

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: NUISANCES

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AT LARGE.

(1) Off the premises of the owner while the animal is not under the complete control of the owner by adequate leash.

(2) An animal within a vehicle shall not be considered to be ***AT LARGE*** as defined in this section.

JUNK. Includes, but is not limited to, old motors, old motor vehicle parts, old machinery, old machinery parts, old appliance and parts, used furniture or other discarded household goods, old iron or other metal, glass, paper, lumber, wood or other waste or discarded material.

OWNER. An owner is any person having legal or equitable interest in property.

PERSON. An individual person, firm, partnership, association, or corporation.

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

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

- (1) The owner;
- (2) The person in charge of property; and/or
- (3) The person who caused a nuisance to come into or continue in existence.

§ 90.01 DEFINITIONS.

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

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

PUBLIC PLACE. A building, way, place, or accommodation, publicly or privately owned, open and available to the general public.

STREET. Every public way, road, thoroughfare, alley, and place, including bridges and other structures within the boundaries of this city, open, used, or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

VEHICLE. Any device in, upon, or by which any person or property may be transported or drawn upon a public street and includes vehicles that are propelled or powered by any means.
(Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008)

§ 90.02 ACTS CONSTITUTING NUISANCES.

A public nuisance is any act or omission which is determined by the city or its designees to be injurious or detrimental to the public health, safety or welfare of residents of the city.
(Ord. 02-2008, passed 4-14-2008)

§ 90.03 ANIMALS; GENERALLY.

(A) *Dogs.* It is declared to be a public nuisance affecting the health, safety and welfare of the residents of the city for an owner, or any other person in charge of, or responsible for, the care and control of any dog within the limits of the city, to permit that dog to leave the property of the owner, or the property of the person in charge of, or responsible for its care and control, without proper restraint by leash, cord, chain, enclosed vehicle or any other means appropriate to the size and character of the dog.

(B) *Farm animals.* It is declared to be a nuisance affecting the health, safety and welfare of the residents of the city for any person to keep farm animals, including but not limited to pigs, hogs, swine, horses, cows, sheep, goats or fowl, except on property authorized for farm use, and then only if the animals are properly fenced, confined or otherwise restrained within the boundaries of the owner's property or the property of the person in charge of or responsible for the animals.

(C) *Impoundment.* Any animal found in violation of divisions (A) and (B) above, may be taken into custody by the Douglas County Animal Control and taken to the Douglas County Animal Shelter.

(D) *Bees.* No person shall keep a hive or stand of bees within the city.

(E) *Removal of carcasses.* No person shall permit an animal carcass owned or controlled by that person to remain upon public property or to be exposed on private property, for a period of time longer than is reasonably necessary to remove or dispose of carcass.

(Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.04 SPECIFIC NUISANCES AFFECTING THE PUBLIC HEALTH, SAFETY OR WELFARE.

In addition to any act or omission determined to be a nuisance pursuant to § 90.02, to permit or allow the following is declared to be a public nuisance:

(A) Open vaults, pits, quarries, cisterns, open wells, privies or other open excavations to exist on any premises without adequate safeguards;

(B) Accumulation of debris, rubbish, manure, and other refuse offensive to the public for a period longer than 12 hours upon any public street or public premises or any private premises;

(C) Stagnant water which affords a breeding place for mosquitoes and other insect pests;

(D) Pollution of a body of water, well, spring, stream, or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water;

(E) Decayed or unwholesome food offered for human consumption;

(F) Premises, including those with cesspools or septic tanks, that are in a state or condition as to cause an offensive odor or that are in an unsanitary condition;

(G) Mastics, oil, grease or petroleum products allowed to be introduced into the sewer system by a use connected to the sewer system;

(H) Any structure constructed or maintained upon any city-owned premises without permission from the city;

(I) Any substance placed upon any public thoroughfare tending to mar the appearance or detract from the cleanliness or safety of such thoroughfare. (Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.05 ATTRACTIVE NUISANCES.

(A) No owner or person in charge of property shall permit on the property the following:

(1) Any container or compartment with a door or lid that locks or fastens automatically when closed and that cannot be easily opened from inside;

(2) Unguarded machinery, equipment, or other devices that are attractive, dangerous, and accessible to children;

(3) Lumber, logs, or pilings placed or stored in a manner as to be attractive, dangerous, and accessible to children.

(B) This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children. (Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.06 SNOW AND ICE.

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

(A) Snow to remain on sidewalk for a period longer than the first 5 hours of daylight after snow has fallen; and/or

(B) Ice to remain on the sidewalk for more than 5 hours of daylight after the ice has formed unless the ice is covered with sand, ashes, or other suitable material to assure safe travel. (Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.07 NOXIOUS VEGETATION.

(A) No owner or person in charge of real property shall allow noxious vegetation on the property. Noxious vegetation is declared a nuisance.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

NOXIOUS VEGETATION. Includes, at any time between May 1 and November 1 of any year:

- (a) Weeds more than 10 inches high;
- (b) Grass more than 10 inches high;

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(c) Poison Oak and Poison Ivy;

(d) Blackberry bushes that extend into a public thoroughfare or across a property line; and/or

(e) Weeds, grass, or vegetation that is:

1. A health hazard;
2. A fire hazard; and/or

3. A traffic hazard which impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.

(C) Between May 1 and November 1 of any year, no owner or person in charge of real property may allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. It shall be the duty of an owner or person in charge of property to cut down and haul away or to destroy grass, shrubbery, brush, bushes, weeds, or other noxious vegetation as often as needed to prevent them from becoming unsightly, from being a fire hazard, or in the case of weeds or other noxious vegetation, from maturing or from going to seed.

(D) Between April 15 and June 1 of each year, the City Recorder may post at various public places a copy of division (C) above as a notice to all owners and persons in charge of property of the duty to keep their property free of noxious vegetation. (Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.08 SCATTERING RUBBISH.

No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, or would be likely to injure a

person, animal, or vehicle traveling upon a public way.

(Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.09 TREES.

(A) No owner or person in charge of property shall allow to stand a dead or decaying tree that is a hazard to the public or persons or property on or near the property.

(B) No owner or person in charge of property that abuts on a street or public sidewalk shall permit trees or bushes on the property to interfere with street or sidewalk traffic. An owner or person in charge of property that abuts on a street or public sidewalk shall keep all trees and bushes on the premises, including the adjoining parking strip, trimmed so that any overhanging portions are at least 8 feet above the sidewalk and at least 12 feet above the roadway. (Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.10 FENCES.

(A) No owner or person in charge of property shall construct or maintain a barbed wire fence except where livestock is to be contained by the fence, in which case the fence shall be located not closer than 5 feet from the property line. Fences enclosing storage areas in industrial districts may use barbed wire so long as the wire is located no less than 6 feet above the ground.

(B) No owner or person in charge of property shall construct, maintain, or operate an electric fence within the city.

(Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.11 SURFACE WATERS; DRAINAGE.

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

(B) The owner or person in charge of property shall install and maintain in proper state of repair adequate drainpipes or a drainage system, so that any overflow water accumulating on the roof or about the buildings is not carried across or upon the sidewalk or alleys.

(Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.12 SIFTING OR LEAKING LOADS.

No person shall drive or move a vehicle on any street unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.

(Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.13 RADIO AND TELEVISION INTERFERENCE.

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

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

(Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.14 JUNK.

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

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

JUNK. Includes all old motors, old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances and parts, old iron or other metal, glass, paper, lumber, wood, or other waste or discarded material.

(C) This section does not apply to junk kept in a licensed junkyard or automobile wrecking house.

(Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.15 NOTICES AND ADVERTISEMENTS.

(A) No person shall affix or cause to be distributed any placard, bill, advertisement, or poster upon any real or personal property, public or private, without first securing permission from the owner or person in charge of property. This section shall not be construed as an amendment to or repeal of any regulation now or hereafter adopted by the city regulating the use of any location of signs and advertising.

(B) This section shall not be construed to prohibit the distribution of material during any parade or public gathering.

(Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.16 BURN BARRELS.

No person shall burn garbage containing animal or vegetable matter or other matter causing offensive

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odor. All persons using burn barrels shall comply with Uniform Fire Code and any amendment of the Uniform Fire Code.

(Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.17 UNNECESSARY NOISE.

(A) No person may make, assist in making, continue, or cause to be made any loud, disturbing, or unnecessary noise which annoys, disturbs, injures, or endangers the comfort, repose, health, or peace of others.

(B) Loud, disturbing, and unnecessary noises in violation of this section include but are not limited to the following:

(1) The keeping of any animal which by causing frequent or long-continued noise shall disturb the comfort and repose of any person in the vicinity; and

(2) The playing of a radio, television, stereo, or similar device which disturbs the comfort and repose of any person outside a 50-foot radius.
(Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.18 PARKING OF VEHICLES; REPAIR OR DISMANTLING OF VEHICLES.

(A) No person shall park any car or pickup on any public street for a period in excess of 10 days. No person shall park any other vehicle, motor home, trailer, or boat on any public street for a period in excess of 3 days. The intent of this section is to penalize people who use the street as a storage area for their vehicles, but not to penalize people who use their cars or pickups on a day-to-day or other similarly regular basis and park that vehicle on the street.

(B) No person shall park any vehicle, motor home, trailer, or boat on any public right-of-way, including parking areas, for the purpose of advertising that vehicle, mobile home, trailer, or boat for sale or lease.

(C) It is unlawful to disassemble, construct, reconstruct, repair and/or service motor vehicles or motor vehicle trailers of any kind in or upon any street, road, alley or public thoroughfare in the city or upon private property where visible from the street or the adjacent property, except for emergency service; provided that such emergency service shall not extend over a period of 72 hours, except when required to be made in a street, road, alley or other public thoroughfare; in which case, an emergency service shall not extend over a period of 2 hours, and does not interfere with or impede the flow of traffic. A violation of this section shall also constitute a public nuisance and a misdemeanor, which shall be punishable, upon conviction, by a fine as set forth in § 90.99.

(Ord. 01-2004, passed 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

Cross-reference:

Traffic Code, see Title VII

§ 90.19 ABANDONED MOTOR VEHICLES.

(A) It is unlawful to park, store or leave or permit the parking or storing of any licensed or unlicensed motor vehicle of any kind or of any motor vehicle trailer, either licensed or unlicensed, of any kind, for a period of time in excess of 72 hours, which is in a rusted or wrecked or junked or partially dismantled or inoperative or abandoned condition, whether attended or not, upon any public or private property within the city, unless the same is completely within an enclosure where it would not be visible from the street or adjacent property, unless it is in connection with a business enterprise lawfully licensed by the city and property operated in the appropriate business zone pursuant to zoning laws of the city; and a violation of this chapter shall be a misdemeanor.

(B) The accumulation and storage of 1 or more of said vehicles, as defined in division (A) above, on public or private property shall constitute rubbish and unsightly debris and a nuisance, detrimental to the health, safety and welfare of the inhabitants of the city; and it shall be the duty of the registered owner of any such vehicle or vehicles, and it shall also be the duty of the owner of the private property or the lessee or other person in possession of the private property upon which the vehicle is located, to remove the same from the city or to have the same housed in an enclosure where it will not be visible from a street or adjacent property.

(C) It shall be the duty of the city to give written notice to the registered owner of any motor vehicle or motor vehicle trailer which is in violation of this chapter, as described in division (A) above, and to further give notice that such vehicle violates the ordinance codified in this chapter, and demanding that such motor vehicle or motor vehicles be removed from there within 72 hours, or that within 72 hours the same is to be housed within an enclosure where it will not be visible from a street or adjacent property. Written notice to the last known address of the registered owner of a vehicle or the owner or lessee of real property shall be sufficient.

(D) If the notice is given as provided in division (C) above, and the person upon whom the notice demand is made fails to remove as required by the notice such vehicle or vehicles, as the case may be, or fails to cause the same to be placed in an enclosure where it will not be visible from the street, then such person shall be in violation of this chapter, and upon conviction thereof, shall be punished by fine, as set forth in § 90.99.

(E) As an alternate procedure, the city may, after giving notice, and after waiting 72 hours, take the vehicle or vehicles to be removed by a city truck or commercial tow truck to a commercial garage or an automobile wrecking yard or any other suitable place for storage of the vehicle, as may be designated by the city; and within 48 hours after removal and storage

of such vehicle the city shall give notice in the manner prescribed in division (C) above to the registered owner of such vehicle and also to the owner or lessee or person in possession of land from which the vehicle was removed, that such vehicle or vehicles have been impounded and stored for violation of this chapter, and notice shall include the location or place where the vehicle or vehicles are stored, the costs incurred by the city for the removal or towing and the storage charges accruing, and that if such charges are not paid in full to the City Recorder within 10 days immediately following the giving of such notice, such vehicle or vehicles shall be deemed to have been abandoned and will thereafter be discarded as junk or may, at the discretion of the city, be sold as an abandoned vehicles in the manner prescribed in this section after giving not less than 30 days' notice by registered letter, addressed to the registered owner of the vehicle at his latest address shown on the records in the office of the Motor Vehicle Division of the state, with the owner given the right to reclaim such vehicle within said 30 days by paying all the costs and expenses incurred in the removal, preservation and custody of the vehicle for a period not in excess of 90 days; and if not so reclaimed, then to be sold, with the City Recorder to execute the certificate of sale to be delivered to the purchaser and the original to be retained by the city; and the money so received from the sale thereof to be applied first to the payment of costs and expenses incurred in the removal, preservation and custody of the vehicle and the remainder to be retained by the city for a period of 1 year; and if not claimed by then, to be turned over to the state as in the case of property to escheat to the state.

(F) If any vehicle is impounded or stored by the city under the provisions of this chapter or of any other ordinance of this city, or pursuant to any other lawful authority, such vehicle or vehicles or other personal property shall not be released to the appointed keeper thereof until all charges connected with the removal, towing and storage of such vehicle or vehicles or personal property have been fully paid as evidenced by the City Recorder's paid receipt. (Ord. 02-2008, passed 4-14-2008)

§ 90.20 ABATEMENT.

(A) *Notice.* Upon determination by the Code Enforcement Officer or designee that a nuisance exists, the City Recorder shall cause a notice to be sent to the person responsible to abate the nuisance. The notice to abate shall contain:

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

(2) A direction to abate the nuisance within 10 days from the date of the notice;

(3) A description of the nuisance;

(4) A statement that, unless the nuisance is removed, the city may abate the nuisance and the cost of abatement will be charged to the person responsible and could become a lien on the property;

(5) A statement that failure to abate a nuisance may result in a court prosecution;

(6) A statement that the person responsible may protest the order to abate by giving notice to the City Recorder within 10 days from the date of the notice, together with a statement from the person responsible as to why they feel no nuisance exists; and

(7) If the person responsible is not the owner, an additional notice shall be sent to the owner stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien against the property.

(B) *Copy.* Upon completion, a copy of the mailing shall be kept at City Hall.

(C) *Errors.* An error in the name or address of the person responsible shall not make the notice void.

(D) *Abatement by the person responsible.*

(1) Within 10 days after the mailing of the notice, as provided in division (A) above, the person responsible shall remove the nuisance or show that no nuisance exists.

(2) A person responsible, protesting that no nuisance exists, shall file with the City Recorder a written statement which shall specify the basis for so protesting.

(3) The statement shall be referred to the City Council as a part of its regular agenda at its next succeeding meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the Council, and the Council shall determine whether or not a nuisance, in fact, exists; and the determination shall be entered into 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 person responsible shall, within 10 days after the Council determination, abate the nuisance.

(E) *Joint responsibility.* If more than 1 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.

(F) *Abatement by the city.*

(1) If, within the time allowed, the nuisance has not been abated by the person responsible, the city may cause the nuisance to be abated.

(2) The officer charged with abatement of the nuisance, or others as necessary acting under the direction of the officer, shall have the right at reasonable times to enter into or upon the property in accordance with law to investigate or cause the removal of the nuisance.

(3) The City Recorder shall keep an accurate record of the expense incurred by the city in physically abating the nuisance and shall include therein a reasonable charge for administrative overhead.

(Ord. 01-2004, passed 9-8-2003 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008) Penalty, see § 90.99

§ 90.21 ASSESSMENT OF COSTS.

(A) The City Recorder shall forward to the owner and the person responsible, by registered or certified mail, a notice stating:

(1) The total cost of abatement, including administrative costs;

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

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

(B) No sooner than 30 days after the date of the notice, the Council, in the regular course of business, shall hear and make a decision on the objections of the costs assessed.

(C) 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 decided by the Council, shall be made by resolution and shall be entered in the docket of city liens. When the entry is made, it shall constitute a lien on the property from which the nuisance was removed or abated.

(D) The lien shall bear interest at the rate of 12% per annum. The interest shall accrue from the date of entry of the lien in the lien docket.

(E) An error in the name of the owner or person responsible or a failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property.

(Ord. 01-2004, passed 9-8-2003 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008)

§ 90.22 SUMMARY ABATEMENT.

(A) The Code Enforcement Officer or designee may proceed to summarily abate any nuisance which unmistakably exists and which imminently endangers human life, health, or property. The cost of the abatement will be assessed as provided in § 90.21.

(B) When a nuisance is abated under this section, the person responsible may also be prosecuted for violating this chapter and other remedies may also be sought.

(Ord. 01-2004, passed 9-8-2003 9-8-2003; Am. Ord. 02-2008, passed 4-14-2008)

§ 90.99 PENALTY.

(A) A violation of any provision of this chapter is punishable, upon conviction, by a fine not to exceed \$1,000. The court shall establish the fine, and consider if the violator has abated the nuisance.

(B) All persons responsible shall be liable for any injuries resulting from a violation of any of §§ 90.02 through 90.19.

(C) Each day's violation of a provision of this chapter constitutes a separate offense.

(D) Abatement of a nuisance is not a penalty for violation of 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 10 days of determination that a nuisance exists will relieve the

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person responsible of the imposition of a penalty
under this section.

(Ord. 01-2004, passed 9-8-2003 9-8-2003; Am. Ord.
02-2008, passed 4-14-2008)

CHAPTER 91: STREETS AND SIDEWALKS

Section

Sidewalks and Driveways

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SIDEWALKS AND DRIVEWAYS

§ 91.01 DEFINITIONS.

For the purpose of §§ 91.01 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY APPROACH. The portion of a sidewalk which crosses the entrance from any street to any dedicated alley.

DRIVEWAY APPROACH. The portion of a service driveway lying within the sidewalk and constructed so as to allow the safe passage of vehicles across the sidewalk.

INTERSECTION. The area of the public right-of-way which lies within the projection of 2 lot lines at the point where the lines meet at an angle to form a lot corner.

NOTICE. A written notice to the affected party directed to the party by first-class or certified mail. Notice shall be deemed effective on the date the notice is deposited with a public or private mail carrier postage pre-paid and directed to the party as the party's last known address known to the city.

OWNER(S). The person or persons shown on the last tax assessment roll in the office of the County Assessor of Douglas County, Oregon.

Addressing

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REMODELING. A structural improvement or new construction made to any structure in which the new construction or improvement exceeds 25% of the value of the improvements on the property as established by the Douglas County Tax Assessor at the time a construction permit is obtained.

STRUCTURE. Shall include all dwellings, commercial and industrial buildings, and other structures designed for human occupancy.
(Ord. 336-99, passed 6-14-1999)

§ 91.02 APPLICABILITY.

Except as may be limited by O.R.S. 223.880, 366.460, 368.910, 373.020, 373.030, 447.310, or other applicable and paramount statutes, laws, or regulations, including those of the State of Oregon and the County of Douglas, sidewalks shall be subject to the requirements of §§ 91.01 *et seq.* as it applies to state or county owned rights-of-way or abutting state or county owned property located within the city of Glendale.
(Ord. 336-99, passed 6-14-1999)

§ 91.03 DUTY TO INSTALL SIDEWALK.

(A) It is hereby made the duty of every property owner whose property abuts upon any street that has been improved with hard-surface pavement or along any street, the grade of which has been established and which has been improved by the installation of curbs at grade, to construct a concrete sidewalk conforming to the ordinances of the city prior to an occupancy permit being issued, or within 180 days from the completion of any remodeling of any structure located upon the property of the owner.

(B) It is hereby made the duty of every property owner whose vacant, undeveloped, or developed property abuts upon any street that has been improved with hard-surface pavement or along any street, the grade of which has been established and which has been improved by the installation of curbs at grade, to

construct a concrete sidewalk conforming to the ordinances of the city within 3 years from the date §§ 91.01 *et seq.* takes effect.

(Ord. 336-99, passed 6-14-1999) Penalty, see § 91.99

§ 91.04 DUTY TO MAINTAIN AND KEEP IN REPAIR.

An existing sidewalk shall be considered in a state of disrepair when the condition or defect would create a danger to pedestrians. The conditions shall include but not be limited to breakage, cracks, upheaval, irregular composition of concrete materials, accumulations of moss or other organic growths, and other visible hazards.

(Ord. 336-99, passed 6-14-1999)

§ 91.05 INSTALLATION AND REPAIRS TO CITY SPECIFICATIONS.

All installations and repairs undertaken pursuant to §§ 91.01 *et seq.* shall be according to the city specifications as set forth in the provisions of §§ 91.01 *et seq.*, a copy of which shall at all times be available for public inspection in the office of the city.

(Ord. 336-99, passed 6-14-1999) Penalty, see § 91.99

§ 91.06 INJURY OR PROPERTY DAMAGE.

The owner(s) of real property in the City of Glendale shall be liable for any person suffering personal injury or property damage, by reason of any defect in the sidewalk adjacent to or abutting upon the real property of the respective owner(s) thereof.

(Ord. 336-99, passed 6-14-1999)

§ 91.07 OBSTRUCTIONS.

It is hereby made a duty of every property owner to remove any obstacle or obstruction to any sidewalk abutting or located on the property owner's property and to maintain and afford continuous unobstructed access to the sidewalk to the public.

(Ord. 336-99, passed 6-14-1999) Penalty, see § 91.99

§ 91.08 WHEEL CHAIR RAMPS REQUIRED AT STREET INTERSECTIONS.

Whenever any sidewalk is repaired, replaced, or newly constructed within the intersection of any public streets, the repair, replacement, or new construction shall be completed to conform with the American Public Works Association standards for wheel chair ramps. Dimensions and specifications for wheel chair ramps shall be as set forth in the plans attached to Ordinance 336-99 as Exhibit A, which plans are made a part of §§ 91.01 *et seq.*

(Ord. 336-99, passed 6-14-1999) Penalty, see § 91.99

§ 91.09 CONSTRUCTION PERMITS AND INSPECTIONS REQUIRED.

(A) No person, firm, corporation, or unit of government other than the City of Glendale shall construct any sidewalk without first applying for and receiving a permit to so construct the sidewalk from the City Manager.

(B) No sidewalk shall be constructed by any person, firm, corporation, or unit of government other than the City of Glendale without the construction thereof being inspected by the city public works official or his or her designee and approved by him or her as conforming to the standards of the City of Glendale.

(Ord. 336-99, passed 6-14-1999) Penalty, see § 91.99

§ 91.10 SIDEWALK AND DRIVEWAY APPROACH SPECIFICATIONS.

(A) All sidewalks and driveway approaches hereafter constructed within the City of Glendale shall be constructed of concrete cement compounded of portland cement, clean sand, clean gravel, and water in sufficient quantities to achieve a 28-day compressive strength of at least 3,000 pounds per square inch when tested in accordance with applicable standards of the American Society for Testing Materials. No white sand shall be used in the mix. Concrete shall be poured monolithically and shall be a minimum 6 sack mix.

(B) All sidewalks hereafter constructed or repaired shall be of the following minimum width, exclusive of any curb:

(1) Within a commercial zone as defined by the zoning ordinance of this city, or adjacent to any property owned, used, or to be used for school or public education purposes, the minimum width shall be 8 feet, or shall conform to the existing width, if it is wider; and

(2) Elsewhere: Five feet, except curb line walks shall be 5 feet inclusive of curb surface, or conform to existing width.

(C) All sidewalks shall be 4 inches minimum thickness and 6 inches minimum thickness across driveways and alley approaches.

(D) Sidewalks shall have a fall of .025 inches per foot from the property line toward the curb, and shall be so laid that the street side of the walk shall be at an elevation equal to that of the curb of the street, unless the City Manager shall otherwise authorize.

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(1) Expansion joints 1/2 inch wide shall be placed at maximum intervals of 30 feet and shall be placed wherever a new walk joins an existing walk, driveway, or other solid object, and at points of direction change.

(2) Sidewalks shall be divided into square blocks of no greater dimension than 7 foot, by joints running across the walk at right angles to their length. Each joint shall be plainly marked with a deep cutter 2 inches in width. The edges of all blocks shall be smoothly marked with a 3-inch edger and be free from broom marks. All sidewalks shall receive a broom finish.

(3) Forms shall be free from warping or breaks and be of sufficient strength, and properly anchored and braced, to insure holding of true lines and grades.

(E) (1) Where the earth is in an undisturbed condition, no sidewalk bed other than the earth needs to be used.

(2) Where the earth has been disturbed, either through leveling or clearing, then a sidewalk bed of sand or small gravel not less than 3 inches in depth shall be placed before the sidewalk cement is poured.

(F) All sidewalks shall be laid adjacent to the street curb, except:

(1) Where an existing portion of sidewalk already exists within the block on or near the property line, all sidewalks upon that side of the street and within the block where the existing property line sidewalk exists shall be constructed adjacent to the property line; and/or

(2) Where the City Council by resolution shall provide otherwise.

(G) The City Manager may authorize the installation of a meandering sidewalk for aesthetic purposes provided the walk does not substantially inconvenience the general public nor create an apparent traffic or pedestrian hazard.

(H) (1) All cuts or demolition made to existing city sidewalks, or to an adjoining city street, shall be made by concrete or pavement saw cuts and appropriate saw cutting equipment at locations approved by the City Manager.

(2) Any cuts made to a city curb or city street shall be repaired and repaved in compliance with city street specifications, at the property owner's expense.

(Ord. 336-99, passed 6-14-1999) Penalty, see § 91.99

§ 91.11 DRIVEWAY APPROACH SPECIFICATIONS.

(A) All driveway approaches and alley approaches hereafter constructed within the City of Glendale shall be constructed of concrete cement compounded of portland cement, clean sand, clean gravel, and water in sufficient quantities to achieve a 28-day compressive strength of at least 3,000 pounds per square inch when tested in accordance with applicable standards of the American Society for Testing Materials. Concrete shall be poured monolithically and shall be a minimum 6 sack mix. Typical dimensions for driveway approaches and alley approaches shall be set forth in the plans attached to Ordinance 336-99 as Exhibit B, which plans are made a part of §§ 91.01 *et seq.*

(B) Driveway approaches shall be a minimum of 14 feet in width for a single driveway entrance or 20 feet in width for double entrance within each 100 feet of property frontage. In no event shall a driveway width extend beyond the property line or lines of the owner of the property wherein the service driveway is installed. Alley approaches shall be constructed so that the width conforms to the width of the alley.

(C) Driveway portions of sidewalks and alley approaches shall be scribed and finished as in §§ 91.01 *et seq.*, and shall be separated from the walks and curbs by a cold joint or 1/2-inch expansion joint.

(Ord. 336-99, passed 6-14-1999) Penalty, see § 91.99

§ 91.12 FAILURE TO INSTALL; CITY PROCEDURE TO INSTALL.

When a property owner has failed to install or repair a sidewalk as required by any section of §§ 91.01 *et seq.*, the City Manager shall proceed as follows:

(A) Submit a report to the City Council with a recommendation regarding construction or repair of the sidewalk by the city and set a time and place for a hearing by the City Council;

(B) Send a notice of the hearing to the property owner by regular mail (plain envelope) and certified mail to the address listed on the county tax roll records. The notice shall:

(1) Be mailed at least 10 working days prior to hearing;

(2) State the time and place for hearing and specify that the citizen will have opportunity to testify;

(3) Make reference to the specific violation;

(4) State the work to be done;

(5) State the name of staff member the citizen should contact for details;

(6) State the specific action the Manager is requesting Council to take in regard to the property; and

(7) Estimate the cost of installation or repair if city performs the work and state that the estimate is not binding upon the city and merely provided for property owner's information and convenience.

(C) At the Council hearing, the Council shall:

(1) Receive the Manager's report, staff comments, and the testimony of property owner if the owner desires to testify; and

(2) Deliberate and reach a decision based upon the testimony received, and either approve or deny the request of the Manager to install the sidewalk if the property owner has not complied in 10 working days, or has not made other specific arrangements that are approved by the City Manager.

(D) Notice to property owner of the Council's decision shall be given by regular mail (plain envelope) and certified mail and shall contain the following information:

(1) Council's decision;

(2) A requirement that action occur within 10 working days from the date of notice;

(3) The opportunity to make arrangements with the City Manager for prompt construction or repair of the walk, taking into consideration weather or other work in progress;

(4) The name of a staff member the citizen may contact for details or with whom other arrangements may be made that satisfy the requirements of the ordinance; and

(5) Notice to property owner that, if he or she fails to perform, the city will contract to have work done and will add 15% administrative charge to all costs; will charge interest at 12% annually; and, in addition, Council will levy an assessment against the property and file a lien in city lien docket with collection upon foreclosure or upon sale of property.

(E) In the event the owner(s) of the property or properties subject to the above procedure fail(s) to make the improvements or repairs as directed by the Council and the City Manager has caused the sidewalk to be installed or repaired, then the City Manager shall report to the Council the cost thereof, including 15% for administrative costs, together with the name or names of the owner(s) of record of the real property abutting the sidewalk. Upon the approval of the Council by ordinance, the same shall become a lien against the adjacent real property. The lien shall have priority over all other liens against the property, save and except the liens or taxes as by law take precedence.

(Ord. 336-99, passed 6-14-1999)

ADDRESSING

§ 91.25 SHORT TITLE.

Sections 91.25 *et seq.* shall be known as the Addressing Ordinance of the City of Glendale.

(Ord. 287, passed 5-9-1988)

§ 91.26 PURPOSE.

There is hereby established a uniform system of numbering all houses, stores, establishments, and other buildings, excepting minor sheds and outbuildings, now situated or which may hereafter be erected within the city limits of the City of Glendale, Oregon, which for convenience are hereafter designated as structures. Pursuant to the system the numbers shall be placed near the main entrance of each structure, and in accordance with the map and plan now on file in the office of the City Recorder, which shall be known as the Official Address Map of the City of Glendale. All public streets shall be given a name in accordance with the provisions of §§ 91.25 *et seq.* and as approved by the City Council. (Ord. 287, passed 5-9-1988) Penalty, see § 91.99

§ 91.27 ADOPTION AND MAINTENANCE OF OFFICIAL ADDRESS MAP.

The Planning Commission shall assign all numbers for all structures, existing or hereafter erected within the city, in accordance with the provisions of §§ 91.25 *et seq.* and shall prepare and maintain a map of the city whereon the numbers assigned to residences, buildings, and premises are clearly indicated. This shall be kept up to date by the City Recorder with the numbering and street naming that takes place and shall be known as the Official Address Map of the City of Glendale.

(Ord. 287, passed 5-9-1988)

§ 91.28 BASE LINES ESTABLISHED.

Pacific Avenue in the City of Glendale shall be the base line for commencing to number all streets extending north and south and Molly Street shall be the base line for commencing to number all streets extending east and west. All numbering south of Pacific Avenue shall bear no directional designation. That portion of avenue east of Molly Street shall be designated East, and that portion of street north of Pacific Avenue shall be designated North. All numbering west of Molly Street shall bear no directional designation.

(Ord. 287, passed 5-9-1988)

§ 91.29 NUMBERING SYSTEM.

(A) All buildings shall be numbered in accordance with the following system of numbering which is hereby designated as the Glendale Addressing System.

(B) All numbering shall start from the base lines described in § 91.28 with the lowest number of any 1 street or lane being those immediately adjacent to the base lines and with higher numbers being assigned in progression with even numbers on the left and the odd numbers on the right as the distance from the respective base lines increases.

(C) The numbering system shall be based on lineal footage of 100 numbers for every 300 feet of distance along a street. From an intersection with the base line, numbers shall start at 100. For streets or lanes not intersecting a base line, numbering shall begin at the end closest to the base line, unless the Planning Commission determines extension of the street or lane towards a base line may occur in the future or determines the numbering would be confusing, in which case he or she may assign numbers most appropriate to the situation.

(D) A detailed addressing map and vicinity map of addressed areas will be prepared according to the Glendale Addressing System by the Planning Commission and updated when changes occur by City Recorder.

(E) Upon determining the general direction of streets applicable in this section, irregular or winding streets shall take the number sequencing range of nearby streets running that determined direction. Looped streets shall be numbered progressively as if they were a section of the street they originated from. A circular street (having 1 entrance/exit) shall be numbered progressively from its point of origination and according to that original direction on the grid pattern.

(F) Where a building of premises has several entrances for use by different occupants, the city may assign a different number for each principal entrance. In the case of a multiple dwelling with 1 principal entrance, or a multi-unit development where insufficient numbers are available, only 1 number may be assigned to the structure with each unit being identified with the suffix A, B, C, and the like used with the assigned number or a suffix such as Apt #1, Apt #2, and the like, may be assigned. Mobile home parks and similar development shall be assigned 1 number to the principal entrance with each unit or space identified with a suffix indicating the space number.

(G) All developments serviced by unnamed private driveways shall be numbered as if the entire development fronted the public street from which the private driveway begins.

(Ord. 287, passed 5-9-1988) Penalty, see § 91.99

§ 91.30 SIZE AND PLACEMENT OF NUMBERS.

(A) *Numbers assigned.* Numbers assigned by the city shall be placed on every structure within the city of the expense of the property owner within 30 days of receiving notification of the assignment of the number. For new construction, numbers shall be assigned within 30 days of the date of occupancy.

(B) *Placement of number.* Numbers assigned by the city shall be affixed to the door or door frame of the main entrance to the structure, or as near thereto as practical, in a location conspicuous from the street which the structure faces so that the same may be readily seen from the street.

(C) *Size of number.* The figures in the numbers required by this section shall be not less than 3 inches high and shall be a contrasting color to the background.

(D) *Address signs.* Where a building is located more than 35 feet from the public or private street on which it fronts, or is situated so that the front entrance is not readily visible from the street, a sign with address numbers shall be located at the intersection of the street and the private driveway serving the building or, if there is no driveway access to the street on which the building fronts, the sign shall be placed within 20 feet of the front property line at a point providing pedestrian access to the building. The sign shall be in conformance with zoning district regulations.

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(E) *Curb numbering.* The owner or occupant of any residence, structure, or place of business (in addition to complying with the provisions of §§ 91.25 *et seq.*) may voluntarily place, or cause to be placed, upon the street curb in front of the residence, structure, or place of business, the appropriate assigned building number. All curb numbering shall adhere to standards of design as follows: block style numbers, black or white in color, and not less than 2 nor more than 4 inches high.
(Ord. 287, passed 5-9-1988) Penalty, see § 91.99

§ 91.31 STREET NAMING.

(A) All public and private streets shall be named. All street naming shall be subject to approval by the City Council. The street name shall not be a duplicate of a street name already in use within the city or within a 6-mile radius of the city limits, even if the suffix (avenue, drive, and the like) is different, unless there is reasonable assurance that those so named street sections will be connected in the future. A court that comes off a street at a perpendicular may take that street's name, but with a Court suffix.

(B) Public and private ways shall be further named as follows.

(1) Generally, north-south streets shall be designated Avenue.

(2) Generally, east-west street shall be designated Street.

(3) Streets designated Avenue or Street shall retain that same suffix for the entire length of the street, regardless of any changes in direction. The suffix shall represent the general direction of the street.

(4) Arterial streets that are meandering or run diagonally to the north/south or east/west axis may be designated Road.

(5) Cul-de-sac streets without cross streets or intersecting streets shall be designated Court or Place.

(6) Small cul-de-sacs which consist of inlets off a street (eyebrows) shall retain the street name and be numbered as a straight portion of that street.

(7) Collector streets may be designated Drive. Local streets may be designated Way or Lane.

(8) A continuous Loop street that has 2 intersections with the same street shall be designated Loop. A street that runs in a circle with only 1 entrance/exit Circle. Loop or circle streets may have only 1 interior cross street, which shall have a different name than the Loop or Circle. Loop and circle streets shall have no streets intersecting the exterior of the loop or circle.

(9) Private streets (such as within a planned development) shall be designated Place.
(Ord. 287, passed 5-9-1988)

§ 91.32 COORDINATION WITH DOUGLAS COUNTY.

Addressing any residence, building, or premises at or near the city boundary shall be coordinated with the Douglas County Addressing Technician and the numbers assigned to provide for a smooth transition from city to county addresses. All naming of streets shall be coordinated with the Douglas County Planning Department during preliminary and final subdivision review processes to avoid duplication of names within the city and a 6-mile radius.
(Ord. 287, passed 5-9-1988)

§ 91.33 RENAMING STREETS BY COUNCIL, COMMISSION, OR PETITION.

(A) *By Council or Commission.* The City Council or the Planning Commission may initiate the changing of the name of any street within the City of Glendale. Where the Council initiates the change it shall be referred to the Planning Commission for public hearing and recommendation.

(B) *By petition.* A property owner may request a change in the name of a street by filing a petition with the city. The petition shall contain the following information;

- (1) Street name proposed for change and a description of the location of the street;
 - (2) Reason for request;
 - (3) Suggested new street name and alternative choice;
 - (4) List of the names and mailing address of each owner and resident of all property abutting the street proposed for the name change; and
 - (5) Signature of the owners of record of at least 51% of all property abutting the street proposed for the name change, signifying they agree with the proposed name change.
- (Ord. 287, passed 5-9-1988)

§ 91.34 CRITERIA FOR STREET NAME CHANGE.

(A) The following criteria shall be used in determining whether or not a street name shall be changed.

(B) (1) *Duplicate and similar names.* The street name is a duplicate of an existing street name (including any name used by Douglas County) or the street name sounds like another street name and causes confusion;

(2) *Misspelled names.* Street names that have been misspelled or are words that emphasize a pun or other frivolous association with another work or slang term, resulting in confusion; and/or

(3) *Suffix change.* Where future development or street extensions change the classification of a street as described in § 91.31, the suffix may be changed to an appropriate suffix. (Ord. 287, passed 5-9-1988)

§ 91.35 PROCEDURE FOR STREET NAME CHANGE.

(A) *Public hearing.*

(1) A public hearing shall be held before the Planning Commission on any proposed street name change. The hearing shall be scheduled not later than 45 days after receipt of the petition or recommendation from the City Council.

(2) Notice of hearing shall be given:

(a) By mail to all property owners abutting the street in question;

(b) To all non-owner occupants residing on the street in question when the information is included with the petition or is a matter of record in the Recorder's office;

(c) To the general public by the publication of notice in a newspaper of general circulation a minimum of 10 days prior to the hearing; and

(d) By mail to the Douglas County Sheriff's Office, the Glendale Fire Department, the Glendale Postmaster, and other public service agencies requesting notice.

(B) *Recommendation of Commission.* Following the public hearing, the Planning Commission shall judge whether the renaming is or is not in the best interest of the city and the Commission shall submit

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a recommendation on the street name change to the City Council for consideration. Notice of the Commission's recommendation shall be mailed to all interested parties and those notified in division (A) above, except that general public notice shall not be required.

(C) *Hearing before Council.* The City Council shall hold a public hearing on a proposed street name change whenever there has been filed with the City Recorder an objection shall be filed, in writing, with the City Recorder within 10 days of the date of mailing of the Commission's recommendation in interested parties. If no objection is filed, the Council shall base their decision on the record in accordance with the recommendation of the Planning Commission.

(D) *Decision and filing.* After opportunity for hearing has been afforded, the City Council shall, by ordinance, rename the street or shall, by resolution, reject the proposed name change. A certified copy of each ordinance shall be filed for record with the Douglas County Clerk. A like copy shall be filed with the County Assessor, County Surveyor, County Elections Department, and the Postmaster at Glendale, Oregon. Notice shall also be mailed to all property owners of record and other interested parties, including public and private emergency service agencies, utility companies, and parcel delivery services.

(Ord. 287, passed 5-9-1988)

§ 91.36 EXISTING ADDRESSES.

Numbers assigned prior to the effective date of §§ 91.25 *et seq.*, or in place upon any house, building, or premises on that date, which comply with and are in conformity with the numbering system herein provided, shall be deemed as having been assigned by the city. As to any existing numbers that do not comply with the system, it shall be the responsibility of the owner or occupant of the house, building, or premises having a nonconforming number to apply to the city for the assignment and designation of a new number.

(Ord. 287, passed 5-9-1988)

§ 91.37 EFFECTIVE DATE.

Sections 91.25 *et seq.* shall take effect on the thirtieth day after enactment.
(Ord. 287, passed 5-9-1988)

§ 91.99 PENALTY.

(A) (1) A person violating any of the provisions of this ordinance shall:

(a) Upon the first conviction thereof, be punishable by a fine not to exceed the sum of \$150;

(b) Upon the second conviction thereof, be punishable by a fine not to exceed the sum of \$300;

(c) Upon the third or further conviction thereof, be punishable by a fine not to exceed the sum of \$300, or by imprisonment for a period not to exceed 30 days, or both.

(2) Each day's violation of any provisions of this ordinance shall constitute a separate offense, punishable as set forth in this section.

(Ord. 336-99, passed 6-14-1999)

(B) (1) Any person (including owner or other person having custody and control of a premises) who shall fail, refuse, or neglect to comply with the provisions of §§ 91.25 *et seq.* or who shall otherwise violate the terms of §§ 91.25 *et seq.*, shall upon conviction be punished by a fine not to exceed \$100.

(2) In addition to the penalty described in division (B)(1) above, the City Council shall, on the refusal or neglect, have the power and authority to cause the number of the building to be placed thereon, the cost thereof to constitute a lien upon the property and to be entered and collected as any other lien.
(Ord. 287, passed 5-9-1988)

CHAPTER 92: GARAGE AND YARD SALES

Section

- 92.01 Permitted use
- 92.02 Length of sales
- 92.03 Frequency
- 92.04 Site permission
- 92.05 Signs

- 92.99 Penalty

§ 92.01 PERMITTED USE.

Garage sales and yard sales, hereinafter referred to in this chapter as sales, are permitted in residential zones without a major home occupation license or other license, provided they comply with the standards set forth in this chapter.

(Ord. 01-2007, passed 9-11-2006)

§ 92.02 LENGTH OF SALES.

Sales may be no longer than 3 continuous days.
(Ord. 01-2007, passed 9-11-2006) Penalty, see § 92.99

§ 92.03 FREQUENCY.

Sales may be held no more than 6 times per year per address.
(Ord. 01-2007, passed 9-11-2006) Penalty, see § 92.99

§ 92.04 SITE PERMISSION.

(A) Sales shall be conducted on property which is regularly occupied by the person conducting the sale.

(B) Multiple family sales are permitted if the sales are held on the property of 1 of the participants.

(C) Sales conducted by non-profit groups or organizations held on property not owned by the participants shall be only by special permission of the City Council.

(D) Sales may not occur or encroach upon city streets, sidewalks, or other right-of-way.
(Ord. 01-2007, passed 9-11-2006) Penalty, see § 92.99

§ 92.05 SIGNS.

(A) A combined total of 6 directional or advertising signs may be used for a sale.

(B) Not more than 2 of the signs may be placed on city street or sidewalk right-of-way but the signs must be located outside of the traveled portion of a roadway and may not obstruct or impair pedestrian traffic on a sidewalk.

(C) Signs may be placed on another's property with the property owner's permission.

(D) Signs may be no larger than 3 square feet each.

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(E) Signs may be placed not sooner than 24 hours before the sale and must be removed within 24 hours after closing on the final day of the sale.

(F) Signs may not be placed on telephone or utility poles.

(Ord. 01-2007, passed 9-11-2006) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) A person who violated any provision of this chapter may be prosecuted in Glendale Municipal Court.

(B) A violation of this chapter shall be punishable by a fine not less than \$25 nor more than \$250.

(Ord. 01-2007, passed 9-11-2006)

CHAPTER 93: PARKS AND RECREATION

Section

- 93.01 Definition
- 93.02 Rules and regulations
- 93.99 Penalty

§ 93.01 DEFINITION.

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

PUBLIC PARKS. All of the properties now or hereafter owned and or controlled by the City of Glendale, Oregon, and operated as parks available for the use of the public.

(Ord. 201, passed 10-4-1965)

§ 93.02 RULES AND REGULATIONS.

(A) For the conduct of persons using or frequenting the public park of the City of Glendale, Oregon, as above defined, the following rules and regulations to be observed and enforced within or near the public park are hereby established.

(B) (1) No person shall cut, damage, or remove any flower, shrub, or tree without the express consent of the City Council.

(2) No person shall deface, injure, damage, mutilate, or molest any building, installation, piece of equipment, or personal property, be it publicly or privately owned, within a public park.

(3) No person shall build any fire within any public park except it be built in a stove or fireplace provided therefor.

(4) No motor vehicle or bicycle shall be operated, stooped, or parked or left standing any place in a public park except on roads or parking areas provided therefor, or, be driven in a manner contrary to law.

(5) No person shall permit any horse, cow, or domestic animal to roam or wander, controlled or uncontrolled, within a public park.

(6) Parking or loitering in a public park in the night time after 10:00 p.m. is prohibited, except as may be permitted for special occasions under order of Chief of Police. A violation of this provision shall constitute a misdemeanor, and be punishable as such.

(7) No person shall solicit or engage in the sale of merchandise or services or operate any concessions within any public park without permit from the City Council previously obtained.

(8) No person shall dump or dispose of any garbage in any public park except in receptacles provided therefor, including stoves and fireplaces.

(9) No person shall scatter or dispose of any bottles, broken glass, tin cans, or waste material or rubbish of any kind except in receptacles provided.

(10) No person shall discharge any firearm, air rifle, BB gun, slingshot, bow and arrow or other missile, within or across any public park or part

thereof, or discharge any fireworks therein except on special concession previously obtained from the City Council.

(11) No person shall be intoxicated, have in his or her possession, consume, give away, or otherwise dispose of any intoxicating liquor or narcotic drugs within or near to any public park.

(12) No person shall be guilty of any misdemeanor, disorderly conduct, or unnecessary roughness in or about any public park.

(13) All ordinances of the City of Glendale shall apply to and be in full force and effect within the public parks owned or controlled by the City of Glendale even though the parks be wholly or in part outside of the corporate limits of the city.

(Ord. 201, passed 10-4-1965) Penalty, see § 93.99

§ 93.99 PENALTY.

Any person who shall violate any of the foregoing established rules and regulations shall, upon conviction thereof, before the Municipal Judge of Glendale Oregon, be punishable by a fine of not less than \$25, nor more than \$500, or by imprisonment in the city or county jail for not to exceed 180 days or by both fine and imprisonment, and shall be liable for any damage done by their means or by any animal or person within their control.

(Ord. 201, passed 10-4-1965)