(D) It shall be the duty of any person owning, occupying or in control of any building, other than a private dwelling, upon learning that an accidental fire of any kind or source has occurred or is occurring therein, to report the fire immediately to the Fire Department; and any person who fails to so act shall be deemed guilty of a violation of this subchapter.

(E) It shall be unlawful for any person to remove or destroy, mutilate or conceal any notice issued or posted by the Fire Department pursuant to the authority set forth in this subchapter.

(Ord. 286, passed 5-8-1972) Penalty, see § 10.99

§ 92.47 MODIFICATIONS.

The Chief of the Fire Department shall have the authority to modify the application of any of the provisions of this subchapter upon application in writing by the owner or lessee of any property affected hereby if it is shown that there are practical difficulties in the way of carrying out the strict letter of this subchapter; providing, that the spirit of this subchapter shall be observed, public safety secured and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department, and a signed copy shall be furnished to the applicant.

(Ord. 286, passed 5-8-1972)

§ 92.48 APPEALS.

Whenever the Chief of the Fire Department or the City Recorder shall disapprove an application or refuse to grant a permit applied for, the applicant may appeal the decision in writing addressed to the City Recorder, and the appeal shall be referred to a committee composed of the Mayor, Chief of the Fire Department, Chief of the Police Department, Fire Commissioner and City Attorney. The appeal shall be presented to the City Recorder within 30 days from the date of the decision appeal.

(Ord. 286, passed 5-8-1972)

***FEE FOR FIRE AND EMERGENCY SERVICES DEPARTMENTS;
EMERGENCY SERVICES FUND***

§ 92.60 PURPOSE AND POLICY.

The City Council has determined that maintaining of city fire and EMS departments are of benefit to all citizens of the city, and finds that all citizens of the city should share in the costs of training, supplying, equipping, and maintaining the departments. The City Council has held public hearings on this matter, and has determined that citizens receive many benefits from the provision of fire and EMS services within the city, including but not limited to insurance ratings that decrease property and casualty insurance rates, quicker response to emergencies, and improved quality of living. Although specific users of the services may be directly billed for specific use of the services, the City Council has determined that all citizens receive direct and consequential benefits from the services, and therefore should share in the expense of maintaining the services. This fee will be separate and distinct from any bills or fees submitted to users of the services. As a matter of policy, it is the intent of the Council that the fee will be set by resolution to reflect and collect funds for expenses to: train, supply, equip, maintain, and operate the departments.

(Ord. 515, passed 8-11-2008)

§ 92.61 IMPOSITION; MANNER OF SETTING FIRE AND AMBULANCE DEPARTMENT USER FEE.

There is hereby created a Fire and EMS Department User Fee to be charged within the city. The Fire and EMS Department User Fee for the city shall be as set forth in a resolution duly adopted by the City Council, and charged to each residential and business unit as billed for water and sewer within the city limits. This fee shall be based upon the calculated need of the departments to operate in the next fiscal year. The resolution setting this fee shall be reviewed by February 1 of each year for establishing and collection of the fee for the following fiscal year.

(Ord. 515, passed 8-11-2008)

§ 92.62 COLLECTION.

The Fire and EMS Department User Fee shall be billed and collected with and as part of the monthly water and/or sewer bill. In the event that funds received from the city utility billings are inadequate to satisfy in full all of the water, sewer and Fire and EMS Department User Fee, credit shall be first given to the Fire and EMS Department User Fee, second to the sewer charge, and third to the charges for water service. In the event that any Fire and EMS Department User Fee shall not be paid as provided herein, the city may proceed with all means available to the city for collection of delinquent utility bills, including but not limited to any court costs, attorney' s fees, and other expenses associated with the collection efforts.

(Ord. 515, passed 8-11-2008)

§ 92.63 DEDICATION OF FUNDS.

The funds collected by the Fire and EMS Department User Fee shall be budgeted and allocated within the city' s Emergency Services Department and shall be used for equipment, training, supplies and maintenance of the Fire and EMS Departments.

(Ord. 515, passed 8-11-2008)

CHAPTER 93: ABANDONED VEHICLES

Section

- 93.01 Definitions
- 93.02 State statute cited
- 93.03 Notice of nuisance
- 93.04 Impounding nuisance
- 93.05 Notice of impoundment and sale
- 93.06 Low value vehicle
- 93.07 Public sale notice
- 93.08 Public sale of vehicles valued over \$750
- 93.09 Redemption before sale
- 93.10 Sale and proceeds
- 93.11 Application
- 93.12 Charges
- 93.13 Effective date

§ 93.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

ABANDONED. Left unoccupied and unclaimed or in a damaged or dismantled condition upon the streets or alleys of the city.

CHIEF OF POLICE. Any authorized law enforcement officer of the city.

COSTS. The expense of removing, storing and selling an impounded vehicle.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE OWNER. Any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle. (Ord. 426, passed 2-11-1991)

§ 93.02 STATE STATUTE CITED.

The requirements of this chapter are in addition to the requirements of O.R.S. Chapter 819. (Ord. 426, passed 2-11-1991)

§ 93.03 NOTICE OF NUISANCE.

It shall be the duty of the Police Department whenever a vehicle is found upon the streets or alleys of the city in the same position for a period of 48 hours to:

(A) Make a routine investigation to determine the owner of the vehicle by any means available;

(B) If the owner is not identified, to place a notice conspicuously on the vehicle stating that the Police Department will tow the vehicle if it is not removed within 72 hours following the posting of the notice; and

(C) If the owner of the vehicle is not identified, the Police Department shall presume that the recorded owner identified by Oregon Motor Vehicle Division files is the owner. The Police Department shall send to the presumed owner a written notice complying with the requirements of O.R.S. 819.170 (Notice Prior to Removal) or O.R.S. 819.180 (Notice After Removal). (Ord. 426, passed 2-11-1991)

§ 93.04 IMPOUNDING NUISANCE.

(A) A vehicle which remains in the same position for 24 hours after the owner has been requested to move it, or a vehicle on which a notice has been posted and the expiration of the warning notice has expired with no person appearing to show cause why the vehicle should not be moved, shall constitute a nuisance.

(B) It shall be the duty of the Police Department to cause a vehicle which constitutes a nuisance to be removed by a licensed and bonded towing company or automobile wrecking company which has signed an agreement with the city. The company shall tow the vehicle to its safe and secure storage yard where the vehicle will be disposed of pursuant to the provisions of this chapter.

(C) Prior to or following removal of the vehicle, the Chief of Police will cause the vehicle to be appraised by a certified appraiser to determine if the vehicle is valued at less than \$750.

(D) (1) A motor vehicle used by an operator under the following conditions shall be considered a nuisance and shall be impounded immediately:

(a) Operators license is suspended (including infraction suspension), revoked or invalid (except where the operator's license is invalid for the sole reason of being expired less than one year);

(b) A motor vehicle from which a firearm has been discharged, including air guns and paint pellet “ paint ball” guns, slingshot projectiles or fireworks thrown from the vehicle;

(c) A motor vehicle operated without evidence of insurance as required by the Motor Vehicle Code; and

(d) A motor vehicle in which the driver has been arrested for any reason, including driving under the influence of intoxicants.

(2) Prior to getting a vehicle out of impound, the owner or responsible party shall pay an impound fee in an amount established by resolution of the City Council. The owner or responsible party will also need to provide proof of current liability insurance, registration and driver’ s license in order to clear the vehicle for release.

(Ord. 426, passed 2-11-1991; Ord. 456, passed 9-8-1997)

§ 93.05 NOTICE OF IMPOUNDMENT AND SALE.

If the owner is identified, he or she shall be notified within 48 hours by certified mail with return receipt requested. The notice shall state that the vehicle is held in impound. The notice shall meet the requirements of O.R.S. 819.180.

(Ord. 426, passed 2-11-1991)

§ 93.06 LOW VALUE VEHICLE.

(A) If the vehicle is appraised at less than \$750, the requirements of O.R.S. 819.220 (Disposal of Vehicle Without Notice and Public Auction) shall apply.

(B) Failure of the owner to reclaim the vehicle within 15 days after the date of notification shall constitute a waiver of interest in the vehicle.

(C) Upon completion of the requirements of O.R.S. 819.220, the Chief of Police may, without notice and public auction, execute a sale and issue a certificate of sale.

(D) The certificate of sale must contain the requirements of O.R.S. 819.240.

(Ord. 426, passed 2-11-1991)

§ 93.07 PUBLIC SALE NOTICE.

If the vehicle is appraised at over \$750 and if no claim is made on the vehicle within 15 days as specified by O.R.S. 819.220, the Chief of Police will cause a notice of public sale to be published in a newspaper of general circulation within the city. The notice of sale shall state:

(A) That the sale is of abandoned property in the city's possession;

(B) A description of the vehicle including its type, make, license number, VIN and any other information which will aid in identifying the vehicle; and

(C) The terms, date, time and place of the sale.

(Ord. 426, passed 2-11-1991)

§ 93.08 PUBLIC SALE OF VEHICLES VALUED OVER \$750.

(A) Pursuant to O.R.S. 819.210 and 819.220, vehicles valued at more than \$750 shall be sold at public auction. Notice of the public sale shall be in accordance to § 93.07.

(B) The vehicle shall be sold to the highest bidder. If no bids are received that would cover the cost incurred by the city, the Chief of Police may enter a bid on behalf of the city in an amount equal to the cost.

(C) At the time of the sale the Chief of Police shall execute a certificate of sale in accordance with the requirements of O.R.S. 819.240.

(Ord. 426, passed 2-11-1991)

§ 93.09 REDEMPTION BEFORE SALE.

(A) A claimant may redeem an impounded vehicle prior to sale or disposition by applying to the Police Department and providing:

(1) Evidence of ownership or interest in the vehicle and that the claim is rightful; and

(2) Payment of all costs due and owing at the time of application, the costs to include all fines, towing costs and the like.

(B) If the Chief of Police determines that the requirements of division (A) above have been adequately met, the Chief shall execute a receipt to the owner and shall notify the towing agency that the vehicle may be released upon payment of any lien against the vehicle, including all reasonable towing and storage costs.

(Ord. 426, passed 2-11-1991)

§ 93.10 SALE AND PROCEEDS.

(A) Upon sale of a vehicle sold under the authority of O.R.S. 819.210 or 819.220, the Chief of Police shall comply with the requirements stipulated in O.R.S. 819.250.

(B) The Chief of Police shall issue a return of sale to the Motor Vehicle Division.

(C) The Chief of Police shall transmit to the City Recorder all of the proceeds of the sale for deposit into the General Fund of the city.

(D) At the time of sale, the Chief of Police must make clear that bidding shall not begin lower than the cost incurred by the city and that the purchase shall be liable for any liens against the vehicle.
(Ord. 426, passed 2-11-1991)

§ 93.11 APPLICATION.

This chapter shall apply to all abandoned vehicles now in possession of the City of Union as well as vehicles that are hereafter impounded.
(Ord. 426, passed 2-11-1991)

§ 93.12 CHARGES.

(A) In the enforcement and execution of the provisions of this chapter, the Chief of Police shall charge and collect all fines and expenses incurred by the city.

(B) The towing company liens shall be paid by the purchasers or claimants of the vehicle.
(Ord. 426, passed 2-11-1991)

§ 93.13 EFFECTIVE DATE.

This chapter shall take effect immediately upon its passage by the City Council and approval by the Mayor.
(Ord. 426, passed 2-11-1991)

CHAPTER 94: STREETS AND SIDEWALKS

Section

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Cross-reference:

Street and Sidewalk Offenses, see Chapter 131

PUBLIC RIGHTS-OF-WAY

§ 94.001 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

CITY. The City of Union, Oregon.

PERSON. Individual, corporation, association, firm, partnership, joint stock company and similar entities.

PUBLIC RIGHTS-OF-WAY. Include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including subsurface and air space over these areas.

WITHIN THE CITY. Territory over which the city now has or acquires jurisdiction for the exercise of its powers.

(Ord. 453, passed 4-14-1997)

§ 94.002 JURISDICTION.

The City of Union has jurisdiction and exercises regulatory control over all public rights-of-way within the city under the authority of the City Charter and state law.

(Ord. 453, passed 4-14-1997)

§ 94.003 SCOPE OF REGULATORY CONTROL.

The city has jurisdiction and exercises regulatory control over each public right-of-way whether the city has a fee, easement or other legal interest in the right-of-way. The city has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means. (Ord. 453, passed 4-14-1997)

§ 94.004 CITY PERMISSION REQUIREMENT.

No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits. (Ord. 453, passed 4-14-1997) Penalty, see § 94.999

§ 94.005 OBLIGATIONS OF THE CITY.

The exercise of jurisdiction and regulatory control over a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way. (Ord. 453, passed 4-14-1997)

REGULATING SKATING OR USING SKATEBOARDS

§ 94.020 DANGEROUS SKATING PROHIBITED.

It shall be unlawful for any person(s) to skate or to use a skateboard in the City of Union where the activity presents a clear danger of hurting other people or themselves, where the activity presents a danger of destroying private or public property or where the activity presents a danger of disrupting government, business or school activities. (Ord. 443, passed 6-12-1995) Penalty, see § 94.999

§ 94.021 RESTRICTIONS IN GENERAL COMMERCIAL ZONE.

It shall be unlawful for any person to skate or to use a skateboard during business hours (normally 8:00 a.m. to 6:00 p.m.), or on any special event day, within the following area of the C1-General Commercial Zone: The entire public right-of-way of Main Street (Highway 203/237) between the north end of the Catherine Creek Bridge and the intersection with Dearborn Street. (Ord. 443, passed 6-12-1995) Penalty, see § 94.999

§ 94.022 APPARATUS PROHIBITED.

(A) It shall be unlawful for any person to take apparatus for use with skates or skateboards on to the public right-of-way, including, but not limited to, streets, alleys, sidewalks, parking lots, parks and other city facilities.

(B) Apparatus found on city facilities or rights-of-way may be confiscated and destroyed.
(Ord. 443, passed 6-12-1995) Penalty, see § 94.999

§ 94.023 EMERGENCY DECLARED.

Because this subchapter is necessary for the safety and convenience of Union citizens, this subchapter shall take effect immediately upon its adoption by the City Council and approval by the Mayor.

(Ord. 443, passed 6-12-1995)

SPECIAL ASSESSMENTS**§ 94.040 DEFINITION.**

For the purpose of this subchapter, a ***STREET IMPROVEMENT*** is defined to be any grading, graveling, paving or other surfacing of any street, the construction or reconstruction of sidewalks, the installation of ornamental street lights and the reconstruction or repair of any street improvement.

(Ord. 218, passed 5-19-1941)

§ 94.041 INSTALLMENT PAYMENT OF ASSESSMENTS.

Whenever the Common Council shall have proceeded to improve any street or part of street, within the corporate limits of the City of Union, and shall have assessed the cost of the improvement to the property benefitted thereby or liable therefore, it shall be lawful for the owner of the property so assessed for the improvement in the sum of \$25 or more, at any time within ten days after notice of the assessment is first published, to file with the City Recorder a written application to pay the assessments in installments. The application shall state that the applicant and property owner does hereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street for which the assessment is levied and in the apportionment of the cost thereof. The application shall contain a provision that the applicant and property owner agree to pay the assessment in ten annual installments with interest at the same rate on all of the unpaid assessments as that expressed in the bonds issued to pay for the improvements but not exceeding 6%. The application shall also contain a statement by lots,

blocks or other convenient description of the property of the applicant assessed for the improvement. No application shall be received and filed by the Recorder if the amount of the assessment, together with any previous unpaid assessments for street improvements assessed against the same property, shall equal or exceed the valuation of the property as shown by the last tax roll of the county in which it is situated. The Council shall select a competent person to inspect the improvement under the direction of the Street Commissioner; provided, that application for the bonding shall be received by the City Recorder in cases where the amount of the assessment, together with unpaid previous assessments for street improvements against the property, shall exceed the valuation of the property as shown by the last tax roll of the county, if the owner shall, before making the application pay in cash into the Treasury of the city, the excess of unpaid assessments over the valuation as shown by the last tax roll.

(Ord. 218, passed 5-19-1941)

§ 94.042 APPLICATION.

The City Recorder shall keep all the applications as are specified in § 94.040 in convenient form for examination. The applications received for each street improvement shall be separate and the City Recorder shall also enter in a book kept for that purpose, under separate headings for each street improvement, the date of filing of each application, the name of the applicant, a description of the property and the amount of the assessment with rate of interest as shown in the application.

(Ord. 218, passed 5-19-1941)

§ 94.043 LIENS.

After the expiration of the time for filing application for the payment of assessments for improvement of streets by installments as provided herein, the City Recorder shall enter in a docket kept for that purpose, under separate heads, for each street, by name or number, a description of each lot or parcel of land or other property against which the assessment is made or which bears or is chargeable for the cost of the improvement with the name of the owner and the amount of the unpaid assessment. The docket shall stand thereafter as a lien docket for taxes assessed and levied in favor of the city and for the amounts of the unpaid assessments therein docketed, with interest on the unpaid assessment at the rate of 6% per annum against each lot, parcel of land or other property until the assessment and interest are paid in the manner as provided by law; and all unpaid assessments and interest shall be and remain a lien on each lot, parcel of land or other property, respectively, in favor of the city and liens shall have priority over all other liens and encumbrances whatsoever.

(Ord. 218, passed 5-19-1941)

§ 94.044 BONDS.

When the provisions as set out in this subchapter have been complied with, the Council shall provide for the issuance, terms and conditions of improvement bonds, the number of payments of installments and the manner of enforcing the payments; providing for the creation of sinking and interest funds,

redemption of bonds, terms and conditions of deficiency bonds, if any, and the manner of foreclosing of liens and assessments herein mentioned, as provided by the laws of the State of Oregon (O.R.S. 223.205 to 223.755), inclusive, as the provisions are now in force or as the same may be hereafter amended. (Ord. 218, passed 5-19-1941)

MANNER IN WHICH NEW STREETS SHALL BE LAID OUT

§ 94.060 APPLICATION FOR STREET IMPROVEMENTS; PETITIONS.

All applications for the laying out, opening or altering of any street within the corporate limits shall be by petition in writing, signed by the owner or owners of a majority of the lineal feet along the proposed street. The petition shall state fully the terminating and the starting points of the proposed street and set forth the name or names of all persons owning land fronting on the street. When an alteration is to be made, the petition shall set forth, in addition to the above, the changes that are to be made.

(Ord. 232, passed 5-19-1941)

§ 94.061 HEARING.

Upon the filing of the above petition, the Recorder shall notify personally, or by registered mail, each and every landowner fronting on the street to be opened or altered of the pendency of the petition and of the time and place of hearing on the petition. The Council shall hear any person or persons on the petitions. If no appearance is made, or if reasonable cause is not shown why the street should not be opened, the Council shall appoint three disinterested persons to act as viewers of the proposed street and alterations. The viewers shall meet within ten days after their appointment and shall finish their work within a reasonable time thereafter.

(Ord. 232, passed 5-19-1941)

§ 94.062 VIEWERS' REPORT.

(A) It shall be the duty of the viewers to view the proposed street or alterations, to estimate the cost of putting the street in fit condition for public use, ascertain the value of the land necessary to be taken, decide as to the advisability of opening or altering the street, taking into consideration the benefit and damage, convenience and inconvenience of all persons interested.

(B) It shall also be their duty to definitely locate all boundaries of the street to be laid out or altered and they may hire a competent surveyor to aid them in determining the boundaries.

(C) The viewers shall immediately, on finishing their work, file with the Recorder a written report of their work, setting forth all matters enumerated above in this section, the number of days they worked and the cost, if any, of hiring a surveyor and any other matters that they may deem advisable.

(D) Each viewer shall receive the sum of \$2 for every day that he or she has worked, which sum shall be paid out of the City Treasury.

(Ord. 232, passed 5-19-1941)

§ 94.063 CONDEMNATION.

If, after filing of the viewers' report, the Council shall decide to open or alter the street, any person whose land would be taken may present, in writing, a claim including the value of the land and any other damage that would arise from the appropriation thereof. If the Council rejects the claim or if no claim is presented, the Council shall meet or correspond by mail with the owner to arrange the price to be paid. If no agreement can be reached or if the whereabouts of the owner is not known, then condemnation proceedings as provided by law shall be instituted.

(Ord. 232, passed 5-19-1941)

§ 94.064 FUNDS TO BE RESERVED.

No street shall be opened or altered until a sum sufficient in the minds of the Council shall be appropriated and actually in the hands of the Treasurer to pay all claims and expenses for laying out or altering the streets.

(Ord. 232, passed 5-19-1941)

CONSTRUCTION, REPAIR OR RENEWAL OF SIDEWALKS AND CROSSWALKS

§ 94.080 SIDEWALK SPECIFICATIONS.

All sidewalks hereafter to be constructed within the city limits of Union, Oregon, shall be constructed according to specifications adopted by the City Council and on file in the office of the City Administrator. The sidewalks shall be constructed by and at the expense of the abutting property owners.

(Ord. 233, passed 5-19-1941; Ord. 371, passed 4-9-1984)

§ 94.081 NOTICE; REMONSTRANCES.

Whenever an ordinance providing for the construction of any sidewalk in the City of Union shall be introduced in the Common Council, each and every one of the owners of abutting property therein described shall have ten days' notice of the pendency of the ordinance before the same shall be put upon

its final passage. If a remonstrance shall be filed within the ten days with the Recorder of the city, containing the names of abutting property owners along the line of the proposed sidewalk, representing a two-thirds majority of the whole number of lineal feet of the proposed line of sidewalk shall be deemed defeated and shall not pass. The notice provided for by this section shall be given in writing by the Recorder either through the mail or by personal delivery thereof.

(Ord. 233, passed 5-19-1941)

§ 94.082 CONSTRUCTION BY OWNER.

Whenever any ordinance providing for the construction of sidewalks in the city shall have passed the Common Council, the owners of abutting property therein described shall have at least 30 days from the date of the service of written notice within which to construct the same, which service may be made personally or by depositing the same in a United States Post Office addressed to the owner at his or her last known address with postage thereon fully prepaid.

(Ord. 233, passed 5-19-1941)

§ 94.083 CONSTRUCTION BY CITY.

In case of the failure of the abutting property owner to construct any sidewalk provided for within the time required by ordinance, the Street Commissioner of the city shall forthwith construct the same as provided in the ordinance and in accordance with the terms of this subchapter; and upon the completion thereof, he or she shall file with the Recorder of the city an itemized statement of the expense incurred in the construction of the same, giving therein a correct description of the abutting property and the name of the owner thereof, which statement shall be duly certified by him or her and signed officially.

(Ord. 233, passed 5-19-1941)

§ 94.084 LIENS.

(A) Upon the filing of the statement of the Street Commission as provided in § 94.83, the Recorder of the city shall then and there enter record in a book to be kept for that purpose, which book shall be known as the Book of City Liens, the statement in full noting the day and hour of the entry and shall sign his or her name thereto officially.

(B) Thereupon, a lien in favor of the City of Union shall be deemed to have accrued against the abutting property for the collection of the amount set forth in the statement, which lien and the amount shall be enforced and collected by the city in the manner provided for the collection of taxes.

(Ord. 233, passed 5-19-1941)

§ 94.085 CROSSWALKS.

The crosswalks, as the Common Council shall cause to be constructed, shall be built by the Street Commissioner of the city and at the expense of the city.
(Ord. 233, passed 5-19-1941)

§ 94.086 SIDEWALK REPAIR AND FIXING OF RESPONSIBILITY.

All sidewalks which have been heretofore or shall be hereafter constructed within the City of Union shall be repaired or renewed at the expense of the abutting property owner upon notification by the Street Commissioner under order of the City Council of the needed repair or renewal, or upon actual or constructive notice to the abutting property owner, as the case may be. The notification shall be in writing and delivered personally to the abutting property owner at his or her last known post office address if he or she resides without the city, proof of the service to be made to the City Recorder by the Street Commission and the same made a record in the Recorder's office. If the abutting owner shall fail to begin the repair or renewal, as the case may be, within five days of the notification or within a reasonable time after actual or constructive notice and proceed diligently to completion thereof, then, and in that event, the repair or renewal, as the case may be, shall be done by the City of Union under the supervision of the Street Commissioner and the expense thereof charged to the abutting property and become a lien on the abutting property; record of the lien to be made and the same enforced in the manner provided in §§ 94.083 and 94.084. In addition, the abutting property owner shall be liable for the personal injuries and property damage to third persons injured as a result of the owner's failure to fulfill the above duty.
(Ord. 233, passed 5-19-1941; Ord. 371, passed 4-9-1984)

§ 94.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Violation of the provisions of §§ 94.020 through 94.023 shall be punishable by a fine of \$25. In the case of juvenile offenders, the Judge of the Municipal Court may levy the fine against the parent(s) or guardians of the juvenile.
(Ord. 443, passed 6-12-1995; Ord. 445, passed 6-26-1995)

CHAPTER 95: NUISANCES

Section

- 95.01 Definitions
- 95.02 Dangerous animals
- 95.03 Removal of carcasses
- 95.04 Nuisances affecting public health
- 95.05 Nuisances affecting public safety
- 95.06 Dangerous excavations and buildings
- 95.07 Unenumerated nuisances
- 95.08 Abatement procedure
- 95.09 Abatement by the city
- 95.10 Joint responsibility
- 95.11 Assessments of costs
- 95.12 Summary abatement

- 95.99 Penalty

§ 95.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

PERSON. A natural person, firm, partnership, association or corporation.

PERSON IN CHARGE OF PROPERTY. An agent, occupant, lessee, contract purchaser or other person having possession, control of property or the supervision of any construction project.

PERSON RESPONSIBLE. The person responsible for abating a nuisance shall include:

- (1) The owner;
- (2) The person in charge of property; and
- (3) The person who caused to come into or continue in existence a nuisance as defined in this chapter or any other ordinance of this city.

PUBLIC PLACE. A building, way, place or accommodation, whether publicly or privately owned, open and available to the general public.
(Ord. 354, passed 2-9-1981)

§ 95.02 DANGEROUS ANIMALS.

(A) No owner or person in charge of an animal which is dangerous to the public health or safety shall allow the animal to be exposed in a public place.

(B) A dangerous animal exposed in a public place may be taken into custody by the Police Department and before the animal is released by the city, the Municipal Judge must find that proper precautions will be taken by the owner of the animal to insure the public health and safety.

(C) A dangerous animal running-at-large, which because of fierceness of disposition or diseased condition is too hazardous to apprehend, may be destroyed by a peace officer or by a person acting in defense of himself or herself, his or her family or another person.
(Ord. 354, passed 2-9-1981) Penalty, see § 95.99

Cross-reference:

Animals, see Ch. 91

§ 95.03 REMOVAL OF CARCASSES.

No person shall permit an animal carcass owned or controlled by him or her to remain upon public property, or to be exposed on private property, for a period of time longer than 24 hours.
(Ord. 354, passed 2-9-1981) Penalty, see § 95.99

§ 95.04 NUISANCES AFFECTING PUBLIC HEALTH.

(A) No owner or person in charge of property shall cause or permit on the property any nuisance affecting public health, nor shall any person cause on any property, public or private, any nuisance affecting public health.

(B) The following are nuisances affecting public health and may be abated as provided in this chapter.

(1) *Debris.* An accumulation of decomposed animal or vegetable matter, garbage, rubbish, manure, offal, ashes, discarded containers, waste, paper, debris, trash, hay, grass, straw, weeds, litter or other refuse matter or substance which by itself or in conjunction with other substances is deleterious to public health or comfort, is unsightly or creates an offensive odor.

(2) *Stagnant water.* An accumulation of stagnant or impure water which affords or might afford a breeding place for mosquitoes or other insects.

(3) *Noxious vegetation.*

(a) The term **NOXIOUS VEGETATION** includes:

1. Weeds more than ten inches high;
2. Grass more than ten inches high, except an agricultural crop; and
4. Any plant included on the list of noxious weeds for Union County, as adopted by the Union County Commission.

(b) No owner or person in charge of property shall allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. An owner or person in charge of property shall cut down or destroy grass, brush, 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.

(c) Each year prior to the growing season, the City Administrator may cause to be published two times in a newspaper of general circulation in the city, a notice to all owners and persons in charge of property of the duty to keep their property free from noxious vegetation. The notice shall state that the city is willing to abate the nuisance on a particular parcel of property at the request of the owner or person in charge of the property for a fee sufficient to cover the city's abatement costs. The notice shall also state that, even in the absence of the requests, the city intends to abate all nuisances ten or more days after the final publication of the notice and to charge the cost of doing so on a particular parcel of property to the owner or the person in charge of the property, or the property itself.

(d) If the notice and abatement process provided for in division (B)(3)(c) above is used, it shall be in lieu of any other notice or abatement process required by this chapter. (Ord. 354, passed 2-9-1981; Ord. 444, passed 6-12-1995) Penalty, see § 95.99

§ 95.05 NUISANCES AFFECTING PUBLIC SAFETY.

(A) No owner or person in charge of property shall cause or permit on the property any nuisance affecting public safety, nor shall any person cause on any property, public or private, any nuisance affecting public safety.

(B) The following are nuisances affecting public safety and may be abated as provided in this chapter.

(1) *Abandoned refrigerators.* No person shall leave, in any place accessible to children, an abandoned or discarded ice box, refrigerator or similar container without first removing the door.

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(2) *Attractive nuisances.* 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 pilings placed or stored in a manner so as to be attractive, dangerous and accessible to children; and

(c) An open pit, quarry, cistern or other excavation without safeguards or barriers to prevent the places from being used by children.

(Ord. 354, passed 2-9-1981) Penalty, see § 95.99

§ 95.06 DANGEROUS EXCAVATIONS AND BUILDINGS.

(A) No owner or person in charge of property shall allow an excavation or obstruction to remain unguarded by suitable barriers by day and by warning lights during the hours of darkness. It shall be the responsibility of the person creating, maintaining or in charge of the excavation or obstruction to insure the installation and operation of the barriers and warning lights.

(B) No owner of property shall allow to remain thereon, any building or structure which is or threatens to be a public nuisance, dangerous to the health, morals, safety or general welfare of the people of the City of Union, or which might tend to constitute a fire hazard. If an owner of a dangerous building is directed to abate this nuisance by demolishing the building, the demolition shall include the removal of the debris resulting from the process of demolition and the premises on which the building is located shall be left clean and safe.

(Ord. 354, passed 2-9-1981) Penalty, see § 95.99

§ 95.07 UNENUMERATED NUISANCES.

(A) In addition to the acts and conditions specifically enumerated in this chapter, any condition, thing, substance or activity which is detrimental to, injurious to or constitutes a danger to the public health, safety or welfare is declared to be a nuisance and is subject to the abatement procedures set forth in this chapter.

(B) A condition, thing, substance or activity declared to be a nuisance by another ordinance of this city is subject to the abatement procedures of this chapter, if no abatement procedures are provided by the ordinance.

(Ord. 354, passed 2-9-1981)

§ 95.08 ABATEMENT PROCEDURE.

(A) If the Police Chief or his or her delegate is satisfied that a nuisance exists, he or she shall cause a notice to be served on the person responsible.

(B) The notice shall contain:

(1) A description of the property on which the nuisance exists;

(2) A request to abate the nuisance within ten days or any other time set by the Police Chief as a reasonable time in which to abate the nuisance;

(3) A description of the nuisance(s); and

(4) A statement that failure to abate a nuisance may warrant imposition of a fine.
(Ord. 354, passed 2-9-1981; Ord. 161, passed 8-9-1987)

§ 95.09 ABATEMENT BY THE CITY.

(A) If, within the time allowed by the Police Chief or his or her delegate, the nuisance has not been abated, a citation shall be issued to the person responsible. The Municipal Judge may, in addition to his or her other remedies, order the city to abate the nuisance and charge the costs of the abatement to the person responsible.

(B) Before the city abates the nuisance, the City Administrator shall prepare an estimate of the costs of abatement and present the information to the City Council at its next regularly scheduled meeting. The City Council shall either order the City Administrator to abate the nuisance or stop the abatement process.

(C) If abatement by the city is approved by the City Council, the City Administrator shall cause to be kept, an accurate record of the expenses incurred by the city in physically abating the nuisance and shall include a charge of \$50 or 10% of the expenses, whichever is the greater for administrative overhead.

(Ord. 354, passed 2-9-1981; Ord. 363, passed 8-9-1982)

§ 95.10 JOINT RESPONSIBILITY.

If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the city in abating the nuisance.

(Ord. 354, passed 2-9-1981)

§ 95.11 ASSESSMENTS OF COSTS.

(A) The City Administrator, by registered or certified mail, postage prepaid, shall cause to be forwarded to the person responsible a notice stating:

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

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

(3) The person responsible objects to the cost of the abatement as indicated, he or she may file a notice of objection with the City Administrator not more than ten days from the date of the notice.

(B) If a notice protesting the costs of abatement is filed with the City Administrator within the ten days following the date of the filling notice, the protest shall be considered by the City Council at its next regular meeting. Its decision shall be binding on all parties. If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs as stated or as determined by the City Council shall be made by resolution and shall thereupon be entered in the docket of city liens; and, upon the entry being made, shall constitute a lien upon the property from which the nuisance was removed or abated.

(C) The lien may be foreclosed as provided by O.R.S. statutes and shall bear interest at the rate of 10% per annum from the date of entry on the lien docket. An error in the name of the 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.

(Ord. 354, passed 2-9-1981)

§ 95.12 SUMMARY ABATEMENT.

The procedure provided by this chapter is not exclusive, but is in addition to the procedures that may be provided by other ordinances. The Chief of the Fire Department, the Chief of Police or the City Administrator may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property.

(Ord. 354, passed 2-9-1981)

§ 95.99 PENALTY.

(A) A person violating a provision of this chapter or an order issued under authority of this chapter shall, upon conviction, be guilty of a violation. The violation shall be punishable by a fine not to exceed \$200.

(B) Each day's violation of a provision of this chapter constitutes a separate violation. The abatement of a nuisance is not a penalty for violating this chapter, 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 days of the date of notice to abate, or if a written protest has been filed, then abatement within ten days of Council determination that a nuisance exists will excuse the person responsible from the imposition of any fine under division (A) above.

(Ord. 354, passed 2-9-1981)

