

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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GENERAL PROVISIONS

§ 90.01 PURPOSE.

An animal control authority for the city is hereby established for the purpose of providing for the health, welfare, and safety of citizens within the corporate boundaries of the city and for the health, welfare, and safety of their animals.

(Prior Code, § 91.01) (Ord. 2016-03, passed 6-1-2016)

§ 90.02 DEFINITIONS.

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

ABANDONED ANIMAL. Any animal left without proper food and water or other sustenance for a period of more than 24 hours or a barking dog left without supervision for a period of more than 24 hours. An impounded animal unredeemed or unclaimed by its owner after 120 hours may also be considered ***ABANDONED***. Any animal ***ABANDONED*** under O.R.S. 167.340.

ANIMAL. Any nonhuman animal species that include mammals, reptiles, amphibians, birds, and fish.

ANIMAL CONTROL AUTHORITY. The animal control enforcement authority appointed by the city.

ANIMAL CONTROL OFFICER. An officer of the animal control authority or a peace officer. An ***ANIMAL CONTROL OFFICER*** may also be a sworn peace officer as defined in O.R.S. 161.015(4), whose primary duties include enforcement of municipal ordinances regarding animal control and investigation of offenses against animals under O.R.S. 167.310 through 167.390. Other persons may also be assigned as needed to carry out the duties of the ***ANIMAL CONTROL OFFICER***.

ANIMAL OWNER. A person who is the owner of a licensed or registered animal who has the right of property in an animal; who harbors an animal or exercises care, possession, custody, or control of an animal; or who knowingly permits an animal to remain on any premises occupied by the person. Any person who resides where an animal is kept, harbored, or cared for is presumed to be the ***OWNER*** of that animal. This presumption may be rebutted by proof that the person has no property right in the

animal, is not the licensed owner, and is neither harboring nor caring for the animal. For the purpose of this definition, veterinarians and commercial kennel operators are not considered **ANIMAL OWNERS**.

AT LARGE. Any pet, domestic or companion animal, off the owners or custodian's premises and not on a leash or under control of the owner or custodian. (See O.R.S. 609.035(7).)

DANGEROUS ANIMAL. An animal which has the propensity to menace, bite, or attack any person or other animal without provocation and the capacity to inflict serious harm on that person or other animal; it shall be presumed that any animal which has injured a human being or other animal without provocation is a **DANGEROUS ANIMAL**. This section incorporates the terms of O.R.S. 161.015.

DOMESTICATED ANIMAL. An animal that has been trained or made tame and is dependent upon its owner for necessities such as food, water, shelter, and the like.

FERAL ANIMAL. Animals born and reared in the wild or any animal not domesticated or not reared as livestock with an ability to survive without constant human companionship, care, or maintenance.

FIGHTING ANIMALS. Any animal expressly bred, trained, or maintained for the purposes of animal fighting. Any animal, especially dogs or fowl, engaged or subjected to combat for sport or wager. (See O.R.S. 167.428 through 167.439, 167.355, and 167.372.)

HUMANE. Reasonable care and maintenance of an animal so as to minimize pain or discomfort.

HUMANE DESTRUCTION. Destruction or euthanasia of an animal accomplished by means that minimizes pain and suffering.

INTERFERE. To act in an intentional manner that prevents, or attempts to prevent, an animal control officer or peace officer from performing lawful duties regarding an animal or animal owner.

KENNEL. An enclosed and contained structure in which animals are sheltered and cared for, especially dogs.

LEASH. A humane device constructed of rope, leather strap, chain, or other sturdy material, not exceeding eight feet in length, is retractable to within eight feet, and is designed to be held in the hand of a person capable of physically controlling the animal to which it is attached and is of sufficient strength to restrain the animal.

LIVESTOCK. Cows, sheep, horses, swine, and any fur-bearing animal bred and maintained commercially or otherwise within a pen, cage, or hutch.

MINIMUM CARE. The care sufficient to preserve the health and well-being of an animal.

NEUTER. The removal of the ovaries and uterus in female animals. The removal of gonads or testes in male animals.

NUISANCE. A state in which an animal, because of its behavior, disturbs and disrupts the peace and tranquility or threatens the welfare of residents or other animals within the corporate boundaries of the city.

PEACE OFFICER. A city police officer or other officer specified in O.R.S. 161.015.

RESIST. The use or threatened use of violence, physical force, or any other means that creates a substantial risk of physical injury to a person.

(Prior Code, § 91.02) (Ord. 2016-03, passed 6-1-2016)

Statutory reference:

Related provisions, see O.R.S. 161.015, 167.310 through 167.390, 167.428 through 167.439, 167.372 , and 609.035(7)

§ 90.03 DUTIES OF ANIMAL OWNERS.

Any animal owner within the corporate boundaries of the city must provide the animal with a following minimum level of care. Violation of this section is a Class C violation.

(A) Every animal owner shall provide the animal with food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.

(B) Every animal owner shall provide the animal with open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Snow or ice is not an adequate water source.

(C) Every animal owner shall provide the animal with access to a doghouse or other enclosed structure sufficient to protect the animal from the elements including, but not limited to, wind, rain, snow, and sun. Trees are not acceptable shelters under this chapter. The shelter must also have adequate bedding to protect the animal against cold and dampness.

(D) Every animal owner has a responsibility to provide an animal with veterinary care necessary to relieve distress from injury, neglect, or disease.

(E) Pets or domestic animals shall not be confined to an area without adequate space for exercise necessary for the health of the animal or which does not allow access to a dry place for the animal to rest.

(1) The air temperature in any confinement area must be suitable for the animal involved.

(2) Confinement areas must be kept reasonably clean and free from excess waste or other contaminants which could affect the animal's health.

(Prior Code, § 91.03) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.04 LICENSE, REGISTRATION, FEES, AND EXCEPTIONS.*(A) License for dogs.*

(1) Every owner of a dog that has a set of permanent canine teeth or is six months old shall procure a license for the dog by March 1 of every year or within 30 days after the person becomes the keeper of the dog. Violation of this section is a Class C violation.

(2) Licenses shall be for one year and due March 1 of each year or until the sale or gift of the animal, whichever occurs first. Dog licenses are non-transferable.

(3) No dog license shall be issued until a certificate of vaccination for rabies valid for the license year is presented to the animal control authority or representative. A dog owner may prepay the license fee, however, before a license tag is issued. Prepaying a license fee does not satisfy licensing requirements for this chapter.

(4) Dog owners shall renew animal licenses on or before July 1 thereafter for as long as they own the animal. Violation of this section is a Class C violation.

(5) It shall be a defense to a violation of divisions (A) and (A)(4) above if the animal owner demonstrates the dog in question is deceased, has been given to someone else, or is no longer under the owner's care before the license expires. Demonstration that the dog in question belongs to someone else includes a bill of sale or transfer with the new owner's name, address, phone number, and other applicable information.

(6) A license tag issued to a dog owner shall be attached securely to a collar or harness of the animal for which it was issued. If a license tag is lost, the owner may obtain a duplicate license tag upon payment of the required fee. Violation of this section is a Class C violation.

(B) Fees. Fees which are due and payable upon the issuance of a dog license, and other fees required to be paid under the provisions of this chapter, shall be set by City Council resolution and amended regularly.

(C) License fees; exceptions.

(1) No license fee is required for an assistance animal. Proof of rabies vaccination is also required before a license for assistance animal is issued.

(2) Commercial kennel owners and/or operators within the corporate boundaries of the city shall not be required to license animals under their care. Commercial kennel owners and/or operators must meet all zoning and planning requirements prior to operation.

(Prior Code, § 91.08) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.05 RABIES VACCINATIONS.

Every owner of a dog six months of age or older shall immediately cause the animal to be vaccinated for rabies. Violation of this section is a Class A violation.

(Prior Code, § 91.07) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.06 SICK OR INJURED ANIMALS.

(A) The animal control officer may deliver a sick or injured animal to its owner if the animal is found away from the owner's property. If, after a reasonable attempt is made to contact the owner and the animal control officer is unable to do so, he or she may deliver the injured or sick animal to a veterinarian if one is available. An animal owner will bear all costs and medical expenses incurred in accordance with this section.

(B) An animal control officer may humanely destroy any animal too ill or severely injured when not on the property of its owner and the owner is unknown or cannot be reached after reasonable attempts to do so.

(C) An animal owner may release a sick or injured animal to the animal control authority for humane destruction or euthanasia. However, the animal owner shall bear the cost, as set forth in the fee schedule. **RELEASE** means the signing of a euthanasia form that waives interest and ownership after fees are paid.

(D) It is a violation of this chapter for an animal owner to deprive a sick or injured animal of medical care or attention. Violation of this section is a Class A violation.

(E) It is a violation of this chapter for an animal owner to fail to humanely destroy or to provide for the humane destruction of an animal too ill or severely injured to move. Violation of this section is a Class A violation.

(Prior Code, § 91.10) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.07 ABANDONED ANIMALS.

(A) It is a violation of this chapter for an animal owner to abandon an animal. **ABANDONMENT** is defined as leaving any animal in any place, public or private, without providing for the continued care of the animal and the needed food, water, and shelter or needed veterinary care.

(1) In the case of a dog impounded by the animal control officer or peace officer as a stray by private citizen, an animal is presumed to be abandoned by its owner if the owner has been notified of the animal's impoundment and they have taken no affirmative action to redeem the animal for a period of five days from the date of notice of impoundment. If the owner refuses to redeem or pay fees for the animal or make other arrangements for the long-term care of the animal, the owner may be cited for

abandonment and the animal will be placed for adoption or disposed of. Violation of this section is a Class A violation.

(2) It is no defense if the person intentionally or knowingly abandons an animal near an animal shelter, veterinary clinic, or other place of shelter if the animal owner, or responsible person responsible for the disposition of the animal, did not make reasonable arrangements for the care of the animal.

(B) Any animal control officer, upon finding an abandoned animal, may:

(1) Provide food and water and arrange for the needed medical service for the abandoned animal. The animal owner shall pay for such services; and/or

(2) Impound the abandoned animal.

(Prior Code, § 91.09) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.08 DANGEROUS ANIMALS.

(A) No person shall expose the public to a dangerous animal. Violation of this section is a Class A violation.

(B) A dangerous animal may be impounded by an animal control officer and disposed of pursuant to the procedures outlined in § 90.26.

(C) The owner of a dangerous animal that has been impounded may apply to the justice court judge for a release of the animal within 120 hours of the impound date and time. The judge shall set a time and place for hearing the application and notify the impoundment officer and, upon a summary hearing, shall determine whether the animal has been wrongfully impounded and whether it shall be returned to its owner and upon what terms.

(D) Before the dangerous animal is released, the justice court judge must enter findings that proper precautions will be taken to ensure the public health and safety.

(E) A dangerous animal running at large which, because of its disposition or diseased condition, is too hazardous to apprehend may be summarily destroyed by the animal control officer or by a person acting in self-defense without notice to or consent of the animal's owner.

(Prior Code, § 91.13) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.09 REPORTING AND QUARANTINING OF BITING ANIMALS.

(A) (1) The owner of an animal which bites a human shall immediately notify the animal control authority of the bite, the time and circumstances of the bite, and the name and address of the person bitten, if known. The animal owner must also immediately present proof that the animal in question has a current rabies vaccination.

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(2) Any person who is bitten by an animal shall immediately notify the animal control authority of such bite and the name and address of the owner, if known.

(3) When a doctor, veterinarian, hospital employee, or other person has information that an animal has bitten a person, the person shall immediately notify the animal control authority.

(4) Failure of any person to notify the animal control authority of an animal bite shall be in violation of this chapter. Violation of this section is a Class A violation.
(Prior Code, § 91.16)

(B) (1) Upon notice that an animal has bitten someone, the animal control authority shall cause the animal owner to quarantine the animal for a ten-day observation period and shall also cause a quarantine notice to be delivered to the animal owner. The animal may be quarantined:

(a) On the owner's premises in such a manner as to prevent it from being in contact with any other animal or person; or

(b) At a veterinary hospital or city animal kennel at the owner's expense.

(2) A rabid animal or an animal bitten by another animal proved to be rabid shall be destroyed. A health official or licensed veterinarian may require the rabid animal's head to be submitted to the Oregon State Public Health Laboratory for a pathology examination.
(Prior Code, § 91.17)
(Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.10 DEAD ANIMALS; REMOVAL OF CARCASSES.

It is a violation for any person to knowingly permit the carcass of a deceased animal, owned by the person, to remain on public property or to be exposed on private property for more than 24 hours. Cost for removal and disposal of a deceased animal shall be the responsibility of the animal owner. Violation of this section shall be a Class C violation.
(Prior Code, § 91.21) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.11 ANIMAL WASTE MATTER.

(A) (1) It is a violation for any person to allow an animal under their care to defecate on any improved property that does not belong to the animal owner, public thoroughfare, easement, or right-of-way. Violation of this section is a Class C violation.

(2) It shall be a defense to a violation of division (A)(1) above if the animal owner immediately removes the waste matter.

(B) (1) It is also a violation of this chapter to allow animal waste matter to accumulate on the animal owner's property for more than a seven-day period or to the extent the accumulated animal waste matter causes an offensive odor to others outside the boundaries of the animal owner's property. Violation of this section is a Class C violation.

(2) It shall be a defense to a violation of division (B)(1) above if the animal owner contains the animal waste matter in material or a medium that absorbs or blocks the odor.
(Prior Code, § 91.06) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.12 DOMESTIC FOWL OR POULTRY.

(A) *DOMESTIC FOWL OR POULTRY* is defined as domestic egg laying chickens.

(B) Person(s) may be permitted to keep or maintain fowl or poultry only as consistent with the following standards.

(1) The keeping of chickens shall be limited to the personal use of the owner of the property on which the chickens are located.

(2) A maximum of six chickens are permitted per property ownership.

(3) Roosters are prohibited.

(4) Chickens shall be kept in an enclosed coop or pen at all times.

(5) An applicant shall obtain a permit from the city prior to the keeping of chickens.

(C) A fowl or poultry permit shall be revoked if the Chief of Police or his or her representative finds that the premises is no longer sanitary or adequately enclosed or reasonably open to inspection or that 50% or more of the owners of abutting property now object in writing to the permittee's keeping of fowl/chickens or that the fowl or poultry presents an unreasonable risk of danger to other persons or property. Any permittee whose permit is revoked shall have ten days to relocate or otherwise dispose of the fowl or poultry unless the Chief of Police finds that the chickens pose an unreasonable threat to the health or safety of the public; in such case, the revocation shall be effective immediately. Violation of this section is a Class B violation.

(Prior Code, § 91.29) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.13 ANIMAL AS A PUBLIC NUISANCE.

(A) An animal is a public nuisance if it:

(1) Injures or causes injury (non-serious) to a person or another animal;

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- (2) Chases vehicles or people;
- (3) Damages or destroys property of persons other than the owner of the animal;
- (4) Scatters garbage;
- (5) Trespasses upon the property of persons not the owner of the animal;
- (6) Is a female in heat and running at large;
- (7) Is repeatedly found at large;
- (8) Molests or intimidates pedestrians or passersby; and/or

(9) Makes disturbing noises including howling, barking, or whining for ten minutes or intermittent episodes lasting a minimum of 30 minutes which causes unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored. A person making a complaint must be willing to keep an accurate log of the disturbance and submit the log as required by the animal control officer. If the barking is caused by the presence of predators, deer, or other wildlife, the dog may or may not be a public nuisance. Barking that is caused by a person intentionally taunting the dog is not a public nuisance.

(B) It shall be a defense to this section if:

- (1) The dog or other animal bites or attempts to bite a person wrongfully provoking or assaulting the animal's owner, the owner's spouse, or children;
- (2) The animal bites or attempts to bite a person trespassing upon premises occupied by the animal's owner, the owner's spouse, or children; or
- (3) A person wrongfully assaults the dog or animal.

(C) Violation of this section is a Class B violation.

(Prior Code, § 91.18) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

ANIMAL CONTROL OFFICERS**§ 90.25 AUTHORITY.**

Animal control officers are hereby empowered to enforce the provisions of this chapter.
(Prior Code, § 91.98) (Ord. 2016-03, passed 6-1-2016)

§ 90.26 IMPOUNDMENT.

(A) (1) *Authority to impound.* An animal control officer may impound any animal in violation of this chapter.

(2) *Notice of impoundment.* As soon as practical, notice of impoundment shall be posted at the home of the animal owner (if known), transmitted via telephone or electronic media, and mailed to the animal owner. The impoundment notice shall advise the owner of the place where the animal is kept, the procedures required for redemption, the fees for impoundment and related maintenance, and the consequences for failing to redeem the animal. If the animal is unlicensed, or the owner is otherwise unknown, and is not redeemed within 120 hours, the animal may be sold or destroyed.

(Prior Code, § 91.11)

(B) The animal control authority shall dispose of animals in accordance with the following provisions.

(1) Animals not redeemed within 120 hours after impoundment may be sold or destroyed by any certified euthanasia technician. Additionally, the owner, if known, may be issued a citation for animal abandonment.

(2) Redemption of an impounded animal shall be made by exhibiting proof of ownership and by paying impoundment, daily care, and licensing fees if applicable.

(3) Animal owners must reimburse the city for any medical costs incurred prior to release of the impounded animal.

(4) The animal control authority may require an adoptive or prospective animal owner to prepay animal licensing fees before releasing the animal.

(5) An adoptive or prospective animal owner may be required to sign a promissory statement indicating the animal will be neutered within 30 days of adoption.

(6) No live animal shall be sold or otherwise released by the animal control authority for surgical or medical demonstration or vivisection.

(Prior Code, § 91.12)

(Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.27 SEARCH AND SEIZURE OF ANIMALS.

(A) Any animal control officer or peace officer may enter onto private land in the course of the officer's duties while enforcing the provisions of this chapter, but the officer shall not enter into any building or dwelling without legal authorization or permission of the owner or occupant of the premises.

(B) If there is probable cause to believe that any animal is being mistreated under the terms of this chapter, a peace officer or an animal control officer who is also a sworn police officer may enter the premises where the animal is located, after obtaining a warrant or in any other manner authorized by law, to provide the animal with food, water, and emergency medical treatment and may impound the animal.

(Prior Code, § 91.24) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.28 FAILURE TO SURRENDER ANIMAL.

It is a violation for an animal owner to fail to surrender an animal to the animal control authority, including a city animal control officer or peace officer, upon demand so that the animal can be impounded or quarantined, as provided for herein. Violation of this section is a Class A violation.

(Prior Code, § 91.25) (Ord. 2016-03, passed 6-1-2016) Penalty, § 90.99

§ 90.29 RESISTANCE AND INTERFERENCE.

(A) It is a violation for any person to resist someone known to them as a peace officer or an animal control officer who is enforcing any provision of this chapter. Violation of this section is a Class A violation.

(Prior Code, § 91.26)

(B) It is a violation for any person to interfere with someone known to them as an animal control officer or peace officer who is enforcing any provision of this chapter. Violation of this section is a Class A violation.

(Prior Code, § 91.27)

(Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

VIOLATIONS.

§ 90.40 ANIMALS AT LARGE.

No person shall allow an animal under his or her care to be at large. Violation of this section is a Class C violation.

(Prior Code, § 91.04) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.41 BARKING AND HOWLING.

(A) No person shall allow an animal under his or her care to bark, howl, or whine in such a manner that it unreasonably deprives another person of peace and quiet.

(B) Violation of this section is a Class C violation.
(Prior Code, § 91.05) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.42 FIGHTING ANIMALS.

It is a violation of this chapter for anyone to possess, breed, harbor, or maintain any animal for the purpose of subjecting it to combat with another animal for sport or wager. Violation of the section is a Class A violation.

(Prior Code, § 91.14) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.43 BETTING ON ANIMAL FIGHTS.

It is a violation of this chapter for any person to place wagers or bets on animals engaged in combat or the outcome of an animal fight. Violation of this section is a Class A violation.

(Prior Code, § 91.15) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.44 ANIMAL ABUSE.

(A) It is a violation of this chapter for any person to abuse an animal.

(B) Elements of animal abuse include:

(1) When a person causes physical injury to an animal which is punishable with a Class B violation; and/or

(2) When a person causes physical injury and cruelly causes the death of an animal which is punishable with a Class A violation.

(Prior Code, § 91.19) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.45 ANIMAL NEGLECT.

(A) Animal neglect occurs when a person negligently fails to provide minimum care for an animal in that person's custody or control and such failure results in the serious physical injury or death to the animal. Violation of this section is a Class A violation.

(B) It is no defense to a violation of this section if the animal in question was impounded because of neglect and subsequently euthanized by the animal control authority or veterinarian because of illness or its deteriorated physical state or because the animal was not redeemed from impoundment after 120 hours.

(Prior Code, § 91.20) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.46 KEEPING FERAL ANIMALS.

It is a violation of this chapter for any person to keep, care for, or attempt to domesticate a feral animal. Violation of this section shall be a Class C violation.

(Prior Code, § 91.22) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.47 RAISING LIVESTOCK.

It is a violation of this chapter to raise livestock within the corporate boundaries of the city, in any non-permitted area, or any area not zoned for the raising of livestock. Violation of this section is a Class C violation.

(Prior Code, § 91.23) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.48 UNLAWFUL POSSESSION OF A DOMESTICATED ANIMAL.

It is a violation of this chapter for a person convicted of animal abuse, animal neglect, or animal abandonment, under state laws, and living within the corporate boundaries of the city to possess a domesticated animal. Violation of this section is a Class A violation.

(Prior Code, § 91.28) (Ord. 2016-03, passed 6-1-2016) Penalty, see § 90.99

§ 90.99 PENALTY.**(A) Fines.**

- (1) Fines for a Class A violation range from \$500 (minimum) to \$1,000 (maximum).
- (2) Fines for a Class B violation range from \$100 (minimum) to \$500 (maximum).
- (3) Fines for a Class C violation range from \$50 (minimum) to \$250 (maximum).

(B) Citations for violations. Animal control officers may issue uniform citations to charge a person with any violation of this chapter.

(Prior Code, § 91.99) (Ord. 2016-03, passed 6-1-2016)

CHAPTER 91: FIRE PREVENTION

Section

- 91.01 Fire limits established
- 91.02 Fuel storage and unloading
- 91.03 Depositing or accumulating combustible materials
- 91.04 Permit required for burning
- 91.05 Conduct at fires; loitering near fire equipment storage
- 91.06 Giving false alarm of fire

§ 91.01 FIRE LIMITS ESTABLISHED.

The following shall be, and are hereby declared to be, the fire limits of the city: Main Street from 2nd Street to Spring Street and north on State Highway 19 from Main Street to the city limits and 300 feet back. Within the area encompassed by the fire limits, buildings shall be constructed in accordance with the provisions of Chapter 150 of the city code.

(Prior Code, § 92.01)

§ 91.02 FUEL STORAGE AND UNLOADING.

(A) *Definition.* As used in this section, the term **VEHICLE** or **UNIT** shall include a truck or trailer or any other vehicle of whatever construction or any truck, vehicle, unit of trucks and trailers, or any combinations of vehicles, trucks, units, trailers, or tanks.

(B) *Storing gasoline, fuels.*

(1) Commercial and industrially zoned businesses may possess above-ground fuel storage tanks with a minimum volume of 1,000 gallons for the storage of gasoline or other petroleum fuels with a flashpoint less than 100°F so long as that business complies with state's Fire Marshal regulations and Uniform Fire Code.

(2) Above-ground storage of gasoline or other petroleum fuels with a flashpoint less than 100°F shall be prohibited in the Residential District.

(C) *Unloading gasoline, fuels.* Hereafter, any area in which gasoline or other petroleum fuels, except heating oil, are to be unloaded must meet the following qualifications.

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- (1) The area shall be enclosed by a four-foot chain-link fence.
- (2) “No smoking” signs with letters four inches high must be posted on the fence or on the gates within sight of the dump area.
- (3) At least a 12 BC rating fire extinguisher must be accessible to the dump area.
- (4) When actually unloading the gasoline or other petroleum fuels, tight-fill connections are required. The tight-fill connections must be at least five feet from the property line or any openings in a building.
- (5) Gasoline storage shall hereafter comply with National Fire Prevention Association standards.
- (6) During the actual unloading of gasoline or other petroleum fuels, the vehicle must be attended at all times by a qualified attendant.
(Prior Code, § 92.06) (Ord. 5-D, passed 12-4-1974; Ord. 105A, passed 5-1-1991; Ord. 96-5, passed 6-5-1996) Penalty, see § 10.99

§ 91.03 DEPOSITING OR ACCUMULATING COMBUSTIBLE MATERIALS.

(A) *Deposit of ashes; combustibles.* No person shall deposit ashes, smoldering coal or embers, greasy or oily substances, or other materials able to create spontaneous ignition within ten feet of any wooden or plastered wall, partition, fence, floor, sidewalk, lumber, hay, shavings, rubbish, or any combustible materials except in metallic or other noncombustible receptacles. Such receptacles shall be placed on noncombustible foundations or on the ground outside of the buildings and, in every case, must be kept at least two feet away from any combustible wall or partition.

(B) *Accumulation of weeds and combustibles.* No owner or occupant shall permit to remain upon any roof or in any court, yard, vacant lot, or open space any accumulation of waste papers, hay, grass, straw, weeds, litter, or combustible or inflammable waste, lumber, or rubbish of any kind. All weeds, grasses, vines, or other growth, when the same endangers property or is liable to be fired, shall be cut down and removed by the owner or occupant of the property it is on.
(Prior Code, § 92.05) (Ord. 3-A, passed 2-4-1959) Penalty, see § 10.99

§ 91.04 PERMIT REQUIRED FOR BURNING.

It shall be unlawful for any person to kindle or maintain any bonfire or to knowingly furnish the materials for any such fire or authorize any such fire to be kindled or maintained on or in any street, alley, road, lane, or public roads or upon any private lot within the corporate limits of the city unless a written permit to do so shall first have been secured from the Chief of the Fire Department.
(Prior Code, § 92.04) Penalty, see § 10.99

§ 91.05 CONDUCT AT FIRES; LOITERING NEAR FIRE EQUIPMENT STORAGE.

(A) No person at a fire shall conduct himself or herself in a disorderly manner or refuse to obey promptly any order of any member of the Fire Department or resist, obstruct, or hinder any member of the Fire Department. For the purposes of this section, all members of the Fire Department are endowed with the same powers of arrest as are conferred upon peace officers for violations of the city ordinances.

(B) It shall be unlawful for any person to loiter in or about the building or that part of a building in which the publicly owned fire equipment is stored.

(Prior Code, § 92.03) (Ord. 1-A, passed 2-4-1959) Penalty, see § 10.99

§ 91.06 GIVING FALSE ALARM OF FIRE.

No person shall intentionally give any false alarm of fire or aid or abet in the commission of such an act.

(Prior Code, § 92.02) Penalty, see § 10.99

CHAPTER 92: NUISANCES

Section

- 92.01 Definitions
- 92.02 Public health nuisances
- 92.03 Public peace nuisances
- 92.04 Unenumerated nuisances
- 92.05 Abatement procedure

- 92.99 Penalty

§ 92.01 DEFINITIONS.

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

JUNK. Includes all discarded motor vehicle parts, machinery, machinery parts, appliances or parts thereof, iron or other metal, glass, paper, timber, wood, or other waste or discarded material or material stockpiled for the purpose of recycling.

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

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

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

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

PUBLIC PLACE. A building, way, place of accommodation, whether publicly or privately owned, open and available to the general public.
(Prior Code, § 93.01) (Ord. 04-02, passed 12-3-2003)

§ 92.02 PUBLIC HEALTH NUISANCES.

No person shall cause or permit on property owned or controlled by him or her a nuisance affecting public health. The following are nuisances affecting public health and may be abated as provided in this chapter.

(A) *Debris*. No person shall allow the accumulation of debris, rubbish, manure, and other refuse that are not removed within a reasonable time and that affect the health of the public.

(B) *Stagnant water*. Stagnant water which affords a breeding place for mosquitoes and other insect pests constitutes a nuisance.

(C) *Water pollution*. 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 constitutes a nuisance.

(D) *Odor*. No premises which is in such a state or condition as to cause an offensive odor or which are in an unsanitary condition are permitted.

(E) *Surface drainage*. Drainage of liquid wastes from private premises is prohibited.

(F) *Creating a hazard*. No person shall create a hazard by:

(1) Maintaining or leaving in a place accessible to children a container with a compartment and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside; or

(2) Being the owner or otherwise having possession of property upon which there is a well, cistern, cesspool, excavation, or other hole of a depth of four feet or more and a top width of 12 inches or more and fail or refuse to cover or fence it with a suitable protective construction.

(G) *Attractive nuisances*.

(1) No owner or person in charge of property shall permit thereon:

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

(b) Lumber, logs, or piling placed or stored in a manner so as to be attractive, dangerous, and accessible to children; and

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

(2) This division (G) shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.

(H) *Snow and ice.* No owner or person in charge of property, improved or unimproved, abutting a public sidewalk shall be responsible for snow removal when the snow has been placed on the sidewalk by a public agency. However, no owner or person in charge of property, improved or unimproved, abutting on public sidewalk shall permit:

(1) Snow to remain on the sidewalk for a period longer than the first eight hours of daylight after the snow has fallen; or

(2) Ice to remain on the sidewalk for more than eight hours of daylight after the ice has formed unless the ice is covered with sand, ashes, or other suitable material to assure safe travel.

(I) *Defective sidewalks.*

(1) No owner of property, improved or unimproved, abutting on a public sidewalk shall permit a sidewalk to deteriorate to such a condition that because of cracks, chipping, weeds, settling, covering by dirt, or other similar occurrences the sidewalk becomes a hazard to persons using it.

(2) The city shall not be liable to any person for loss or injury to a person or property suffered or sustained by reason of any accident on sidewalks caused by ice, snow, encumbrances, obstructions, cracks, chipping weeds, settling, holes covered by dirt, or other similar conditions. Abutting property owners shall maintain sidewalk free from such conditions.

(J) *Fences along a sidewalk.*

(1) No owner or person in charge of property shall construct or maintain a barbed-wire fence thereon or permit barbed-wire to remain as part of a fence along a sidewalk; however, such wire may be placed above the top of other fencing not less than six feet, six inches high.

(2) No owner or person in charge of property shall construct, maintain, or operate an electric fence along a sidewalk or public way or along the joining property line of another person.

(K) *Surface waters, drainage.*

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

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

(L) *Trees, brush, grass.*

(1) The owner, person in possession, or the agent of the owner of any tract or parcel of land improved or unimproved shall, on and after May 1 of each year, keep, cut, and remove therefrom all dead bushes, dead trees, stumps, and other items likely to cause fire and to spread fire and shall cause the grass and vegetation to be cut to a height of less than ten inches at least once each year after May 1 and before June 15.

(2) Brush, bushes, and limbs of all kinds shall be trimmed back so that they do not project over the sidewalk or roadway area. Limbs may be allowed to project at an elevation of not less than nine feet above the level of the sidewalk and not less than 14 feet above the level of the roadway.

(3) Limbs, trees, and other growth shall not be allowed to interfere with the city utility lines or to block the view of the street signs or traffic signs.

(4) Nothing herein contained shall be considered to apply to bushes, trees, or other vegetation grown for food or fuel provided that the health and safety of the public be not hereby endangered by the growth of such growth or vegetation.

(5) 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 to persons or property on or near the property.

(M) *Junk.*

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

(2) This section shall not apply to junk kept in a duly licensed junk yard or automobile wrecking house.

(Prior Code, § 93.02) (Ord. 04-02, passed 12-3-2003; Ord. 2020-03, passed 6-3-2020) Penalty, see § 92.99

§ 92.03 PUBLIC PEACE NUISANCES.

(A) No person shall operate or use an electrical or 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.

(Prior Code, § 93.03) (Ord. 04-02, passed 12-3-2003) Penalty, see § 92.99

§ 92.04 UNENUMERATED NUISANCES.

(A) The acts, conditions, or objects specifically enumerated and defined in §§ 92.02 and 92.03 are declared public nuisances, and such acts, conditions, or objects may be abated by any of the procedures set forth in § 92.05.

(B) In addition to the nuisances specifically enumerated within this chapter, every other thing, substance, or act which is determined by the City Council to be injurious or detrimental to the public health, safety, or welfare of the city is declared a nuisance and may be abated as provided herein. (Prior Code, § 93.04) (Ord. 04-02, passed 12-3-2003) Penalty, see § 92.99

§ 92.05 ABATEMENT PROCEDURE.

(A) *Notice.*

(1) Upon determination by the City Administrator or designee that a nuisance exists, the City Administrator or designee shall issue a warning citation to the owner or person in charge of the property. The warning citation shall be personally served or mailed by certified mail with a return receipt requested.

(2) Such warning citation shall include the following information:

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

(b) A description of the conditions comprising the nuisance;

(c) A direction to abate the nuisance with 14 days from the date of the warning citation;
and

(d) A statement that unless the conditions comprising the nuisance are removed or corrected, the owner or person in charge will be cited into justice court for the violation.

(3) Fourteen days after the issuance of the warning citation, the City Administrator or designee shall inspect the premises to determine if the owner or person in charge of the property has abated the conditions comprising the nuisance, and if not abated, the City Administrator or designee may issue a citation to the owner or person in charge of the property to appear in the justice court at the next available date. The citation shall be personally served or mailed by certified mail with a return receipt requested.

(4) In addition to the citation issued under this section, the City Administrator or designee shall cause a notice to be posted on the premises, or on the public right-of-way abutting the premises where the condition exists stating the condition comprising the nuisance and the date and time that the owner or person in charge is to appear in municipal court.

(B) *Summary abatement.* The procedure provided by this chapter is not exclusive but is in addition to procedure provided by other ordinances, and the Health Officer, the Chief of the Fire Department, or Chief of Police may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

(C) *Abatement ordered by court.* In addition to any fine imposed, the court may order the person to abate the nuisance within a specified time as determined reasonable by the court. If, within the time specified by the court, the owner or person in charge of the property has not abated the nuisance, the court, upon application by the city, may order the city to abate the nuisance and charge the owner of the property for the cost of abatement and, if necessary, place a lien against the property as provided in division (D)(4) below.

(D) *Assessment of cost of city ordered abatement.*

(1) The City Recorder or designee shall keep an accurate record of the expense incurred by the city in abating the nuisance and shall include therein a charge of 25% of the expense of administration overhead.

(2) By registered or certified mail, postage prepaid, the City Recorder 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) The cost as indicated will be assessed to become a lien against the property unless paid within 30 days from the date of the notice; and

(c) If the owner or person in charge of the property objects to the cost of the abatement as indicated, he or she may file a notice of objection with the City Recorder not more than ten days from the date of the notice requesting a hearing.

(3) Upon receipt of a request for hearing, the City Council shall set a date to consider objections. The objector shall be notified of such date, and at said hearing, that City Council shall hear the objection and determine the cost to be assessed. The hearing shall be held within 60 days the date the notice of objection is received.

(4) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs as stated or as determined by City 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 which the nuisance was removed or abated.

(5) The lien shall be enforced in the same manner as liens for street improvement are enforced and shall bear interest at the rate of 9% per annum. Such interest shall commence to run from the date of the entry of the lien in the lien docket.

(6) An error in the name of the owner or person in charge of the property 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.

(7) The city may, for purposes of giving notice under this section, rely upon the most current records of the County Recorder and County Assessor for the purposes of identifying the name and address of the property owner unless the city has actual notice that the property is owned by others. (Prior Code, § 93.05) (Ord. 04-02, passed 12-3-2003)

§ 92.99 PENALTY.

(A) Any person who shall be found guilty of a violation of any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be punished by a fine as provided in § 10.99.

(B) Each day's violation of a provision of this chapter constitutes a separate offense for which a separate penalty may be imposed.

(C) The abatement of a nuisance is not a penalty for violating this chapter but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within 14 days of the date of notice to abate will relieve the person responsible from the imposition of any fine under § 92.05. (Prior Code, § 93.99) (Ord. 04-02, passed 12-3-2003)

CHAPTER 93: ABANDONED VEHICLES

Section

- 93.01 Definitions
- 93.02 Declaration of public nuisance and prohibited storage
- 93.03 Entering private property for inspection
- 93.04 Notice of violation
- 93.05 Hearing and removal
- 93.06 Abatement and appraisal
- 93.07 Disposal of low-value vehicle
- 93.08 Sale of impounded vehicle
- 93.09 Redemption before sale
- 93.10 Assessment of costs

§ 93.01 DEFINITIONS.

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

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

COSTS. The expense of removing, storing, or selling a junked vehicle.

DISCARDED. Any vehicle which does not have lawfully affixed thereto an unexpired license plate and is in one or more of the following conditions: inoperative, wrecked, dismantled or partially dismantled, abandoned, or junked. **DISCARDED VEHICLES** may be deemed to include major parts thereof including, but not limited to, bodies, engines, transmissions, and rear-ends.

PERSON IN CHARGE OF PROPERTY. Any agent, occupant, lessee, contract purchaser, owner, or person having possession, control, or title of property where a vehicle is located.

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

VEHICLE OWNER. Any individual, firm, corporation, lessee, contract purchaser, owner, or person having possession, control, or title of property where a vehicle is located.
(Prior Code, § 90.01)

§ 93.02 DECLARATION OF PUBLIC NUISANCE AND PROHIBITED STORAGE.

(A) The open accumulation and storage of a discarded vehicle is hereby found to create a condition tending to reduce the value of private property to promote blight, deterioration, and unsightliness; to invite plundering; to create fire hazards; to constitute an attractive nuisance creating a hazard to the health and safety of minors; to create a harborage for rodents and insects; and to be injurious to the health, safety, and general welfare of the inhabitants of the city. Therefore, the presence of a discarded vehicle on private or public property is hereby declared to constitute a public nuisance which may be abated in accordance with the provisions of this chapter.

(Prior Code, § 90.02)

(B) It shall be unlawful to store or permit the storing of a discarded vehicle upon any private property within the city unless the vehicle is completely enclosed within a building or unless it is in connection with a business enterprise dealing in junked vehicles lawfully conducted within the city.

(Prior Code, § 90.03)

Penalty, see § 10.99

§ 93.03 ENTERING PRIVATE PROPERTY FOR INSPECTION.

(A) The Chief of Police is authorized at all reasonable times to enter upon private property and examine any vehicle for the purpose of determining whether or not it is in a discarded condition. However, before entering upon private property, the Chief shall obtain the consent of an occupant thereof or a warrant of the municipal court authorizing his or her entry for the purpose of inspection except when an emergency exists.

(B) No search warrant shall be issued under the terms of this chapter until an affidavit has been filed with the municipal court showing probable cause for such inspection, citing this chapter as the basis for such inspection whether it is an inspection instituted by complaint or other specific or general information concerning the vehicle in question or the property on which it is situated.

(C) It is unlawful for any person to interfere with or attempt to prevent the Chief of Police from entering private premises and inspecting any vehicle when an emergency exists or the Chief exhibits a warrant authorizing entry.

(Prior Code, § 90.04) Penalty, see § 10.99

§ 93.04 NOTICE OF VIOLATION.

(A) It shall be the duty of the Chief of Police, whenever a discarded vehicle is found upon private property, to:

(1) Make an investigation to discover the owner of the vehicle and the person in charge of the property upon which such vehicle is located and give written notice to him or her by personal service or by registered or certified mail that the vehicle is in violation of this chapter; and

(2) If the owner of the vehicle is not found, to place a notice upon the windshield or some other part of the vehicle where it can easily be seen.

(B) The notice shall state that a certain discarded vehicle is in violation of this chapter and that within 15 days of the day of the sending or posting of the notice:

(1) The vehicle must be removed from the city, or to the storage yard of a business enterprise dealing in junked vehicles lawfully conducted within the city; or

(2) Completely enclosed within a building.

(C) The notice shall also state that the alternative to compliance with division (B) above is to petition the City Recorder and request appearance, in writing, before the City Council within 15 days of sending or posting of the notice and show cause why such vehicle should not be immediately removed as provided in of this chapter.

(D) The notice shall also state that failure to comply with this chapter authorizes the city to remove the vehicle and charge the cost.

(Prior Code, § 90.05) Penalty, see § 10.99

§ 93.05 HEARING AND REMOVAL.

(A) Pursuant to a request, the City Council shall fix a time for a hearing to show why a vehicle should not be immediately removed. It shall receive the evidence and testimony of the Chief of Police and other interested persons concerning the existence, location, and condition of the vehicle. After the hearing, the City Council may authorize and order the vehicle removed by the city in accordance with the provisions of this chapter. The City Council shall make its order in the form of a resolution which declares the vehicle to be a public nuisance. The resolution may order the removal of more than one vehicle and may consolidate the hearings and orders relating to more than one vehicle. The persons receiving the notice specified in § 93.04 shall be sent copies of the resolution by the City Council.

(B) In addition, the City Council may impose conditions and take such other action as it deems appropriate under the circumstances in order to carry out the purposes of this chapter. It may delay the time for removal of the vehicle when, in its opinion, the circumstances justify it. It shall refuse to order the removal of the vehicle when the vehicle, in the opinion of the City Council, is not subject to the provisions of this chapter. The City Council shall not be bound by the technical rules of evidence in the conduct of the hearing.

(Prior Code, § 90.06)

§ 93.06 ABATEMENT AND APPRAISAL.

(A) Fifteen days after the giving of notice required in § 93.04 or 15 days after adoption of a resolution declaring a vehicle to be a public nuisance as set forth in § 93.05, the city shall be deemed to have acquired jurisdiction to abate the nuisance and may remove the vehicle by use of city employees or duly authorized independent contractors. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

(B) After removing the vehicle, the city shall cause it to be appraised.
(Prior Code, § 90.07) Penalty, see § 10.99

§ 93.07 DISPOSAL OF LOW-VALUE VEHICLE.

(A) If a vehicle is appraised at \$75 or less, the Chief of Police shall file with the Department of Motor Vehicles an affidavit describing the vehicle including any license plates, stating the location and appraised value of the vehicle, and stating that the vehicle will be junked or dismantled. The Chief of Police may, without notice and public auction, dispose of the vehicle and execute a certificate of sale.

(B) The certificate of sale shall be substantially as follows:

<p>CERTIFICATE OF SALE</p> <p>This is to certify that under the provisions of Chapter 93 of the city code, being regulations for the impounding and disposition of discarded vehicles, I did on the _____ day of _____ 20____ sell to _____ for the sum of \$ _____ cash the following described personal property (brief description of property) and in consideration of the payment of the said sum of \$ _____, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.</p> <p style="text-align: center;">Date this _____ day of _____ 20____.</p> <p style="text-align: center;">_____</p> <p>Note: The City of Condon assumes no responsibility as to the condition of title of the above-described property. In case this sale shall for any reason be invalid, the liability of the city is limited to the return of the purchase price.</p>
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(Prior Code, § 90.08)

§ 93.08 SALE OF IMPOUNDED VEHICLE.

(A) If the vehicle is appraised more than \$75, the Chief of Police shall cause to be published in a newspaper of general circulation within the city a notice of sale. The notice of sale shall state:

(1) The sale is of discarded property in possession of the city;

(2) A description of the vehicle including the type, make, license number, I.D. number, and any other information which will aid in accurately identifying the vehicle;

(3) The terms of the sale; and

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

(B) The notice of sale shall be published two times. The first publication shall be made not less than ten days prior to the date of the proposed sale, and the second shall be made not less than three days prior to the date of the proposed sale.

(C) The Chief of Police shall hold the sale at the time and place appointed and within the view of the vehicle to be sold.

(D) The vehicle shall be sold to the highest and best bidder; provided, if no bids are entered, or those bids which are entered are less than the costs incurred by the city, the Chief of Police may enter a bid on behalf of the city in an amount equal to such costs.

(E) At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale in duplicate, the original of which shall be delivered to the purchaser, and the copy thereof filed with the City Recorder.

(F) The certificate of sale shall be substantially as follows:

<p>CERTIFICATE OF SALE</p> <p>This is to certify that under the provisions of Chapter 93 of the city code, being regulations for the impounding and disposition of discarded vehicles, and pursuant to due notice of the time and place of sale I did on the _____ day of _____ 20____ sell at public auction to _____ for the sum of \$_____ cash, he or she being the highest and best bidder, and that being the highest and best sum bid therefor the following described personal property to wit: (brief description of the property). And in consideration of the said sum of \$ _____, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.</p> <p style="text-align: center;">Dated this ____ day of _____ 20____</p> <p>Note: The City of Condon assumes no responsibility as to the condition of title of the above-described property. In case this sale shall for any reason be invalid the liability of the city is limited to the return of the purchase price.</p>
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(Prior Code, § 90.09)

§ 93.09 REDEMPTION BEFORE SALE.

(A) A vehicle impounded under the provisions of this chapter may be redeemed by its owner or by the person in charge of the property from which the vehicle was removed before a sale or disposition has taken place by applying to the Police Department, whereupon he or she shall:

- (1) Submit evidence of his or her ownership or interest in the vehicle satisfactory to the Chief of Police that such claim is rightful;
- (2) Pay the costs due and owed at the time the application to redeem is made; and
- (3) Give evidence that the nuisance character of the vehicle will not be allowed to be resumed.

(B) Upon compliance with division (A) above, the Chief of Police shall execute a receipt and cause the vehicle to be returned.

(Prior Code, § 90.10)

§ 93.10 ASSESSMENT OF COSTS.

(A) After disposing of the discarded vehicle and deducting the money, if any, received from any sale of the vehicle from the costs, the City Recorder shall give notice as specified in § 93.04 hereof to the person in charge of the property from which the vehicle was removed stating:

- (1) The unpaid costs of abatement;
- (2) The cost as indicated will be assessed to and become a lien against the real property unless paid within 30 days from the date of notice; and
- (3) If the person in charge of the property objects to the cost of the abatement indicated, he or she may file a written notice of objection with the City Recorder within 20 days from the date of the notice.

(B) Within 40 days after the date of the notice, objections to the proposed assessment shall be heard and determined by the City Council.

(C) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs shall be made by resolution of the City Council and shall be entered in the docket of city liens and, upon entry being made, shall constitute a lien upon the real property from which the nuisance was removed or abated.

(D) The lien shall be enforced in the same manner as liens for street improvements and shall bear interest at the rate of 6% per annum. Such interest shall accrue from date of the entry of the lien in the lien docket.

(E) An error in the name of the person in charge of the property shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void. The assessment shall remain a valid lien against the property.
(Prior Code, § 90.11)

CHAPTER 94: PARKS AND RECREATION

Section

Municipal Golf Course

- 94.01 Greens fees required for golf course use
- 94.02 Provisions concerning minors

- 94.99 Penalty

MUNICIPAL GOLF COURSE

§ 94.01 GREENS FEES REQUIRED FOR GOLF COURSE USE.

It shall be unlawful for any person, without the authority or consent of the employee immediately in charge of the city golf course, to use said golf course or to play golf thereon without first having paid to the city a fee, commonly known as a ***GREENS FEE***, as established by the city.
(Prior Code, § 94.01) Penalty, see § 94.99

§ 94.02 PROVISIONS CONCERNING MINORS.

(A) No parent or guardian of a minor shall knowingly permit said minor to use or play golf on the city golf course in violation of § 94.01 hereof.

(B) Monday through Friday, minors under 14 are permitted to play free of charge with adult supervision.
(Prior Code, § 94.02) (Ord. 9-A, passed 6-17-1969) Penalty, see § 94.99

§ 94.99 PENALTY.

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

(B) Any person violating any of the provisions of §§ 94.01 and 94.02 shall, without notice, be subject to a fine of not less than \$20 nor more than \$50.
(Prior Code, § 94.99) (Ord. 9-A, passed 6-17-1969)

CHAPTER 95: PUBLIC ART MURALS

Section

- 95.01 Title
- 95.02 Purpose
- 95.03 Definitions
- 95.04 Art murals
- 95.05 Prohibition of compensation

- 95.99 Violation and enforcement

§ 95.01 TITLE.

This chapter shall be known as the Public Art Mural Chapter.
(Ord. 2024-03, passed 11-1-2023)

§ 95.02 PURPOSE.

The purpose of this title, and policy of the City of Condon, is to permit and encourage art murals under certain terms and conditions. Art murals comprise a unique medium of expression that serves the public interest. Art murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include improve aesthetics; avenues for original works of artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of, and identification with original works of art; and a reduction in the incidence of graffiti and other crime. Art murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians and are retained for a period of five years or more.

(Ord. 2024-03, passed 11-1-2023)

§ 95.03 DEFINITIONS.

Words used in this title have their normal dictionary meaning unless they are listed in this chapter or unless this title specifically refers to another title. Words listed in this chapter have the specific meaning stated or referenced unless the context clearly indicates another meaning.

AD HOCK MURAL COMMITTEE. The committee assembled, or assigned by the Council, on an ad hoc basis to review and make a recommendation to the Condon City Council.

APPLICATION. The party that is primarily responsible for the design and installation of an art mural.

COMPENSATION. The exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debts. **COMPENSATION** does not include goodwill, or an exchange of value, that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist, or other entity, where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leasehold, and where the building owner or leaseholder fully controls the consent of the art mural.

ORIGINAL ART MURAL. A hand-painted, hand tiled, metal, or digital image on the exterior wall of a building where the wall or surface is either on city-owned property or has a public art easement and is viewable from another property right-of-way.

OWNER. The entity(ies) that own(s) the real property that contains the building or structure upon which a public art mural is installed. In the case where a public art mural is installed in the right-of-way, the owner means the entity(ies) with jurisdiction over that right-of-way.

RIGHT-OF-WAY. An area that allows for the passage of people or goods. Right-of-way includes passageways such as pedestrian connections, alleys and all streets. Right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned.

(Ord. 2024-03, passed 11-1-2023)

§ 95.04 ART MURALS.

(A) *Standards for public art murals.*

(1) *Allowed locations.* Public art murals are only allowed on building or structures as described below:

- (a) Historic District;
- (b) Commercial zones - only operating as a business not residential as described in § 154.022;
- (c) Public/open spaces - § 154.021; and
- (d) Must be on a building, not a stand-alone wall or billboard.

(2) *Prohibited locations.*

(a) Historic District restrictions - not on property designated as National Register, Primary/Contributing or Secondary/Contributing.

(B) *Public ownership, duration and alteration.*

(1) *Public ownership.* The mural must be on the surface of a building or structure that is either on property owned by the City of Condon or a building which a mural easement to the City of Condon has been granted.

(2) *Duration and alteration.* The public art mural shall remain in place, without alteration for a minimum period of five years.

(a) **ALTERATIONS** includes any change to a permitted mural, including, but not limited to any change to the image(s), materials, colors, or size of the permitted mural. **ALTERATION** does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time.

(b) Minor changes to the permitted mural that result from maintenance or repair of the mural shall not constitute **ALTERATION**. Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism.

(c) *Removal.* Public art murals may be removed within the first five years of the date of registration, per the terms of the public art easement and under the following circumstances:

1. The property on which the mural is located is sold.
2. The structure or property is substantially remodeled or altered in a way that precludes continuance of the mural.
3. The property undergoes a change of use authorized by the Planning Department.

(C) *Physical standards.*

(1) *Dimensions.* A public art mural may not wrap around a wall or corner and/or extend above the wall. Public art mural may comprise 100% of flat wall surface.

(2) *Materials.* Public art murals may include the following: paint, painted wood or plastic surfaces affixed to a building or structure, mosaics of ceramic tile and/or glass, vinyl or pella, metal, or similar materials. The Ad Hoc Committee may consider other materials in their review of a proposed public art mural.

(3) *Placement.* No new public art mural shall obstruct the functioning of any building opening, including but not limited to windows, doors and vents. Must be visible from public street.

(D) *Structural permit.* Public art murals that are affixed to a building, or contain elements that extend from the wall, shall require a structural permit approved as deemed necessary by the City of Condon planning department.

(E) *Lighting.* No new or existing public art mural may consist of or contain electrical or mechanical components or changing images: ie. moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message. Static illumination, which is turned off and back on not more than once every 24 hours, is permitted. Lighting may be required for safety or crime deterrent purposes with consideration to impacts to surrounding properties, as determined by the city Planning Department.

(F) *Application.* An applicant shall initiate a proposal to place a public art mural by filling out an application with the city. The application shall be made on forms provided by the city, include the application fee for review of a public art mural, and include any accompanying materials deemed necessary by the city for review of the public art mural proposal (such as proposed designs, site photos, and building or structure elevation drawings). Any fees shall be in accordance with the city's fee schedule.

(G) *Administrative review.*

(1) Upon submission of a completed application for a public art mural conforms with the standards in division (A) of this section.

(2) Upon finding that the public art mural conforms with the standards in division (A), the City Administrator, or designee shall inform the applicant in writing that the proposed public art mural meets the standards. The City Administrator, or designee shall then provide the applicant with the materials to complete the public notice requirements.

(3) Prior to the Ad Hoc Committee review, the applicant shall provide documentation to the City Administrator, or designee, that they complied with the public notice requirements.

(H) *Public notice.*

(1) *Mailed notice.* Mailed notice is intended as a courtesy to provide the public with a chance to review and discuss the proposal.

(a) The City Administrator or designee shall mail a notice to landowners within 250 feet of the proposed public art mural, Gilliam County Historical Society and any art and chamber organizations that do business in Condon.

(b) The notice shall be mailed 14 days prior to the HTAC Committee's review of the proposed public mural.

(c) The notice shall include instructions for submitting comments, the name and contact information for the applicant and owner, contact information for the City Administrator, or designee, and legibly sized color representation of the proposed public art mural.

(2) *Posted notice.* A notice shall be posted at the site of the proposed public art mural and conform to the following standards:

(a) The notice shall be posted at least 14 days prior to the HTAC Committee's meeting to review the proposed art mural. The City Administrator, or designee, shall provide the applicant with materials to be posted. If the notice is damaged or removed, the application shall replace the notice as soon as possible.

(b) The notice shall be durable and waterproof.

(c) The notice shall be clearly visible from the public right-of-way and be at least 11 x 17 inches. The City Administrator, or designee, may require more than one sign to be posted depending on the specific site characteristics.

(d) The notice shall include the name and contact information for the applicant and owners; contact information for the City Administrator, or designee; and a legibly-sized color representation of the proposed public art mural.

(3) *Public distribution.* Notice shall be posted on the city's website and may be linked with any community social media accounts. Notice must also be posted in the city's newspaper of record no less than 14 days prior to the HTAC review.

(I) *Ad Hoc Review Committee.* The Ad Hoc Review Committee will be assigned to the Historic Technical Advisory Committee (HTAC) as appointed in the Historic District § 154.024. The intent of the review is to explore the feasibility of the mural, evaluate the community support for the proposed mural, assess the mural given its context and its placement on either city building or a building with a public art easement, and to make a recommendation to the City Council for approval, approval with conditions, or denial of the public art mural application.

(1) *Review process.* The Ad Hoc Committee shall be convened by the City Administer, or its designee and shall meet within 30 days of the submitted mural application being deemed complete.

(2) *Review criteria.* As follows:

(a) *Scale.* Appropriateness of scale to the wall upon with the mural will be painted/attached and to the surrounding physical features.

(b) *Context.* Architectural, geographical, sociocultural, and/or historical relevance to the site.

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- (c) *Community support.* General support/advocacy from the building owner/user, surrounding neighborhood, adjacent businesses, historical society, and art community.
- (d) *Feasibility.* Demonstrated ability to complete the proposed mural on time and within budget.
- (e) *Media.* Appropriate proposed media to ensure the mural's longevity and durability.
- (f) *Structural and surface stability.* Commitment to repair the mural surface as necessary before painting and plan for mitigating graffiti through design and/or graffiti coating.
- (g) *Signed easement from building owner.* Commitment to repair the mural surface as necessary before painting and plan for mitigating graffiti through design and/or graffiti coating.
- (h) *Public accessibility, safety and lighting.* Compliance with city codes for safety, accessibility, and lighting.
- (J) *Notice of decision.*
- (1) *Authority.* The Condon City Council will have the authority to determine if an application for public art mural substantially meets all the applicable requirements and to issue a final approval, approval with conditions or denial of the public art mural application.
- (2) *Notice of decision.* The City Administrator, or its designee, shall issue notice of its decision in writing. The decision shall include the following information:
- (a) A brief summary of the proposal.
- (b) A description of the subject property is reasonably sufficient to inform the reader of its location, including street address, if available, map and tax lot number and zoning designation.
- (c) A statement of the facts that the review authority relied upon to determine whether the application satisfied, or failed to satisfy, each applicable approval criterion.
- (d) The decision to approve or deny the application and if approved, any conditions of approval necessary to ensure compliance with the applicable criteria.
- (e) The date upon which the decision rendered shall become final, unless appealed. The decision shall state the date and time by which an appeal must be filed. The statement shall reference the requirements for filing an appeal for the decision.
- (f) A statement that the complete public art mural application file is available for review, including findings, conclusions and any conditions of approval. The decision shall list when and where the case file is available and the name and telephone number of the city representative to contact about reviewing the case file.

(K) *Appeals.* A decision on the approval, approval with conditions, or denial of the public art mural application may be appealed by filing a written request to the City Administrator within 15 days of the date on the notice of decision. If the 15th date falls upon a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

(L) *Mural maintenance.* Public art murals shall be maintained by the property owner for five years and per the terms outlined in the public art easement.

(M) *Violations and penalties.* It is unlawful to violate any provision of this chapter, any administrative rules adopted by the City of Condon pursuant to this title, or any representations made, or conditions or criteria agreed to, in an art mural permit application. This applies to any applicant for an art mural permit, the proprietor or a use or development on which a permitted art mural is located, or the owner of the land on which the permitted art mural is located.

(1) *Notice of violation.* The City Administrator, or its designee, must give notice of any violation to the property owner. Failure of the property owner to receive the notice of the violation does not invalidate any enforcement actions taken by the city.

(2) *Responsibility for enforcement.* The regulations of this title, and the conditions of art mural permit approvals, shall be enforced by the City Administrator, or its designee.
(Ord. 2024-03, passed 11-1-2023) Penalty, see § 95.99

§ 95.05 PROHIBITION OF COMPENSATION.

No compensation will be given or received for the display of art murals or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.
(Ord. 2024-03, passed 11-1-2023) Penalty, see § 95.99

§ 95.99 VIOLATION AND ENFORCEMENT.

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(Ord. 2024-03, passed 11-1-2023)