

CITY OF FALLS CITY, COUNTY OF POLK

STATE OF OREGON

AN ORDINANCE REPEALING CERTAIN CITY ORDINANCES THAT ADDRESS NUISANCE; READOPTING THE TEXT OF ORDINANCE #323 AS AMENDED, THAT DEFINES NUISANCE, PROVIDES FOR NUISANCE ABATEMENT, PRESCRIBES PENALTIES; ADOPTING THE TEXT OF POLK COUNTY NUISANCE ABATEMENT AND ENFORCEMENT ORDINANCES; ADOPTING THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, AS AMENDED; AND, DECLARING AN EMERGENCY.

ORDINANCE No. 06-512

WHEREAS, there are a series of City of Falls City ordinances relating to nuisance, that no longer provide the city with any substantial regulating power;

WHEREAS, the City of Falls City finds it necessary to repeal certain ordinances that should have been repealed with the adoption of subsequent ordinances relating to nuisance;

WHEREAS, the City of Falls City finds it necessary to create compatibility with the Polk County Nuisance Abatement Ordinance and Enforcement Ordinance by adopting the Polk County Nuisance Abatement Ordinance and Enforcement Ordinance as amendments to the city's nuisance ordinance (Ordinance #323), in order to work with Polk County to abate nuisances in the city;

WHEREAS, the City of Falls City finds it necessary to allow Polk County, Oregon to use the Polk County Nuisance Abatement Ordinance and the Polk County Enforcement Ordinance within the corporate limits of Falls City to investigate violations of the following codes, as amended: Building Code, Plumbing Code, Electrical Code, Mechanical Code, Manufactured Dwelling Standards, On-site Wastewater Statute and Rules, Licensed Facility statutes and rules as currently adopted by the State of Oregon and/or Polk County.

WHEREAS, the City of Falls City finds it necessary to adopt the most recently published Uniform Code of the Abatement of Dangerous Buildings as an amendment to the city's nuisance ordinance (Ordinance #323), in order to adequately address abatement of dangerous buildings in Falls City;

WHEREAS, the City of Falls City received recommendations from the Mid-Willamette Valley Council of Governments and the League of Oregon Cities to repeal certain ordinances that should have been repealed with the adoption of subsequent ordinances relating to nuisance;

WHEREAS, the City Council for Falls City conducted a public hearing to review the repeal and re-adoption, of certain ordinances relating to nuisance matters on July 5, 2006;

WHEREAS, after required notice and public hearing, the City Council found that it is the city's desire to repeal and re-adopt the certain ordinances; and,

WHEREAS, it is appropriate that the City Council for Falls City declare an emergency as to the enactment of this Ordinance so that it is in full force and effect immediately from and after its adoption.

NOW, THEREFORE, THE CITY OF FALLS CITY, OREGON ORDAINS AS FOLLOWS:

SECTION 1. The following ordinances are hereby repealed:

- A. Ordinance #370 (October 6, 1975)
- B. Ordinance #99-473 (July 19, 1999)
- C. Ordinance #479 (February 28, 2000)

SECTION 2. Article 5, Section 1.080(2) of the Falls City Zoning & Development Ordinance (Ordinance #xxx) is hereby repealed.

SECTION 3. The text of Ordinance #323 (February 3, 1969) is hereby readopted and amended as follows:

Section 1. DEFINITIONS. Except where the context indicates otherwise, the singular number includes the plural and the masculine gender includes the feminine, and the following mean:

“Abandoned Vehicle”. Any vehicle that is inoperative damaged, junked, partially or completely dismantled, or used for storage purposes.

“At Large”. A dog or livestock inside the corporate limits of the city, off the premises of the keeper, and not under complete control by adequate leash. The definition includes, but is not limited to, any dog or livestock upon, or capable of reaching, any public right-of-way, except if the dog or livestock is on a leash in full and complete compliance with sections 4 to 13. Excepted from this definition are dogs in obedience or field training exercises under the direct supervision of a handler.

“Authorized Representative”. Officers and personnel named by City Council. Law enforcement officer or officers representing the city for purposes of ordinance enforcement and citations; for purposes of abatement proceedings as set forth in Sections 30 through 34 herein the term ‘chief of police’ shall also include any code enforcement officer as designated by the city, including but not limited to the city recorder/administrator, building official, fire marshal, county representative as determined the Council.

“Building”. A permanent, four-sided, roofed structure built or used for the shelter or enclosure of persons, animals, chattels, or property of any kind.

“Camping Vehicle”. Either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and that is intended for human occupancy and for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet. (Ordinance 99-473, 10/25/1999)

“Child”. Any person less than 18 years of age.

“City”. The City of Falls City.

“Council”. The governing body of the city.

“Exotic animals.”

(1) Any lion, tiger, leopard, cheetah, ocelot or any other cat not indigenous to Oregon, except the species

Felis cactus (domestic cat);

(2) Any monkey, ape, gorilla or other non-human primate;

(3) Any wolf or any canine not indigenous to Oregon, except the species *Canis familiaris* (domestic dog); and

(4) Any bear, except the black bear (*Ursus americanus*).

“Livestock”. Includes but is not limited to cattle, sheep, horses, mules, miniature horses, goats, pygmy goats, ratite (such as ostrich, cassowary, emu, moa, etc.), or other animal, excluding swine, but including any furbearing animals bred and maintained commercially or otherwise on property or within pens, cages and hutches.

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

“Private Property”. A tax lot as recorded in the records of Polk County, Oregon regardless of the number of lots or record contained therein. (Ordinance 99-473, 10/25/1999)

“Property Owner” Property owner as recorded with the Polk County Assessor’s Office and the City utility department to determine the last known address.)

“Public place”. Any building, place or accommodation, whether publicly or privately owned, open and available to the general public.

“Recreational Vehicle”. A vehicle with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes, including but not limited to camping vehicles.

“Storage”. Placement anywhere on private property outside of a legally existing enclosed structure for a period in excess of seventy-two (72) hours.

“Vehicle”. Every device in, upon, or by that any person or property is or may be transported or drawn upon a public highway, except devices used exclusively upon stationary rails or tracks. The definition of a vehicle includes wheeled devices that do not require licensing by the State of Oregon.

“Wildlife.” Pursuant to ORS 496.004, wildlife includes, but is not limited to, amphibians, antelope, beaver, black bear, bobcat, cougar, coyote, deer, elk, fisher, marten, mink, moose, mountain goat, mountain sheep, muskrat, otter, raccoon, reptiles, red fox, silver fox, gray squirrel and gray fox.

Section 2. Any nuisance as described in this Ordinance may be classified as an imminent threat to the public health, safety or property of the residents of Falls City by the Council, and if such imminent threat is allowed to continue by the person or person in charge for a period of more than two (2) hours after notification by City staff for violation of this Ordinance, the person or person in charge shall be subject to the abatement procedure provided in Section 30 of this Ordinance.

ANIMALS, LIVESTOCK, AND BEES

Section 3. ANIMALS AFFLICTED WITH A COMMUNICABLE DISEASE. No person may permit an animal or bird owned or controlled by the person to be at large within the city if the animal or bird is afflicted with a communicable disease.

Section 4. ANIMALS DAMAGING PROPERTY

1. No person or person in charge shall permit any dog or livestock owned or controlled by them to cause damage or injury to gardens, flowerbeds, and other property belonging to another person.
2. No person or person in charge shall permit any dog or livestock to run at large.

Section 5. LIVESTOCK, POULTRY, AND BEES.

1. No person shall maintain a pigsty, slaughterhouse or tannery within the City, nor shall any person permit livestock owned by him or in his possession to run at large within the City of Falls City.
2. No person shall keep swine within the City, except that this Ordinance shall not apply to swine being transported for commercial purposes.
3. No person shall keep a stand or hive of bees in the City at a location within 150 feet of any street, alley, establishment, public building, private dwelling or barn; provided that this provision shall not apply to the dwelling, barn or other buildings of the person owning such bees.
4. No person may stake or picket a dog or livestock in or upon any of the streets, alleys, or public places of the city, or stake or picket any such animal so that it may go or graze upon the property of another, unless with the consent of the owner or occupant of such property.
5. No person may keep or maintain livestock within the city unless:
 - a. Such animals are kept on lots having an area of one acre or more of unencumbered land. Property is considered encumbered if the property contains a residential home, apartment or other human living quarters, or if existing or future sanitary sewer (septic) or septic drain fields are located within the property. The area allocated to livestock may contain a stable, barn, pen, or other accessory buildings or structures for raising and keeping of animals. Such structures shall set back at least 40 feet from the rear and side property lines, and 60 feet from the front property line;
 - b. The total number of such animals over six months of age to be kept or maintained shall not exceed four per acre. The total number of horses, cows and/or sheep on one parcel shall not exceed ten (10) total animals; and
 - c. Persons occupying property that adjoins the area whereon said animals are to be kept or maintained interpose no objection to the keeping or maintenance of such animals.

Section 6. ANIMAL-RELATED STRUCTURES. Animal-related structures must be maintained in a condition as to not create a nuisance for neighbors. No excessive odors, noise, piles of animal waste or other nuisance that deprives a neighbor, or other person, of residential livability, peace, and quiet are allowed. Proper sanitation shall be maintained in conformance with applicable health standards for all farm animals. Proper sanitation includes:

1. Not allowing animal waste to accumulate.
2. Not allowing animal waste to contaminate groundwater or drainage ways.
3. Taking the necessary steps to insure odors resulting from livestock is not detectable beyond the property line.
4. Storing all livestock food in metal or other rodent-proof containers.

Section 7. Chickens and other fowl, and rabbits may be maintained on any property containing at least one-quarter of an acre (10,890 square feet) as long as said animals are not for resale and are maintained in pens or cages at all times. No roosters are permitted at any time.

Section 8. FARM DELIVERIES. No hay or feed deliveries are allowed before 6:00 a.m. or after 9:00 p.m.

Section 9. CONTROL OF LIVESTOCK ANIMALS. All livestock must be fenced and under the control of the property owner or lessee at all times. All fencing must be maintained in a condition that keeps the livestock within the property.

Section 10. EXPANSION OF PRE-EXISTING FARM USE PROHIBITED. Livestock on properties prior to the adoption of this Ordinance may continue but may not be replaced nor expanded except in conformance with the standards contained herein.

Section 11. REMOVAL OF ANIMAL CARCASSES. No person may permit any animal carcass owned by him or under his control to remain upon the public streets or places, or to be exposed on private property for a period of time longer than is reasonably necessary to remove or dispose of such carcass.

Section 12. RATS. No person owning or occupying any property within the city shall allow a condition to exist upon the property that condition attracts wild rats, gives wild rats access to food, or creates shelter accessible to wild rats. Such prohibited conditions shall include, but are not limited to the following:

(1) Keeping of any animal so that feces, refuse, food or shelter associated with the keeping of the animal affords food or shelter to wild rats.

(2) Allowing any accumulation of rubbish, trash, junk or other material that by reason of its decayed or unused condition affords shelter to wild rats.

Section 13. WILDLIFE AND EXOTIC ANIMALS

(1) No person shall keep any wildlife that is located within the city limits.

3. No person shall keep any exotic animal that is located within the city limits.

4. The provisions of subsection (1) and subsection (2) of Section 13 shall not apply to wildlife and exotic animals in a human environment under trained supervision for that a permit has been issued for a carnival, circus, or special event.

(5) The provisions of subsection (1) and subsection (2) of Section 13 shall not apply to wildlife and exotic animals in a human environment located in facilities of the Falls City School District #57.

NUISANCES AFFECTING PUBLIC HEALTH.

Section 14. NUISANCES AFFECTING THE PUBLIC HEALTH. No person may permit or cause a nuisance affecting public health. The following are nuisances affecting the public health and may be abated as provided in this Ordinance:

(1) Privies. An open vault or privy constructed and maintained within the city, except those privies used in connection with construction projects and constructed in accordance with Department of Environmental Quality regulations.

(2) Debris or multiple recreational vehicles stored on private property. Accumulations of debris, rubbish, manure, or other refuse located on private property not removed within fifteen (15) days, or storage of more than one (1) recreational vehicle on private property. (Ordinance 99-473, 10/25/1999)

(3) Stagnant water. Any pool of water, that is without a proper inlet or outlet, that, if not controlled will be a breeding place for mosquitoes and other similar insect pests.

(4) Water pollution. The Pollution of any body of water, well, spring, stream or drainage ditch or river by sewage, industrial wastes, or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.

(5) Food. All decayed or unwholesome food that is offered for human consumption.

(6) Odor. Any premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition.

(7) Surface drainage. Any drainage of liquid waste from private premises.

(8) Recreational vehicles. Storage of any recreational vehicle that is not mobile or is not currently licensed, if required to be licensed by the Oregon Vehicle Code when operated on public highways; private property on that more than one (1) recreational vehicle is stored; or habitation in any recreational vehicle, on public or private property, without a permit as provided for in Ordinance No. 521, article 4, Section 8.110. (Ordinance 99-473, 10/25/1999)

(9) Unlicensed outdoor business. Private property on that is conducted any business or commercial activity outside of an enclosed, legally existing structure that is not licensed by the city, with the exception of a garage sale of three (3) days duration or less. Business license categories and fees may be changed by resolution of the council. (Ordinance 99-473, 10/25/1999)

NUISANCES AFFECTING PUBLIC SAFETY

Section 15. ABANDONED ICEBOXES. No person shall leave in any place accessible to children any abandoned, unattended, or discarded icebox, refrigerator, or similar container that has an airtight door with a lock, snap lock, or other mechanism that may not be released for opening from the inside, without first removing such lock or door from such lock or door from such icebox, refrigerator, or similar container.

Section 16. ATTRACTIVE NUISANCES.

(1) No Person or person in charge of any premises shall permit:

- a. Any unguarded machinery, equipment, or other devices on such premises that is attractive, dangerous, and accessible to children.

- b. Lumber, logs, or piling placed or stored on such property in a manner so as to be attractive, dangerous, and accessible to children.
- c. Any open pit, quarry, cistern, or other excavation to remain open for an unreasonable length of time without erecting adequate safeguards or barriers to prevent such places from being used by children.

(2) The provisions of this section shall not apply to authorized construction projects, if during the course of construction reasonable safeguards are maintained to prevent injury or death to playing children.

Section 17. SNOW AND ICE REMOVAL. No person or person in charge of any property, improved or unimproved, abutting upon any public sidewalk shall permit:

- (1) Any snow to remain on the sidewalk for a period longer than the first five (5) hours of daylight after the snow has fallen.
- (2) Any sidewalk to be covered with ice. It shall be the duty of any person or person in charge to remove any ice accumulating on the sidewalk or to properly cover the ice with sand, ashes, or other suitable material to assure safe travel within the first five hours of daylight after the ice has formed.

Section 18. WEEDS AND NOXIOUS VEGETATION.

(1) Definitions. For purposes of this section the following definitions apply:

“Noxious vegetation” means:

- a. Poison oak;
 - b. Poison ivy;
 - c. Blackberry bushes that extend into public property or across a property line;
 - d. Vegetation that is:
 - a. A health hazard,
 - b. A fire hazard,
 - c. A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous;
 - e. Weeds or grass more than ten (10) inches high;
 - f. Weeds or grass going to seed;
 - g. Noxious vegetation does not include agricultural crop grown on property zoned for agricultural purposes, unless that crop is a health, traffic or fire hazard.
- 2. Noxious vegetation is declared to be a nuisance.
 - 3. Owner Responsibility. No owner or person in charge of property may allow noxious vegetation to be on the person’s or her property or on the parking strip or sidewalk area abutting the property. It is the duty of an owner or person in charge of property to cut down or to destroy noxious vegetation.
 - 4. Notice to Abate.

Upon determination by the Authorized Representative or their designee that noxious vegetation exists on any property, the Authorized Representative shall cause a notice to be mailed to the owner of the

property. At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.

- a. The notice to abate shall contain:
 - a. A statement that noxious vegetation exists on the property;
 - b. A description of the real property, by street address or otherwise, on that or adjacent to that the noxious vegetation exists;
 - c. A direction to abate the noxious vegetation within seven (7) days from the date of the notice;
 - d. A statement that unless the vegetation is removed within seven days from the date of the letter the city will abate the nuisance and will charge the costs of abatement to the property owner;
 - e. A statement that the owner of the property may protest the abatement by giving notice to the Authorized Representative within five (5) days from the date of the notice.

An error in the name or address of the owner of the property shall not make the notice void if the error was caused by the owner or person in charge of the property failing to notify the city of their correct name and address. (At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.)

Abatement by the Owner:

- a. Within the time allowed in this section the owner of the property shall remove the noxious vegetation or show that no nuisance exists.
- b. The owner of property protesting that no noxious vegetation in fact exists shall file with the Authorized Representative a written statement that shall specify the basis for so protesting. Based upon a physical inspection of the property the Authorized Representative or designee shall make a written determination of whether or not the noxious vegetation exists. Should the Authorized Representative determine that the nuisance does exist, the owner or person in charge of the property may either abate the vegetation within five (5) days after notice of the Authorized Representative's decision or may appeal the decision to the City Council by filing a written notice of appeal with the City Recorder within five (5) days from the date of the decision. If the Council determines that noxious vegetation does in fact exist, the owner or person in charge of the property shall, within five (5) days after the council determination, abate the noxious vegetation.

b. Abatement by the City.

- a. If the noxious vegetation has not been removed within the time permitted, the Authorized Representative shall cause the vegetation to be removed. The officer charged with abatement shall have the right to enter into or investigate or cause the removal of the noxious vegetation.
 - a. The cost of abatement shall be charged at actual costs incurred by the city, including but not limited to costs of removal of the noxious vegetation, administrative costs and certified or registered letter mailing costs.

(f) Assessment of Costs. The Authorized Representative by registered or certified mail shall forward to the owner of the property a notice stating the total amount of the cost of abatement. At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.

If the owner of the property does not pay the costs of the abatement within thirty (30) days from the date of the notice of costs, the city may take whatever lawful means available to collect the costs.

Section 19. SCATTERING RUBBISH. No person shall throw, dump, or deposit upon any street, alley or other public place, any injurious or offensive substance or any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench, detract from the cleanliness or safety of such public place, or would be likely to injure any animal, vehicle, or person traveling upon a public way.

Section 20. TREES.

1. No owner or person in charge of property that abuts upon any street or sidewalk may permit trees or bushes on his property, or on the parking strip adjacent thereto, to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of property that abuts upon a street or sidewalk to keep all trees and bushes on his premises and on the adjoining parking strip trimmed to a height of not less than eight (8) feet above the sidewalks and not less than ten (10) feet above the streets.
2. No owner or person in charge of property may allow to stand any dead or decaying tree that is a hazard to the public or to persons or property on or near the property.

Section 21. FENCES.

1. No person shall construct or maintain any barbed-wire fence or allow barbed wire to remain as a part of any fence along a sidewalk or public way, unless such wire is placed not less than six (6) inches below and on the property owner side, not exposed to the public and above the top of a board or picket fence that is not less than six (6) feet high.
2. No person shall install, maintain, or operate a wire fence charged with electrical current along a street or sidewalk, or along the adjoining property line of another person.

Section 22. SURFACE WATERS, DRAINAGE.

1. No owner or person in charge of any building or structure shall suffer or permit rainwater, ice or snow to fall from any such building or a structure on to a street or public sidewalk or to flow across such sidewalk.
2. The owner or person in charge of property shall install and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about such building is not carried across or upon any sidewalk.

Section 23. ACCUMULATION OF OBJECTS. It is unlawful for any person to place, leave, store, dump or permit the accumulation on any open lot or other premises, any lumber, yard debris, boxes, barrels, bricks, stones, scrap metal, motor vehicle bodies or parts, or similar materials, rubbish or any articles of junk, that are not removed within fourteen (14) days and that affect the health, safety or welfare of the city. Excepted from this prohibition are construction materials for ongoing construction projects, neatly stacked firewood and compost piles consisting of vegetable matter.

NUISANCES AFFECTING THE PUBLIC PEACE

Section 24. RADIO AND TELEVISION INTERFERENCE.

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

(2) This section does not apply to electrical and radio devices licensed, approved, and operated under the rules and regulations of the Federal Communications Commission.

Section 25. UNNECESSARY NOISE.

Standards and definitions.

A. Terminology and Standards. All terminology used in this chapter that is not defined below shall be in accordance with the Department of Environmental Quality (DEQ) Noise Control Regulations and noise emission standards outlined by Oregon Revised Statute (ORS) 467.030, and Oregon Administrative Rule (OAR) Chapter 340 Division 35.

B. Measurement of Sound Level.

1. Measurements shall be made with a calibrated sound level meter in good operating condition.

2. Persons conducting sound level measurements shall have received training in the techniques of sound measurement and the operation of sound measuring instruments from the Department of Environmental Quality or other competent body prior to engaging in any enforcement activity.

3. Procedures and tests required by this chapter and not specified herein shall be placed on file with the city recorder.

C. Definitions. As used in this chapter:

"Amplifying equipment" means public address systems, musical instruments, and other similar devices that are electronically amplified.

"City" means the city of Falls City, Oregon or the area within the territorial city limits of the city of Falls City, Oregon and such territory outside of this city over that the city has jurisdiction or control by virtue of ownership or any Constitutional or Charter provision, or any law.

"Commercial land use" includes land uses zoned commercial (C), historic commercial (HC) or any use of an office, service establishment, retail store, park, amusement or recreation facility, or other use of the same general type, whether publicly or privately owned.

"Construction" means any and all activity necessary or incidental to the erection, demolition, assembling, altering, installing, repair or equipping of buildings, roadways and utilities. It shall include land clearing, grading, excavating and filling before, during or following such activity.

"Continuous sound" means any steady sound with a deviation no greater than plus or minus two dBA of its mean, or total fluctuation of four dBA, during the period of observation when measured with a sound level meter set on fast response.

"Day time period" means seven a.m. until ten p.m. of the same day, local time.

"Domestic power tools" means any mechanically or electrically powered saw, drill, sander, grinder, lawn or garden tool, or similar device generally used out of doors in residential areas.

"Emergency work" means work made necessary to restore property to a safe condition following severe inclement weather and natural disasters, work required to restore public utilities or work required to protect persons or property from imminent exposure to danger.

"Industrial land use" includes land use zoned light industrial (LI), industrial (I), or any use of a warehouse, factory, mine, wholesale trade establishment or other use of the same general type, whether publicly or privately owned.

"Night time period" means ten p.m. of one day until seven a.m. the following day, local time.

"Noise sensitive areas" or "noise sensitive uses" includes property on that residential housing, apartment buildings, schools, churches, hospitals, and nursing homes are located.

"Off-road recreational vehicle" means any self-propelled land use vehicle designed for, or capable of traversing over natural terrain, including, but not limited to, racing vehicles, mini-bikes, motorcycles, go karts, and dune buggies, when operated off the public right-of-way for noncommercial purposes.

"Persons" means a person, persons, firm, association, co-partnership, joint venture, corporation or any entity public or private in nature.

"Plainly audible" means unambiguously communicated sounds that disturb the comfort, repose or health of the listener. Plainly audible sounds include, but are not limited to, understandable musical rhythms, understandable spoken words, and vocal sounds other than speech that are distinguishable as raised or normal.

"Powered model vehicle" means any self-propelled airborne, waterborne, or land borne plane, vessel or vehicle, that is not designed to carry persons, including but not limited to any model airplane, boat, car, or rocket.

"Recreational park" means a facility open to the public for the operation of off-road recreational vehicles.

"Warning devices" means electronic devices used to protect persons or property from imminent danger including, but not limited to, fire alarms, civil defense warning systems, and safety alarms required by law. (Ord. 424 § 4 (part), 2002; Ord. 397 § 2, 1999)

Responsibility and authority.

A. Responsibility. The responsibility for enforcement of this chapter shall reside with the city council or their designee.

B. Authority. In order to implement this chapter and for the general purpose of sound abatement and control, the city council or their designee shall have in addition to any other authority vested with them, the following powers:

1. Planning: implement a noise control strategy in agreement with the city's zoning ordinance and comprehensive plan to:

A. Assure public and private enterprises do not adversely impact existing noise-sensitive properties and properties designated for noise sensitive use,

b. Prevent the encroachment of noise-sensitive uses into high impact areas such as industrial zones and those immediately adjacent to major highways or arterials that is incompatible for such uses by virtue of existing or projected noise impacts;

2. Inspections: upon presentation of proper credentials, enter and inspect any private property or place, and inspect any report or record at any reasonable time when granted permission by the owner, or by some other person with apparent authority to act for the owner. Such inspection may include administration of any necessary tests;

3. Issue summons: direct the authorized representative of the City to issue summons, notices of violation or other legal orders to any person who allegedly violates any provision of this chapter;

4. Investigate violations: in accordance with all other provisions of this chapter, investigate and document violations and take necessary actions preparatory to enforcement. (Ord. 397 § 3, 1999)

8.04.040 Prohibited acts.

A. No person shall knowingly continue, cause or permit to be made or continued any excessive or unnecessary sounds that are listed in this section or Section 8.04.050.

B. The following acts are declared to create excessive and unnecessary sounds in violation of this chapter without regard to the maximum sound levels of Section 8.04.050:

1. Radios, Stereos, Boom boxes, Tape Players, Television Sets. The playing, using or operating of any radio, tape player, television set or stereo system including those installed in a vehicle in such a manner so as to be plainly audible at any time between ten p.m. and seven a.m. the following day, local time:

a. Within a noise sensitive area of noise sensitive use that is not the source of the sound; or

b. At a distance of one hundred (100) feet or more from the source of the sound.

2. Revving Engines. Operating any motor vehicle engine above idling speed off the public right-of-way so as to create excessive or unnecessary sounds within a noise sensitive area.

3. Compression Braking Devices. Using compression brakes, commonly referred to as "jake brakes," on any motor vehicle except to avoid imminent danger or persons or property.

4. Exhausts. Discharging into the open air the exhaust of any steam engine, internal combustion engine, or any mechanical device operated by compressed air or steam without a muffler, or with a sound control device less effective than that provided on the original engine or mechanical device.

5. Idling Engines on Motor Vehicles. Idling more than fifteen (15) consecutive minutes between the hours of ten p.m. and seven a.m. the following day, local time, any motor vehicle with a gross vehicle weight rating (GVWR) of eight thousand (8,000) pounds or greater that exceeds fifty (50) dBA measured at the nearest occupied noise sensitive property.

6. Vehicle Tires. Squealing tires by excessive speed or acceleration on or off public right-of-way except when necessary to avoid imminent danger to person or property.

7. Motorcycles, Go-Karts, Dune Buggies. Operating motorcycles, go karts, dune buggies and other off-road recreational vehicles off the public right-of-way on property not designated as a recreational park.

8. Motorboats. Operating or permitting the operation of any motorboat within the city's jurisdictional boundaries in such manner as to exceed eighty-four (84) dBA at a distance of fifty (50) feet or more.

9. Explosives. The discharge of fireworks and other explosive devices except as authorized by the City Council.

10. Tampering. The removal or rendering inoperative of any noise control device for purposes other than maintenance, repair, or replacement.

11. Animals. Owning, possessing or harboring any bird or other animal that barks, bays, cries, howls, or makes any other noise continuously for a period of ten minutes or more, other than for reasons of being provoked by a person trespassing or threatening to trespass.

12. Steam Whistles. Blowing any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work.

13. Horns and Alarms. The sounding of a horn or signaling device on a vehicle on a street or public or private place, except as a necessary warning of danger.

14. Compressed Air Devices. The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise created is effectively muffled.

C. No person shall operate a motor vehicle on a public right-of-way unless it meets the noise emission standards promulgated by Oregon Revised Statute (ORS) 467.030 and Oregon Administrative Rule (OAR) Chapter 340, Division 35 that are adopted and incorporated by this reference. Copies of ORS 467.030 and OAR Chapter 340, Division 35 are on file in the office of the city recorder. (Ord. 424 § 4 (part), 2002; Ord. 397 § 4, 1999)

Maximum permissible sound levels.

A. No person shall cause or permit sound(s) to intrude onto the property of another person that exceed(s) the maximum permissible sound levels set forth below in this section.

B. The sound limitations established herein, as measured at or within the property boundary of the receiving land use, are as set forth in Table I and apply after any applicable adjustment, also provided for herein, are applied. When the sound limitations are exceeded, it shall constitute excessive and unnecessary sounds and shall be violations in their own right as well as being prima facie evidence of noise.

C. This section is violated if any of the following occur:

1. Any continuous sound that exceeds Table I for a cumulative total of greater than five minutes in any ten (10) minute period;
2. Any sound that exceeds Table I by five dBA for a cumulative total of greater than one minute, but less than five minutes in any ten (10) minute period;
3. Any sound that exceeds Table I by ten (10) dBA at any point in time.

Table I

Table of Maximum Allowable Sound Levels (in DBA) in any Ten (10) Minute Period

Type of Received by Use

Type of Source by Use	Noise Sensitive		Commercial		Industrial	
	Day	Night	Day	Night	Day	Night
Noise sensitive	55	45	70	65	75	70
Commercial	55	50	70	65	75	70
Industrial	55	50	70	65	75	70

Exceptions

A. Exceptions. The following sounds are exempted from provisions of this chapter:

1. Sounds caused by the performance of emergency work, vehicles and/or equipment;
2. Aircraft operations in compliance with applicable federal laws or regulations;
3. Railroad activities as defined in Subpart A, Part 201 of Title 40, DFR of the Environmental Protection Agency's railroad emission standards, incorporated herein by reference;
4. Sounds produced by sound amplifying equipment at activities permitted by the city;
5. Sounds created by the tires or motor to propel or retard any vehicle on the public right-of-way in compliance with ORS 815.025 and OAR Chapter 340 Division 35, incorporated herein by reference;
6. Notwithstanding Section 8.04.050(C), sounds created by refuse pickup operations during the operations during the period of four a.m. to ten p.m. local time;
7. Sounds created by domestic power tools during the period of seven a.m. to ten p.m., local time, provided sound dissipation devices on tools are maintained in good repair;
8. Sounds made by warning devices operating continuously for three minutes or less;
9. Idling motor vehicles with a gross vehicle weight rating (GVWR) of eight thousand (8,000) pounds or greater between the hours of seven a.m. to ten p.m., local time provided they are equipped with an exhaust system that is in good working order and in constant operation;
10. Construction activities during the period of seven a.m. to six p.m. local time (seven a.m. to eight p.m. during summer months of June through August), provided equipment is maintained in good repair and equipped with sound dissipating devices in good working order.

Chapter additional to other law.

The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy; nor unless specifically provided, shall it be deemed to repeal, amend or modify any law, ordinance, or regulation relating to noise or sound. The provision of this chapter shall be deemed additional to existing legislation and common law on such subject.

Penalties.

A violation of any provision of this chapter is a Class A infraction, punishable upon conviction by a fine of not more than five hundred dollars (\$500.00). Each and every day during that any provision of this chapter is violated shall constitute a separate offense.

The city council, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this chapter.

Section 26. NOTICES AND ADVERTISEMENTS.

1. No person may affix or cause to be distributed any placard, bill, advertisement, or poster upon real or personal property, public or private property, without first securing permission from the owner or person in control of the property. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use of and the location of signs and advertising.
2. This section does not prohibit the distribution of advertising material during a parade or approved public gathering.
3. No person, either as principal or agent, may scatter, distribute or cause to be scattered or distributed on public or private property any placards, advertisements or other similar material.

Section 27. DISABLED, ABANDONED OR STOLEN VEHICLES: VEHICLE PARTS. (Ordinance 479, 02/29/2000 [amended Section 17, as shown below])

1. (a) No person owning an inoperable vehicle that is located on private property owned or controlled by that same person shall allow that vehicle to be exposed to public view for longer than is reasonably necessary to repair or dispose of it, and in no event longer than thirty (30) days unless it is in connection with a business dealing with junk vehicles lawfully conducted within the city.
2. (b) The term 'inoperable' vehicle, as used in this section, means a vehicle capable of being towed that:
 - a. Has been located for more than thirty (30) days on private property owned or controlled by the person with legal title to the vehicle; and
 - b. Has been extensively damaged, including, but not limited to, a broken window or windshield, missing wheels, tires, motor, or transmission; and
 - c. For the purpose of this section, a showing that the vehicle, if operated on a public highway of this state, would be in violation of three or more of the provisions of ORS chapters 815 and 816, is indirect evidence that the vehicle is inoperable.
 - d. For the purpose of this section, an inoperable vehicle shall not be considered exposed to public view if the vehicle is entirely covered..
 - e. Tagging of an inoperable vehicle shall be done in the same manner as for disabled, abandoned and stolen cars as provided in subsection (4) (~~d~~) herein; such tag shall constitute posting of notice of the purpose of abatement under section 29 herein. Only the owner of an inoperable vehicle as defined in this section is entitled to the abatement notice and appeal procedure set forth in sections 29 and 30 herein with respect to any violation of this section.
 - f. Not more than two covered inoperable vehicle may be located on private property owned or controlled by the person owning the vehicle, unless the owner has applied for and been granted by the council an exception for a 'classic' vehicle. For the purposes of this section, such classic vehicle shall be at least 20 years old and have significant intrinsic value over and above its salvage value. The council's decision may be made in conjunction with any protest to abatement. The decision by the council regarding a vehicle shall be final. If the decision is not in favor of the appellant, the vehicle in question shall be deemed 'disabled' ten (10) days after the decision. A vehicle registered with the Department of Motor Vehicles as an antique vehicle shall be deemed to be a classic vehicle for the purpose of this section. Not more than two covered classic vehicles may be stored on private property owned by the person owning the vehicles, unless such vehicles are stored in an area designated for classic vehicle storage after appropriate land use proceedings and public

hearings. Any inoperable or classic vehicle, covered or uncovered, exceeding the number allowed under this subsection shall be deemed disabled.

3. For the purpose of this section, a vehicle that would otherwise be defined as inoperable except that legal ownership cannot be established by the person owning or controlling the private property where it is located shall be deemed a 'disabled' vehicle subject to the provisions of ORS chapter 819 and subsection (4) herein.
4. It shall be unlawful for a disabled, abandoned or stolen vehicle to remain located on public or private property within city limits for more than 24 hours. Disabled, abandoned and stolen vehicles on public or private property may be tagged and towed after 24 hours by the chief of police pursuant to the provisions of ORS chapter 819, subject to the policies adopted by Resolution of the council, as may be amended from time to time. The hearing and appeal procedures contained in ORS chapter 819 and those policies shall be the only appeal procedures available for this violation; the abatement procedures in section 30 and 31 herein shall not apply to disabled, abandoned and stolen vehicles. Disabled vehicles shall be garaged or removed outside the city limits within 24 hours; changing the location of a disabled vehicle inside city limits shall not prevent the towing of such vehicle unless garaged. Any vehicle, that has been tagged two previous times within the same 14-day period, may be tagged and towed immediately upon the third violation in such 14-day period.
5. No person shall store partial vehicles, engines, transmissions, wheels, tires or other parts of vehicles on private property exposed to public view, whether or not covered. Such items located on public property, public streets, or public rights-of-way, whether or not developed or improved, may be abated by the city ten (10) days after an abatement notice is posted. Items of trash, junk or other debris, that are not vehicle parts, may be abated from such public property five (5) days after an abatement notice is posted. However, any items on such public property, that constitute an immediate health or safety hazard, may be summarily abated pursuant to Section 34 herein, including partial vehicles and vehicle parts.

Section 28. DECLARATION OF NUISANCE, GENERAL NUISANCE.

(1) The acts, conditions, or objects specifically enumerated and defined in this Ordinance are declared to be public nuisances and such acts, conditions, or objects may be abated by any of the procedures set forth in Section 30 through Section 34 of this Ordinance.

(2) In addition to those nuisances specifically enumerated within this Ordinance, every other thing, substance, or act that is determined by the council to be injurious or detrimental to the public health, safety, or welfare of the city is hereby declared to be a nuisance and may be abated as provided in this Ordinance.

ABATEMENT PROCEDURE

Section 29. ABATEMENT NOTICE.

(1) Posting. Upon determination by the Council that a nuisance as defined in this or any other ordinance of the city exists, the council shall forthwith cause a notice to be posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate such nuisance.

(2) Notice to owner. At the time of posting, the Authorized Representative shall cause a copy of such notice to be forwarded by registered or certified mail, postage prepaid, to the owner or/and person in

charge of the property at the last-known address of such owner or other person. At a minimum, the city shall utilize the records of the Polk County Assessor and the city utility department to determine the last known address.

(4) Notice – Contents. The notice to abate shall contain:

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

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

(c) A description of the nuisance.

(d) A statement that unless such nuisance is removed the city may abate the nuisance and the cost of abatement shall be a lien against the property.

(e) A statement that the owner or other person in charge of the property may protest the abatement by giving notice to the Authorized Representative within ten (10) days from the date of the notice.

(5) Certificate of Mailing and Posting. Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate stating the date and place of such mailing and posting.

(6) Sufficiency of Posted Notice. An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner as listed with the Polk County Assessors Office and the City utility department to the address of record, shall not make the notice void and in such a case the posted notice shall be sufficient.

Section 30. ABATEMENT BY THE OWNER - Property Owner's Responsibility to Act.

(1) Within ten (10) days after the posting and mailing of the notice as provided in Section 29, the owner or person in charge of the property shall remove the nuisance or show that no nuisance exists.

(2) The owner or person in charge protesting that no nuisance exists shall file with the City Recorder a written statement that shall specify the basis for so protesting.

(3) The statement shall be referred to the council as a part of the council's regular agenda at the next succeeding meeting. At the time set for consideration of the abatement, the owner or other person may appear and be heard by the council and the council shall thereupon determine whether or not a nuisance in fact exists and such determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where a written statement has been filed as provided.

(4) If the council determines that a nuisance does in fact exist, the owner or other person shall within ten (10) days after such council determination abate such nuisance.

Section 31. ABATEMENT BY THE CITY.

(1) If within the time allowed the owner or person in charge of the property has not abated the nuisance, the council may cause the nuisance to be abated.

(2) The officer charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.

(3) The Authorized Representative shall keep an accurate record of the expense incurred by the city in abating the nuisance and shall include therein a charge of twenty (20) percent of the expense for administrative overhead.

Section 32. ASSESSMENT OF COSTS.

(1) The Authorized Representative, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:

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

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

(c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, the objector may file a notice of objection with the Authorized Representative not more than ten (10) days from the date of the notice.

(2) Objections to Assessment. Upon the expiration of ten (10) days after the date of the notice, the council in the regular course of business shall hear and determine the objections to the costs to be assessed.

(3) City liens. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated or as determined by council shall be made by resolution and shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from that the nuisance was removed or abated.

(4) Lien enforcement. The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate allowed by law, or such lesser rate as the City Council may from time to time provide. Such interest shall commence to run from date of entry of the lien in the lien docket.

(5) Assessment error. An error in the name of the owner of the property as listed with the Polk County Assessors Office and the City's utility department, 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.

(6) Recovery of Public Costs for On-site Assessment and Clean Up of Property Declared Public Health Nuisance.

(a) If, after service of notice of the Declaration of Public Health Nuisance, the property owner fails to arrange appropriate assessment and clean up, the Authorized Representative is authorized to proceed in a prompt manner to initiate the on-site assessment and clean up.

(b) If the city is unable to locate the property owner within ten days of the Declaration of Public Health Nuisance, the city is authorized to proceed in a prompt manner to initiate the on-site assessment and clean up.

(c) The city may abate the nuisance by removing the hazardous structure or building, or otherwise, according to Oregon Revised Statutes Chapter 475.

(d) If the city abates the public health nuisance, in addition to any other legal remedy, the city shall be entitled to recover all costs plus an additional 25 percent of the costs for administration. The city may recover costs by civil action against the person or persons who own the property.

GENERAL

Section 33. SUMMARY ABATEMENT. The procedure provided by this ordinance is not exclusive but is in addition to procedure provided by other ordinances. The Authorized Representative or such other persons as the City Council may designate, may proceed to abate a health or other nuisance that unmistakably exists and from that there is imminent threat or danger to human life or property.

(1) The cost of such summary abatement shall be assessed against the owner of the real property on that the nuisance exists, shall be a lien against the real property and may be enforced and collected by the same procedures set forth in this Ordinance for abatement.

(2) Abatement Notice of Imminent Threat.

- a. Upon determination by the City Council that a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City as defined in this or any other Ordinance of the city exists, the Authorized Representative, or their designated representative, shall forthwith issue a citation to the property owner who, in the opinion of the Authorized Representative, are determined to be in violation of this Ordinance.
- b. At the time of issuing a citation as set forth above, the Authorized Representative shall contact the Mayor, and in their absence, the Council President, and discuss the issuance of any citation issued by the Authorized Agent, or the Council's designated representative under this Ordinance.
- c. The citation of nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City shall contain:
 - a. Reference to the Section of this Ordinance being violated and a description of the imminent threat.
 - b. A description of the location upon that the violation occurred that may be a street address, a street name between intersecting streets, an approximate distance from a known point of reference, or otherwise, at or on that such imminent threat to the public health, safety or property of the residents of Falls City exists.
 - c. The month, day, year and time of day of the citation.
 - d. A direction to remove the imminent threat to the public health, safety or property of the residents of Falls City within two (2) hours from the time of issuance of the citation.
 - e. A statement that unless such imminent threat to the public health, safety or property of the residents of Falls City is removed within two (2) hours after citation, the city will abate the nuisance and cost of abatement shall be a lien against the property.

- f. A statement that the person or person in charge may protest the citation and action by giving notice to the Authorized Representative within two (2) hours from the time of citation.

(d) An error in the name or address of the property owner as listed with the Polk County Assessors Office and the City's utility department, shall not make the citation void, and in such a case, the citation shall be deemed sufficient.

(3) Abatement by the Owner of Imminent Threat.

(a) Within two (2) hours after citation as provided in Section 29, subsection (2), the property owner, as listed with the Polk County Assessors office and the City's utility department shall remove and abate the nuisance or protest that no nuisance exists.

(b) The property owner violating this Ordinance shall file with the Authorized Representative a written statement that shall specify the basis for contending that no nuisance exists.

(c) The statement shall be referred to the Authorized Representative during the first regular business day after receipt by the Authorized Representative, and the Authorized Representative shall advise the Mayor of such statement.

(d) The Mayor shall refer the statement to the council at a special council meeting to be posted and held within three (3) regular business days of filing of the statement with the Authorized Representative. At the time set for the consideration of the abatement, such person or person in charge may appear and be heard by the council, and the council shall, based upon the evidence presented, thereupon confirm whether a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City in fact exists and such confirmation shall be entered in the official minutes of the council.

(e) Upon council confirmation that a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City in fact exist, the person or person in charge, violating this Ordinance shall within two (2) hours after such council confirmation or two (2) hours after daylight of the next succeeding day, that ever is later, shall remove or abate such nuisance.

(4) Abatement by the City of Imminent Threat.

(a) If within the time fixed, as provided in this Ordinance, the property owner has not abated the nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City, the common council shall cause the imminent threat to be abated.

(b) The Authorized Representative shall maintain an accurate record of the expense incurred by the city in abating the imminent threat and shall include therein an overhead charge of fifteen (15) percent of the total cost for administration.

(c) The total cost, including the administrative overhead, shall thereupon be assessed to property of the person or person in charge as they may own in the City, whether or not said property shall be in the location of the violation of this Ordinance or not, in accordance with procedures set forth in Section 32.

(d) If the person or person in charge does not own property in the City, the City shall file a civil action or suit to enforce the collection of the total cost, including the administrative overhead, as set forth in the resolution described in Section 33, in the appropriate court within Polk County.

Section 34. APPLICATION OF ORDINANCE. The procedure provided by this Ordinance is not exclusive but is in addition to procedures provided by other city ordinances.

Section 35. VIOLATION – PENALTIES. Violation of Sections 3 through 28 shall be punishable upon conviction by a fine not to exceed \$500.00 for a non-continuing violation and a fine of not more than \$1,000 for a continuing offense.

(1) The penalties imposed by this Ordinance are not exclusive and are in addition to any other remedies available under city ordinance or state statute.

(2) The abatement of a nuisance in accordance with the procedure set forth in Section 30 of this Ordinance within ten (10) days after being cited for violation of this Ordinance as set forth in Section 29 of this Ordinance shall not constitute a penalty for a violation of this Ordinance, but may, based upon the determination by the court of jurisdiction, be in addition to any penalty imposed for the violation of the Ordinance.

(3) The abatement of a nuisance resulting in an imminent threat to the public health, safety or property of the residents of Falls City in accordance with the procedure set forth in Section 28, Subsection (3) of this Ordinance within two (2) hours after being cited for violation of this Ordinance as set forth in Section 28, Subsection (2) of this Ordinance, shall not constitute a penalty for a violation of this Ordinance, but may, based upon the determination by the court of jurisdiction, be in addition to any penalty imposed for the violation of the Ordinance.

Section 36. SEPARATE VIOLATIONS.

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

(2) The abatement of a nuisance is not a penalty for violating this ordinance but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.

Section 37. SEVERABILITY. The sections and subsections of this ordinance are severable. It being the intent of the City Council to enact this Ordinance, notwithstanding any parts declared invalid or unconstitutional, if any section, subsection, paragraph, or provisions of this Ordinance is so declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect or invalidate the remaining portions of this Ordinance.

Section 38. EMERGENCY CLAUSE. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the citizens of Falls City, Oregon, an emergency is hereby declared to exist, and this ordinance and sections 4, 5, and 6 (as stated below) shall be in full force and effect immediately upon its passage by the City Council.

SECTION 4. The text of Polk County's Nuisance Abatement Ordinance (Chapter 43 of the Polk County Code), and Enforcement Ordinance (Chapter 50 of the Polk County Code) are hereby adopted as amendments to Ordinance #323 as shown on Exhibit "A."

SECTION 5. The City of Falls City grants upon Polk County, Oregon the authority to utilize the Polk County Nuisance Abatement Ordinance (Chapter 43) and Enforcement Ordinance (Chapter 50) within the corporate limits of Falls City to investigate violations of the following codes, as amended: Building Code, Plumbing Code, Electrical Code, Mechanical Code, Manufactured Dwelling Standards; and on-site wastewater treatment systems.

SECTION 6. The text of the most recently published "Uniform Code for the Abatement of Dangerous Buildings," is hereby adopted as an amendment to Ordinance #323 as shown on Exhibit "B."

SECTION 7. Upon adoption by the City Council for Falls City and the Mayor's signing, this Ordinance shall become immediately effective.

Read the first time this 5th day of July, 2006.

Read the second time this 5th day of July, 2006.

Passed by the unanimous vote of the City Council this 5th day of July 2006.

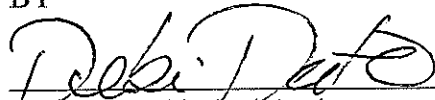
SIGNED BY



Darrin Fleener, Mayor

ATTEST:

BY


Debi Dato, Clerical Assistant