

**CITY OF ADAIR VILLAGE
CITY CODE**

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CHAPTER 40 PUBLIC NUISANCES AND ABATEMENT

[Enacted as Ord. 2012-001]

[Replacing Ordinance 2008-02]

[Amended by Ordinances 2010-006; 2013-02; 2014-04; 2017-01]

TITLE, SCOPE, AND AUTHORITY

40.005 Title

This Chapter may be cited as the Public Nuisance and Abatement Ordinance of the Public Protection section of the City of Adair Village City Code.

40.010 Purpose and Scope

(1) It is the purpose of this Chapter to define conditions which exist that may endanger the life, limb, health, safety, or welfare of the general public or negatively affect the livability or property values of the residents or property owners of Adair Village and to provide a just, equitable, and practicable method to prohibit and abate these conditions.

40.020 General Authority

(1) The City Administrator, upon consent and direction of the City Council, is responsible for the administration, enforcement, and oversight of this Chapter of the City of Adair Village City Code, and to apply these provisions consistent with the general laws of the State of Oregon.

(2) The City Administrator may designate enforcement officers to assist in enforcing this Chapter.

DEFINITIONS

40.110 Definitions

As used in Sections 44.110 to 44.865, the singular includes the plural, and the masculine includes the feminine. Except where the context indicates otherwise, the following shall mean:

- (1) Person in charge of property. Any agent, occupant, lessee, tenant, contract purchaser, apartment manager or other person not an owner having the possession or control of property or supervision of a construction site.
- (2) City. The City of Adair Village.
- (3) Council. The governing body of the City.

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- (4) Enforcement Officer. Any authorized agent of the City, including law enforcement officers, code enforcement officers, or City Administrator or his designee, of the City of Adair Village.
- (5) Person. Every natural person, firm, partnership, association, or corporation.
- (6) Person responsible. The person responsible for a nuisance is:
 - (a) The owner of the property on which the nuisance exists; and/or
 - (b) The person in charge of the property on which the nuisance exists; and/or
 - (c) The person who created or caused the nuisance to come into or continue in existence.
- (7) Public place. Any building, place, or accommodation, whether publicly or privately owned, open and available to the public.
- (8) Public transportation facility. As defined in ORS 164.365.
- (9) Public way. Includes, but is not limited to the full width of the public right-of-way for roads, streets, alleys, lanes, bicycle and pedestrian paths, trails, sidewalks, beaches, parks, and all recreational facilities operated by the state, a county, or the City for use by the general public.
- (10) Waters of the State. As defined in ORS 468.700.

NUISANCES AFFECTING PUBLIC HEALTH OR LIVABILITY

40.210 Nuisances Affecting the Public Health

The following are hereby declared to be nuisances affecting the public health and may be abated in the manner prescribed by Sections 44.710 to 44.760. No resident, tenant, property owner, or property manager shall knowingly cause or permit any such activity to occur on property owned or managed by such person.

- (1) Privies. Any open vault or privy, except those privies used in connection with construction projects and constructed in accordance with the Oregon State Board of Health regulations.
- (2) Debris on private property. Accumulations of debris, rubbish, manure, and other refuse which have not been removed within a reasonable time and which affect the health, safety or welfare of the city.
- (3) Stagnant water. Any pool of water which is without a proper inlet or outlet and which, if not controlled, will be a breeding place for mosquitoes and other

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similar insects.

- (4) Water pollution. The pollution of any body of water, stream or river by sewage, industrial wastes or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.
- (5) Food. All decayed or unwholesome food offered for human consumption.
- (6) Odor. Any premises which are in such state or condition as to cause noisome or offensive odor, or which are in an unsanitary condition.
- (7) Junk.
 - (a) No person shall keep any junk outdoors on or in any street, vehicle, lot, porch, or premises or in a building or other structure that is not wholly or entirely enclosed, except doors used for ingress and egress.
 - (b) The term “junk” as used in this section includes, but is not limited to, motor vehicle parts, abandoned automobiles, inoperable machinery, or parts, operable or inoperable appliances or parts thereof, old iron or other metal, glass, paper, lumber, wood, brush piles or other accumulated yard wastes, broken tables, chairs, or other waste or discarded material.
- (8) Unusable firewood. Any firewood that does not meet the following definition of “Useable Firewood.” “Usable Firewood” has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. “Usable Firewood” must be neatly stacked. Any firewood not meeting this description is “Unusable Firewood.”

40.220 Accumulation of Solid Waste

- (1) Except as provided by county or state law, no person shall store, collect, maintain, or display on private property, waste or solid waste that is offensive or hazardous to the health and safety of the public, or which creates and offensive odor or a condition of unsightliness. Storage, collection, maintenance, or display of waste or solid waste in violation of this section shall be considered to be a public nuisance.
- (2) It shall be unlawful for any person to cause dirt, rock, debris, building materials, landscaping materials, dumpsters, or any other objects to be placed upon a public way, public place, public park, or right-of-way.

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- (a) Accumulations of such objects in such places which remain after 5:00 p.m. on the day of accumulation or any accumulation which creates a hazard by obstructing vehicular or pedestrian traffic may be immediately removed by the City and the cost of removal may be charged to the person causing the accumulation at a rate set by Resolution of the City Council.

- (b) The City shall refuse to issue an occupancy permit for a building to any person who has failed to pay charges incurred under subsection (a) of this ordinance incidental to the construction of the building for which the occupancy permit is sought.

40.225 Littering

As provided in ORS 164.805, a person commits the violation of offensive littering if the person creates an objectionable stench or degrades from the natural cleanliness or safety of property by intentionally:

- (1) Discarding or depositing any rubbish, trash, garbage, debris, or other refuse or solid waste upon the land of another without permission of the owner, or upon any public way or place, or in or upon any public transportation facility.

- (2) Draining or causing or permitting to be drained, garbage, debris, or other refuse or solid waste upon any public way or place or in or upon any public transportation facility.

- (3) Permitting any rubbish, trash, garbage, debris, or other refuse or solid waste to be thrown from a vehicle which the person is operating. However, this paragraph does not apply to a person operating a vehicle transporting passengers for hire subject to the regulation by the Interstate Commerce Commission or the Public Utility Commission of Oregon, or to a person operating a school bus, described under ORS 801.460.

40.230 Dumping

Except at landfills, transfer sites, or recycling depots approved by the City Council, no person shall allow the accumulation or temporary storage of the following materials on any property:

- (1) Bulky, unsightly materials including, but not limited to: operable or inoperable appliances, inoperable or abandoned vehicles or parts, building demolition wastes, industrial wood wastes, land clearing debris, discarded furniture and bedding, or scrap metals for more than seven (7) days.

- (2) Household rubbish, debris, or garbage for more than seven (7) days.

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40.235 Dumping in Waters

As provided in ORS 164.775, it is unlawful for any person to discard any glass, cans, or other similar refuse in any waters of the state, or within 100 yards of any waters of the state, other than in receptacles provided for the purpose of holding trash, debris, or other refuse.

40.240 Livestock Animals and Fowl

- (1) No person shall keep or maintain any slaughterhouse or tannery in the City.
- (2) No person shall keep or maintain any cattle, horses, hogs, goats, sheep, rabbits, poultry or other livestock or fowl in the City of Adair Village, except as permitted by Adair Village Land Use Development Code (AVLUDC) Section 6.401. This section shall not prohibit the keeping of domesticated animals, such as dogs, cats, birds, and other animals that can be claimed as household pets where such pets can be kept safely in residential quarters. (Amended Adair Village Ordinance 2010-06)
- (3) Livestock animals or fowl kept or maintained contrary to provision of this ordinance are hereby declared to be a public nuisance and may be abated as provided in the Adair Village Land Use Development Code Section 6.401 (8). (Amended Adair Village Ordinance 2010-06)

40.245 Animal Carcasses

No person shall permit any animal carcass owned by him or under his control to remain upon the public streets or places or exposed on private property, for a period of time longer than is reasonably necessary to dispose of such carcass.

40.250 Inadequate Sewage Disposal

No person shall allow:

- (1) The discharge of raw or partially treated sewage onto the ground surface or into the waters of the state.
- (2) Placing into use an existing on-site sewage disposal system.
- (3) Installation, replacement, or repair of an on-site sewage disposal system.

40.260 Unauthorized Disposal of Offensive Substances

As provided in ORS 164.785:

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- (1) It is unlawful for any person, including a person in the possession or control of any land, to discard any dead animal carcass or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious, or offensive substance into, or in any other manner befoul, pollute, or impair the quality of any spring, river, brook, creek, branch, well, irrigation drainage ditch, irrigation ditch, cistern, or pond of water.
- (2) It is unlawful for any person to place or cause to be placed any polluting substance listed in subsection (1) of section onto any road, street, alley, lane, railroad right of way, lot field, meadow, or common. It is unlawful for any owner thereof knowingly to permit any polluting substances to remain in any of the places described in this subsection to the injury of the health or to the annoyance of any citizen of this state.
- (3) Nothing in this section applies to the storage or spreading of manure or like substance for agricultural or horticultural purposes, except that no sewage sludge, septic tank, or cesspool pumpings, or fish remains shall be used for these purposes, unless treated and applied in a manner approved by the Department of Environmental Quality, and upon application to and specific approval from the City.

40.270 Open Burning

- (1) Prohibited Fires. No person shall conduct any outside open burning including kindling, maintaining, or burning any bonfire, outdoor rubbish or waste fire or use any trash burners, incinerators or burn barrels nor authorize any such fires or use of such devices on private land, unless as authorized by the City as provided herein.
- (2) Fires Allowed with Permits. Notwithstanding the prohibition in sub-section 1, the Council may authorize otherwise prohibited fires for special events or occasions subject to the payment of the cost of the permit for inspection by the Fire Chief or City Administrator or their designee.
- (3) Exempt Fires. The following fires are exempt from the prohibition of this ordinance:
 - (a) Fires for religious purposes;
 - (b) Fires initiated by the Fire District for training purposes;
 - (c) Fires associated with the operation of a business with a valid permit;
 - (d) Barbecue pits;
 - (e) Gas or charcoal barbecues;

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- (f) Outdoor fireplaces;
 - (g) Backyard burning of vegetative debris from gardening or pruning.
- (4) Requirements for Allowed and Exempt Fires. All outdoor fires allowed under this chapter shall comply with the following requirements:
- (a) All fires shall conform with Section 307 of the Oregon Fire Code.
 - (b) All fires shall comply with the regulations established by the Fire District.
 - (c) All fires shall occur only after checking with appropriate authority-Adair Fire District or Corvallis Fire Department-to determine that fires are permitted on that specific day.
 - (d) All fires shall occur only in the presence of an adult who shall be present at all times the fire is burning and shall constantly monitor the fire.
 - (e) Approved on-site fire extinguishing equipment shall be located at the fire (see Oregon Fire Code, Sec. 307.5).

40.280 State Fireworks Regulations Adopted

The following sections of the Oregon Fireworks Law, together with all acts and amendments applicable to cities which are now or hereafter enacted, are adopted by reference and made a part of this section: ORS 480.110, 480.120, 480.130, 480.140(1) and 480.150. (Section 40.285 Amended Adair Village Ordinance 2008-11 and 2009-03).

40.290 Penalties

Penalties for violation of Section 40.200 Nuisances Affecting Public Health will be established by Resolution by the Adair Village City Council.

ATTRACTIVE NUISANCES

40.310 Attractive Nuisances

- (1) No owner or person in charge of any premises shall permit:
 - (a) Any machinery, equipment or other devices on such premises which are attractive and dangerous;
 - (b) The piling of any lumber, logs or piling in such manner as to be attractive and dangerous;
 - (c) Any excavation to remain open* without erecting proper safeguards or barriers to prevent such excavation from being accessible.
- (2) The provisions of this section shall not apply to authorized construction projects provided that during the course of construction reasonable safeguards are maintained to prevent injury or death.

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40.320 Abandoned Containers

No person shall leave in any place accessible to children any abandoned, unattended, or discarded ice box, refrigerator or similar container which has an air-tight door with a snap lock or lock or other mechanism which may not be released for opening from the inside without first removing such lock or door from such ice box, refrigerator, or similar container.

40.390 Penalties

Penalties for violation of Section 40.300 Attractive Nuisances will be established by Resolution by the Adair Village City Council.

DUTY TO PREVENT NUISANCES

40.410 Clean Sidewalks

Each owner or person in charge of any premises, improved or unimproved, abutting upon any public sidewalk shall make a reasonable effort to remove:

- (1) Leaves, rubbish, dirt and other litter or obstructions on such sidewalk. The provisions of this subsection shall not apply to authorized construction projects provided that during the course of construction reasonable safeguards are maintained to prevent injury or death to persons.
- (2) Snow within a period no longer than twelve (12) hours after the snow has fallen.
- (3) Ice from sidewalk covered with ice within twelve (12) hours after the ice has formed. Any ice accumulating on such sidewalk shall be removed or properly covered with sand, ashes, or other suitable material to assure safe travel.

40.420 Weeds, Grass, and Other Vegetation

- (1) No owner or person, in charge of any residentially zoned property, shall permit upon such property, improved or unimproved, or upon any parkway or sidewalk area abutting such property, any excessive growth of weeds, grass or other vegetation. Such excessive growth shall be deemed noxious vegetation, and it shall be the duty of every owner or person in charge of such property to cut down or otherwise destroy any noxious growth on such property or parkway or sidewalk area abutting thereon as often as necessary, to prevent such growth from being unsightly or a fire hazard or maturing and going to seed.
- (2) This section shall not apply to real property zoned and used exclusively for agricultural purposes.
- (3) The term "noxious vegetation" applies to and describes the conditions listed

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below:

- (a) grass and weeds more than ten inches in length between April 1 and November 1 [Amended Ordinance 2014-04]
 - (b) poison oak;
 - (c) poison ivy;
 - (d) blackberry bushes that extend into a public thoroughfare or across a property line;
 - (e) vegetation that is:
 - (i) a health hazard;
 - (ii) a fire hazard that is near other combustibles;
 - (iii) a traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.
 - (f) noxious vegetation shall include trees and shrubs as well as other types of vegetation.
- (4) Nothing in this section shall be construed to prohibit lawns, bushes, trees and other shrubbery grown or maintained for purposes of landscaping, nor shall it prohibit the growth or maintenance of any vegetation designed for food or fuel purposes, except that the owner or person in charge of any real property shall not permit the limbs of any shrub or tree projecting into or extending over the street to interfere with the use of the sidewalk or roadway, or to obstruct a driver's view of an intersection or traffic upon streets approaching an intersection or otherwise to constitute a hazard to the public. Trees shall be trimmed so that the minimum clearance of any overhanging portion thereof is eight (8) feet above the sidewalk and ten (10) feet above the roadway. Hedges and other shrubbery shall be trimmed so that they do not overhang the sidewalk or roadway. Trees, hedges, and other shrubbery on corner lots shall be trimmed and maintained so as to permit the minimum clearance prescribed by the Zoning Ordinance.

40.430 Trees, Bushes, and Vision Clearance

No person in charge of property shall allow:

- (1) Upon property that abuts a street or public sidewalk, any trees, or bushes on their property to interfere with street or sidewalk traffic. It shall be the duty of the person in charge of such property to keep all trees and bushes on the premises, including the adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk and not less than ten (10) feet above the roadway.
- (2) A standing or dead tree that is a hazard to the public or to persons or property

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on or near their property.

- (3) On their property at the intersection of two streets, any corner that does not provide a clear vision area at the corner of the intersection of two streets, a street and a railroad, a street and an alley, and driveways of parking lots open to the public.
 - (a) A clear vision area is a triangular area, two sides of which are:
 - i) Twenty (20) feet along the lot lines, measured from the intersection of two streets or a street and a railroad and the third side of which is a line across the corner of the lot, joining the two lines. Where a lot has a rounded corner, the lot lines shall be extended in a straight line to a point of intersection and measured from that point;
 - ii) Ten (10) feet along the lot lines measured from the intersection of a street and an alley, and the third side of which is a line across the corner of the lot, joining the two lines. Where a lot has a rounded corner, the lot lines shall be extended in a straight line to a point of intersection and measured from that point.
 - (b) A clear vision area shall contain no planting, fences, walls, structures, or temporary or permanent obstruction exceeding two and one-half feet in height, measured from the top of the curb, or where no curb exists, from the established street centerline grade. Trees exceeding this height may be located in this area, provided all branches or foliage are removed to a height of eight feet above grade.

40.440 Fences

- (1) No owner or person in charge of property shall construct or maintain any barbed-wire fence or allow barbed wire to remain a part of any fence which borders on any sidewalk or public pathway.
- (2) No person shall install, maintain, or operate an electric fence in any residential or commercial area within the City or adjacent to any sidewalk or public pathways.
- (3) All fences must meet the standards set in the Adair Village Land Use Development Code Section 5.134 (3) Fencing.

40.450 Surface Waters, Drainage

No owner or person in charge of any building or structure shall permit rain water, ice, or snow to fall from any such building or structure onto a sidewalk or to flow across a sidewalk, and every such owner or person in charge of property shall at all times keep and maintain a proper state of repair adequate drain pipes or a drainage system so that any overflow water accumulating on the roof or about such building will not be carried across or upon any

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sidewalk.

40.460 Zoning and Non-permitted Land Uses

The following acts are classified as public nuisances:

- (1) Creating a use which is prohibited;
- (2) Creating or changing a use which requires a permit;
- (3) Expanding a use which is non-conforming;
- (4) Changing a use which is not permitted;
- (5) Failing to comply with conditions of a permit.

40.465 Certain Buildings

The following are classified as public nuisances:

- (1) All buildings or structures, or portions thereof, which are determined by the county building official to be dangerous;
- (2) Constructing a building without a permit as required by the Building Code;
- (3) Placing a manufactured home without a permit;
- (4) Occupying or changing the use of a building or structure without an occupancy permit;
- (5) Selling or renting a dwelling which has been used as a clandestine drug lab without providing a written notice to the new owner or renter;
- (6) Making an electrical installation, water installation, sewer installation, or storm drain installation without a permit.

40.470 Garbage and Recycling Containers

- (1) **Street Placement.** Containers (garbage, recycling, yard debris, etc.) may not be placed on or along the street prior to 5:00 PM, on the day prior to the scheduled pickup day and must be removed by 8:00 AM the day after the scheduled pickup day.

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- (2) Placement of Property. Except as provided in subsection 1 above, containers (garbage, recycling, yard debris, etc.) must be placed/stored upon the property of the customer/user in such a manner as to not be visible from the street adjacent to the subject property, except that containers may be stored adjacent to the garage.

40.474 Personal Property Not Specifically Designed for Outdoor Use

No person shall keep any personal property outdoors on or in any street, vehicle, lot, porch, or premises or in a building or other structure that is not wholly or entirely enclosed, except doors used for ingress and egress, unless that personal property was originally designed and manufactured for outdoor use.

40.476 Tools, Equipment, and Construction Materials

All tools, equipment, and construction materials must be stored behind the plane of the front of the house. Tools and equipment as used here includes but is not limited to ladders, saws, wheelbarrows, tarps, hand tools, power tools, sprayers, and other equipment traditionally used in building construction and maintenance.

40.480 Storing Property on Public Ways

- (1) No person shall use any portion of the traveled roadway, sidewalk, or other portion of the public way or road right-of-way to store or keep recreational sports equipment or personal property of any kind, except vehicles and trailers, as defined in Chapter 43 Parking and Standing Vehicles. Such personal property must be kept fully within the owner's private property boundary in compliance with all relevant Adair Village Land Use Codes and City Ordinances. [Amended Ordinance 2013-02]
- (2) Nothing in this section is intended to prohibit the loading or unloading of vehicles for a reasonable time, or the parking of vehicles in permitted parking areas as incidental to the use of the vehicle for travel.

40.490 Penalties. Penalties for violation of Section 40.400 Duty to Prevent Nuisances will be established by Resolution by the Adair Village City Council.

NUISANCES AFFECTING PUBLIC PEACE

40.510 Radio and Television Interference

No person shall operate or use an electrical, mechanical, or other device, apparatus, instrument, or machine that causes interference with radio or television reception. This section shall not apply to electrical and radio devices licensed, approved, and operated under the rules and regulations of the Federal Communications Commission.

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40.520 Unnecessary Noise

No person shall make or assist in making any loud, disturbing, or unnecessary noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety or peace of others.

- (1) The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this section, but the enumeration shall not be construed to be exclusive:
 - (a) The keeping of any bird or animal which by causing frequent or long continued noise may disturb the comfort and repose of any person in the vicinity;
 - (b) The attaching of any bell to any animal or allowing a bell to remain on any animal which is disturbing to any person in the immediate vicinity;
 - (c) The use of any vehicle or engine, either stationary or moving, so out of repair, loaded or operated as to create any loud or unnecessary grating, grinding, rattling or other noise;
 - (d) The sounding of any horn or signaling device on any vehicle on any street or public or private place, except as a necessary warning of danger;
 - (e) The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled;
 - (f) The erection, including excavation, demolition, alteration, or repair of any building in residential districts, other than between the hours of 7:00 a.m. and 10:00 p.m. daily, except Saturdays, Sundays, and holidays when the hours shall be 10:00 a.m. to 8:00 p.m. In case of urgent necessity in the interest of the public welfare and safety, a permit may be granted by the City Administrator for a period not to exceed ten days. Such permit may be renewed for periods of five days while such emergency continues to exist. If the Administrator shall determine that loss or inconvenience would result to any person unless such work were permitted within those hours, the Administrator may grant permission for such work to be done between the hours of 10:00 p.m. to 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work;
 - (g) The use of any gong or siren other than by public officers for authorized purposes or on a police, fire or other emergency vehicle;

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- (h) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution, or which disturbs or unduly annoys patients;
- (i) The discharge in the open air of the exhaust of any steam engine, internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;
- (j) The use or operation of any automatic or electric piano, phonograph, gramophone, Victrola, radio, television, loudspeaker or any instrument for sound producing or any sound amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance; provided, however, that upon application to the City Council permits may be granted for the broadcast or amplification of commercial or entertainment programs, or to any organization for the broadcast of programs of music, speeches, or general entertainment as a part of a national, state or City event, public festivals or outstanding events of a noncommercial nature, provided that such broadcast or amplification shall not exceed a decibel limit of 75 dB at the boundary of the property, whether from the instrument, speaker or amplifier. A permit may be granted for a parade as a part of a national, state or City event, public festivals or outstanding events of a noncommercial nature, even if it may cause short-term obstruction to the free and uninterrupted traffic, both vehicular and pedestrian;
- (k) The making of any noise by crying, calling, or shouting, or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of advertising goods, wares, or merchandise or of attracting attention or of inviting patronage of any person to any business whatsoever. Exemption from this paragraph may be requested upon application to the City for a solicitor's license (Ordinance 84/85 #1);
- (l) The conducting, operating, or maintaining of any garage or the repairing of motor vehicles at any residence within 100 feet of any other private residence, apartment, rooming house, or hotel in such manner as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m.

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40.530 Notices and Advertisements

- (1) No person shall affix or post or cause to be affixed or posted 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 control of private property. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the City regulating the use of and the location of signs and advertising, or the posting of public notices.
- (2) Except as otherwise provided by law, no person shall either as principal or agent scatter, deposit or distribute on the streets, sidewalks, or other public places or upon any private property any placards or advertisements whatsoever.
- (3) This section shall not be construed to prohibit the distribution of advertising material to persons during any parade or approved public gathering.

40.540 Curfew for Minors

- (1) Prohibition of Minors in Public. No minor shall be in or upon any street, highway, park, alley, or other public place or way between the hours specified in subsection (2) of this section unless:
 - (a) The minor is accompanied by a parent, guardian, or other person 21 years of age or over and authorized by the parent or by law to have custody of the minor.
 - (b) The minor is engaged in a lawful pursuit or activity which requires the minor's presence upon the street, highway, park, alley or other public place, and the minor has written authorization from a parent or guardian to be in a public place at that time.
 - (c) The minor is emancipated under ORS 419B.550 to 419B.558.
- (2) Applicable Hours. For the purposes of this section, the applicable hours of curfew are between 11 p.m. and 4 a.m. of the following morning except on Friday and Saturday night the curfew hours are between 11:59 p.m. and 4 a.m. of the following morning.

40.545 Parental Duties

No parent, guardian, or other person having legal custody of a minor under the age of 18 years shall permit the minor to be in violation of this Ordinance.

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- (1) The parent(s), guardian(s), or person(s) having the care and custody of a minor under the age of 18 years shall be deemed to have allowed the minor to violate this ordinance despite not having prior actual knowledge, if in the exercise of reasonable diligence, the parent, guardian, or person should have known that a violation would occur.

40.550 Open Container

No person, regardless of age, shall possess an open container of any beverage that contains any amount of intoxicating liquor upon any City owned or controlled property or on any public street or sidewalk. (Amended Adair Village Ordinance 2008-11)

40.560 Park Regulations

No person shall cause destruction to City park property, act in or with prohibited behavior within a City park, be within a city park after park hours, and can be excluded from a City park for their behaviors, criminal activity or violations of City ordinances.

(1) Destruction of Park Property.

- (a) No person shall remove, destroy, break, injure, mutilate or deface in any way or other property, including but not limited to any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, tree, shrub, fern, plant, or flower, in any City park.
- (b) No person shall use towels in any improper manner or waste soap or toilet paper, or deface, mar, destroy, break, write on, or scratch a wall, floor, ceiling, partition, fixture, or furniture or the facilities provided in a public convenience station located in any City park.

(2) Prohibited Behavior.

- (a) No person shall sleep on the seats or benches, or use loud, boisterous, threatening, abusive, indecent language, or behave in a disorderly manner, while in any City park.
- (b) No person shall blow, spread or place any nasal or other bodily discharge, or spit, urinate or defecate in any City park, except directly into the particular fixture provided for that purpose.
- (c) No person shall place a bottle, can, cloth, rag, or metal, wood, or stone substance in the plumbing fixtures in such station.
- (d) No person shall enter or remain in any City park while in a visibly intoxicated condition.

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- (e) No person shall use tobacco products while in the skateboard park.
- (3) Park Hours. No person shall be or remain inside of any City park during hours that the park is closed, said hours to be set forth at each entrance to a park, unless passing through the park to an adjoining street.
- (4) Violations.
 - (a) In addition to any other penalty which may be provide by this City Code, a peace officer may exclude from all City parks for a period of not more than 30 days, any person who violates any sections of 40.550 or who violates any Oregon Revised Statues dealing with public peace, destruction or vandalism to property, injury of any degree to a person, controlled substances, weapons, or any inappropriate prohibited conduct sanction under City Code or the Oregon Revised Statues, while in a City park.
 - (b) Written notice shall be given to a person excluded from the parks. The notice shall specify the dates of exclusion and shall be signed by the issuing officer. Warning of consequences for failure to comply shall be prominently displayed on the notice.
 - (c) A person receiving a notice may, within ten days, appeal in writing to the City Administrator to have the written notice rescinded or the period shortened.
 - (d) At any time within the 30 days, a person receiving a notice may apply in writing to the City Administrator for a temporary waiver from the effects of the notice for good reason. (Section 40.560 Amended Adair Village Ordinance 2010-01)

40.590 Penalties

Penalties for violation of Section 40.500 Nuisances Affecting Public Peace will be established by Resolution by the Adair Village City Council.

JUNKED, ABANDONED, AND INOPERABLE MOTOR VEHICLES

40.610 Definitions

As used in this ordinance, unless the context requires otherwise:

- (1) Discarded or Inoperable Vehicle. Any and all of the following:

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- (a) Any vehicle or motor vehicle which cannot be legally or physically operated on City streets or public highways by virtue of three or more violations of equipment required by the laws of the state of Oregon. [Amended Ordinance 2013-02]
 - (b) Any vehicle or motor vehicle which is dismantled, in whole or in part, or which is not mechanically operable as a result of a defect, malfunction, or state of disrepair.
 - (c) Discarded or inoperable vehicles include major parts of vehicles, including but not limited to, bodies, engines, transmission, or rear ends.
 - (d) For the purposes of this section, a showing that a vehicle, if operated on a public highway of this state, would be in a violation regarding required equipment for motor vehicles, creates a rebuttable presumption that the vehicle is a discarded or inoperable vehicle. [Amended Ordinance 2013-02]
- (2) Vehicle Owner. Any individual, firm, corporation, or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.
 - (3) Motor Vehicle. Any self-propelled vehicle which as originally built contained an engine, regardless of whether it contains an engine at any other time, including, without limitation, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles.
 - (4) Property. The owner's lot or tract of land, whether improved or vacant, all easements of record, and the sidewalk, curb, gutter, and parking area of any street abutting such lot or tract of land.
 - (5) Abandoned vehicles.
 - (a) No person shall place or permit to be placed on a public right-of-way without permission of the City, an operable motor vehicle, for a period in excess of 15 days. Failure to move the vehicle at least one mile in the 15 days allowed will be considered a violation. [Amended Ordinance 2013-02]
 - (b) If a vehicle has out-of-date registration or is otherwise an inoperable vehicle and is on the public right-of-way, it will automatically be considered abandoned.

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40.615 Declaration of Public Nuisance

The open accumulation and storage of an inoperable or 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 disease vectors such as, rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an inoperable vehicle or 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 ordinance.

40.620 Prohibited Action

- (1) It shall be unlawful to store or permit the storing of an inoperable or discarded motor vehicle for fifteen (15) days or more 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 junk vehicles lawfully conducted within the City.

- (2) At no time shall a person leave a vehicle unattended in any unsafe condition on private property. An unsafe condition includes but is not limited to anytime the vehicle is left unattended with the engine running and the doors unlocked for more than 15 minutes; anytime any wheel or wheels have been removed from the vehicle, regardless of whether or not the vehicle is supported by a jack, jack stand, wood or concrete blocks; anytime the vehicle is elevated by any means other than having all wheels on the ground; leaving the keys in the ignition; or any other unsafe condition likely create an attractive nuisance for children or the general public, except to warm up the vehicle for no longer than 15 minutes.
[Amended Ordinance 2013-02]

40.630 Towing of Vehicles

- (1) The City may contract the services of one or more competent towing service firms for the removal and storage of a vehicle deemed to be a nuisance. Said contract shall provide a schedule of charges for towing and storage of such vehicles. The owner of any vehicle towed as a result of abandonment or other enforcement action under this ordinance shall be solely responsible for any towing and storage fees incurred.

- (2) Any vehicle towed will be towed pursuant to Oregon Revised Statutes (ORS) Chapter 819 [Amended Ordinance 2013-02].

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40.640 Separate Violations

- (1) The owner and the occupant of the private property on which a violation any provision of this section is occurring and the owner of the inoperable motor vehicle in question are jointly and severally responsible to abate the nuisance. Every person who fails, neglects, or refuses to abate the nuisance commits a civil infraction.
- (2) The abatement of a nuisance as herein provided shall not constitute a penalty for a violation of this ordinance but shall be in addition to any penalty imposed for a violation of the ordinance.
- (3) A separate offense may be deemed committed on each day during or on which a violation occurs or continues. The payment of any penalty does not exempt the offender from compliance with the requirements of this section. (4) No person, after abatement notification has been given, shall move the inoperable motor vehicle in question to any other private property upon which storage of such vehicle is not permitted or onto any public property or right-of-way.

40.690 Penalties

Penalties for violation of Section 40.600 Junked and Abandoned Cars will be established by Resolution by the Adair Village City Council.

CHRONIC NUISANCES

40.710 Chronic Nuisances

If the person fails to correct a violation after a thirty (30) day period, that violation will be considered a chronic nuisance and cited as such. This section is applicable to Sections 40.200, 40.300, 40.400, 40.500, and 40.600.

Alternate 40.710 Chronic Nuisances

Any person in charge of property who fails to correct a violation after a thirty (30) day period, or who is cited for three or more violations of the same specific violation of this Code within a 90-day period will be considered to have committed a chronic nuisance and may be cited as such. This section is applicable to Sections 40.200, 40.300, 40.400, 40.500, and 40.600.

40.790 Penalties

Penalties for violation of Section 40.700 Chronic Nuisances will be established by Resolution by the Adair Village City Council.

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ABATEMENT AND APPEAL

40.810 General Nuisances

In addition to those nuisances specifically enumerated within this ordinance, every other thing, substance, or act, which is determined by the City Council or City Administrator to be injurious or detrimental to the public health, safety, welfare, or peace of the City is hereby declared to be a nuisance and may be abated as provided in Sections 40.810 to 40.860.

40.820 Declaration of Nuisance and Abatement Notice

Upon determination by the City Council or the City Administrator that a nuisance as defined herein exists, the City Administrator shall cause a notice to abate to be mailed to the person(s) responsible at their last known address. The notice to abate shall contain:

- (1) The name of the person(s) responsible for abating the nuisance and a description of the nuisance.
- (2) A description of the property, by street address or otherwise, where the nuisance exists.
- (3) A direction to abate the nuisance within ten (10) days for non-vegetation related nuisance from the date the notice was mailed.
- (4) A direction to abate the nuisance within five (5) days for vegetation related nuisance from the date the notice was mailed.
- (5) A statement that unless the nuisance is abated during the applicable abatement period referenced above, the City will abate the nuisance and the cost of the abatement will be charged to the person(s) responsible and will become a lien against the property.
- (6) A statement that the person(s) responsible may appeal the notice to abate to the City Council by filing a notice of appeal, which sets forth the basis for the appeal with the City Administrator within ten (10) days of the date the notice to abate was mailed for non-vegetation related nuisance issues and five (5) days for vegetation related nuisance issues.

40.830 Appeal

- (1) If a notice of appeal is filed the Council shall hear the appeal at its first meeting after the filing of the notice of appeal. The City Administrator shall notify the person(s) responsible of the hearing date.
- (2) If, after conducting the hearing, the City Council determines that a nuisance does exist it shall order the person(s) responsible to abate the nuisance and shall

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specify the time in which the abatement must occur.

40.840 Abatement by the City

If, within the time fixed as provided by this ordinance, the nuisance has not been abated by the owner or person in charge of the property, the City Administrator may cause the nuisance to be abated and assess the cost thereof against the property, whether said assessment is for work done on said property, abutting thereon or adjacent thereto.

40.850 Assessment of Costs

- (1) The City Administrator, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property, a notice stating:
 - (a) The total cost of abatement including the administrative overhead.
 - (b) That the cost as indicated will be assessed to and become a lien against the property unless paid within 60 days from the date of the notice.
 - (c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, he may file a notice of objection with the City Administrator not more than 30 days from the date of the notice.
- (2) After the expiration of 30 days from the date of the notice, the City Council, in the regular course of business, shall hear and determine the objections to the costs to be assessed.
- (3) If the costs of the abatement are not paid within 60 days from the date of the notice, an assessment of the costs as stated or as determined by the City Council shall be made by resolution and shall thereupon be entered in the Docket of City Liens; and upon such entry being made, shall constitute a lien upon the property from which the nuisance was abated.
- (4) The lien shall be collected in the manner provided by the general laws of the State of Oregon for foreclosing liens and collecting assessments, and such lien shall bear interest at the highest rate of interest allowed by the laws of the State of Oregon per annum. Such interest shall commence to run 30 days after the entry of the lien in the docket.
- (5) 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 assessment render the assessment void, but it shall remain a valid lien against the property.

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40.860 Summary Abatement.

Upon determination by the Mayor, the City Administrator or the City Administrator's designee that a nuisance as defined by this ordinance exists and that unless the nuisance be summarily abated the public health, safety or welfare will be endangered, such officer may act as follows:

- (1) He shall give or cause to be given notice to remove or abate such nuisance within 24 hours.
- (2) If the nuisance is not removed or abated within 24 hours he is authorized to remove or abate the nuisance and the cost shall be charged against the property and collected as provided in Sections 44.840 and 44.850.

40.870 Right of Lien

Upon a final determination of violation of any section of this ordinance, the City shall have the right, upon notice to the consumer, to record a lien against real property of the consumer which is located within the City limits of Adair Village, provided that the consumer has not timely satisfied any financial sanction imposed.

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CHAPTER 41 ANIMAL CONTROL

[Enacted, Ord. 2008-04]
[Amended, Ord. 2014-05]

TITLE, SCOPE, AND AUTHORITY

41.005 Title

This Chapter may be cited as the Animal Control Ordinance of the Public Protection section of the City of Adair Village City Code.

41.010 Purpose and Scope

It is the purpose of this Chapter to define conditions which exist that may endanger the life, limb, health, safety, or welfare of the general public and to provide a just, equitable, and practicable method to prohibit and abate these conditions.

41.020 General Authority

- (1) The City Administrator, upon consent and direction of the City Council, is responsible for the administration, enforcement, and oversight of this Chapter of the City of Adair Village City Code, and to apply these provisions consistent with the general laws of the State of Oregon.
- (2) The City Council may, by order, designate enforcement officers to assist the City Administrator in enforcing this Chapter.
- (3) Provisions of ORS 609 shall apply when not in conflict with or superseded by this ordinance.

41.030 Severability

- (1) If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

DEFINITIONS

40.110 Definitions

As used in Sections 41.110 to 41.990, the singular includes the plural and the masculine includes the feminine. Except where the context indicates otherwise, the following shall mean:

Dog. A male or female dog including a dog which has been spayed or neutered.

Owner. Any person or persons, firm, association, or corporation owning, keeping or

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harboring a dog.

Running at large. Any dog when it is off leash or outside the premises belonging to the owner of such dog, and not in the company of and under the control of the owner, except in the case of a dangerous dog, in which case the term shall also include a dog unconfined in accordance with the requirement set forth in Section 41.600 below.

Leash. Any leash, cord, chain, rope, or other such physical restraint.

Muzzle. A device constructed of strong, soft material or a metal muzzle such as that used commercially with greyhounds. The muzzle must be made in a manner which will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.

Unconfined. As the term is used in this section relates to a dangerous dog, if such dog is not securely confined indoors, or leashed and muzzled, or confined in a securely enclosed and locked pen or structure upon the premises of the person who owns the dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot.

Livestock. Animals kept for husbandry. Livestock includes but is not limited to cattle, sheep, horses, mules, asses, burros, goats, swine and other hoofed, domesticated animals, poultry, pigeons, and fur-bearing animals bred and maintained commercially or otherwise kept within pens, cages, or hutches.

Dangerous Dog is defined in Section 41.600.

Code Enforcement Officer. Any individual authorized by the City Council to enforce City ordinances.

REQUIREMENTS OF DOG OWNERSHIP

41.210 License and Rabies Vaccination Required

Any person within the city limits of Adair Village must obtain and display upon their dog a current Benton County license, as required by ORS 609.100 and a current certification of rabies vaccination.

41.220 Leash Law

No person shall keep within the city limits of Adair

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- (1) A dog must be restrained on a leash, not exceeding six feet in length, when on any street, alley, or sidewalk.
- (2) A dog must be restrained on a leash when upon any premises other than the owners or such person's premises who have given permission.

41.230 Loud Animals

No person shall keep within the city limits of Adair Village any animal, which without provocation causes frequent or prolonged loud noise, such as dogs barking, which disturbs others. On a first offense, a warning will be issued to the owner of the loud animal. If there is a second complaint within one week a fine will be assessed. If there are three or more complaints within a period of a week, a second fine may be assessed. If more than five complaints are received over the period of a month, the same animal, the animal may be declared a public nuisance, as per section 41.420 (1)(f). If one harbors a loud animal, they may be subject to a citation in accordance to section 41.990 of this ordinance.

41.240 Scoop Law

No person who owns or is in charge of a dog within the city limits shall permit a dog to defecate on City property or the property of others without picking up the feces. If a person who owns or is in charge of a dog within the city limits allows a dog to defecate on City property or the property of others without picking it up will be given a citation in accordance with Section 41.990 of this ordinance.

41.250 Unattended Animals

No person shall leave an animal unattended within the city limits, or attach any animal by use of any device to:

- (1) Any building, tree, pole, sign, vehicle, or other object on a public street, alley, parking lot, or sidewalk.
- (2) Any object on premises other than his own without permission of the owner of such premises.
- (3) Any object on private premises in a manner which would allow the animal to have access to any public sidewalk or street.
- (4) A fire hydrant under any circumstances.

41.260 Dangerous Dogs to Be Penned and/or Muzzled

- (1) No person owning or harboring or having the care of a dangerous dog shall

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suffer or permit such animal to go unconfined on the premises of such person.

- (2) No person owning or harboring or having the care of a dangerous dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled.

41.270 Failure to Comply with Dangerous Animal Declaration
[Amended Ord. 2008-10]

- (1) Any person, household or business that has been served a Dangerous Dog Declaration (41.620), shall take all precautions, and comply immediately with the standards set by the ordinance.
- (2) If the animal has been classified as level 1 or 2 the offense described in this section, Failure to Comply with Dangerous Animal Declaration, shall be subject to fine as described in subsection 41.990.
- (3) Notwithstanding from section (2), if the animal has been classified as a level 3 or 4 the offense described in this section, Failure to Comply with Dangerous Animal Declaration, shall be subject to fine as described in subsection 41.990.
- (4) Notwithstanding from section (2) and (3), if the animal has been classified as level 5, the offense described in this section, Failure to Comply with Dangerous Animal Declaration, shall be subject to fine as described in subsection 41.990.

IMPOUNDING

41.310 Impounding of Strays

Any animal found running at large within the city limits of Adair Village, Oregon, shall be taken up and impounded by the City.

41.320 Impounding Certain Dogs

- (1) When any dog is found running at large in the City, or when a dog is a public nuisance described in Section 41.420, the Code Enforcement Officer shall impound the dog or cite the owner to court or both.
- (2) When a dog is impounded under section 41.300, the Code Enforcement Officer shall post at City Hall a notice giving the description of the dog, and the time, the date, and location where the dog was running at large. Said notice shall be posted for five business days. Reasonable effort shall be made to notify the owner that their dog has been impounded before disposing of the animal, as per

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section (3) below.

- (3) If the dog has been impounded for any reason other than being a dangerous animal and the owner of the dog does not claim it within the time frames set forth in subsection (2) above, the dog may be sold to another person for the sum of the charges mentioned in section 41.920. If no owner appears to redeem a dog within the allotted time, or if the dog has been impounded as a public nuisance for killing or injuring a person, it shall be given to the humane society for disposition.
- (4) Any dog impounded for biting or killing a person or other animal shall be held no less than 10 days before destruction to determine if the dog is rabid.
- (5) Any dog running at large, which because of its disposition or diseased condition is to hazardous to apprehend, may be destroyed by a peace officer, dog control officer, code enforcement officer, or by a person acting in defense of himself, his family or another person.

41.330 Redemption. Should the owner of a dog impounded for any reason desire its release, the owner shall pay an impound fee as set forth in Section 41.920. Any owner redeeming an impounded dog shall pay, in addition to the impound fee, the total of the daily care expenses accrued during the impound period, plus any other expenses incurred in the keeping of the dog.

PROHIBITIONS

41.410 Sale of Dangerous Dogs Prohibited

It shall be unlawful for any person to sell to any other person a dangerous dog within the city limits of Adair Village.

41.420 Dog as a Public Nuisance Prohibited

- (1) A dog is considered a public nuisance if it:
 - (a) Bites, injures, or causes injury to a person.
 - (b) Chases or threatens vehicles or persons.
 - (c) Damages or destroys property of persons other than the owner of the dog.
 - (d) Scatters garbage.
 - (e) Trespasses on private property of persons other than the owner of the dog.
 - (f) Disturbs any person by frequent or prolonged noise.
 - (g) Is a female in heat and running at large.
- (2) The owner or keeper of a dog in the City shall not allow his or her dog to be a public nuisance under subsection (1) of this ordinance.

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- (3) Any person who has cause to believe that a dog is being maintained as a public nuisance may complain, either orally or in writing, to the code enforcement officer. The complaint shall be considered sufficient cause for the City to investigate the matter and determine if the owner or keeper of the dog is in violation of this ordinance.
- (4) A dog shall not be in violation of this ordinance if he bites a person wrongfully assaulting the dog or the dog's owner or if he bites a person trespassing upon premises occupied by the dog's owner after being provoked by that person.

41.430 Cruelty to Animals.

- (1) No person shall torture, abandon, mutilate or needlessly kill any animal, nor shall any person transport or authorize to be transported any animal in a cruel or inhumane manner.
- (2) No person shall fail to provide any animal in their custody with food, drink, satisfactory sanitary conditions, and protection from the elements nor shall any person tether or restrain any animal in an inhumane manner.
- (3) In the event any part of this section is violated, the code enforcement officer has the authority to impound the animal and may dispose of the animal under the provisions of section 41.300.
- (4) No person shall place or distribute any poison or other substance with the intent to harm any animal, except those animals commonly recognized as pests or rodents. Commercial exterminators, government agencies and any individual using such substances in an open area are required to post notice prior to application of any pest controlling agents or devices.

OTHER ANIMALS

41.510 Cats

- (1) Cats are declared to be personal property.
- (2) Any person within the city limits of Adair Village must maintain current verification of vaccination against rabies for their cats and present such verification to the Code Enforcement Officer upon request.
- (3) All sexually mature cats that are allowed by their owners to be outside their house must be spayed or neutered.

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41.520 Harboring Animals Without Documentation

Any person or persons within the city limits of Adair Village must obtain and keep documentation on all the animals in their possession or care, pertaining to rabies or alteration of the animal. If the owner of the animals in question is unable to provide proof of rabies shots or alterations, they are subject to a citation in accordance to section 41.990 of this ordinance.

41.530 Livestock and Poultry

No animals, livestock of any kind, or poultry shall be raised or kept on any property within the city limits of Adair Village, except as permitted by Adair Village Land Use Development Code (AVLUDC) Section 6.401. Dogs, cats, or other traditionally domesticated animals may be kept, provided that they are not kept, bred or maintained for any commercial purposes. Harboring these animals on one's property even if the animals are not being used for commercial use will result in a citation in accordance to section 41.990 of this ordinance.

41.540 Horses, Ponies or Equines

No person shall ride or lead any horses or ponies or other equines in any park, public street, private property, or sidewalk, except upon a designated bridle path without obtaining a special permit. A permit will be issued by the City Recorder upon approval of the City Council.

DANGEROUS ANIMALS

41.610 Dangerous Animals

- (1) Any animal or domestic animal which attempts to attack or attacks or harms any person or other animal is hereby declared a dangerous animal and a public nuisance. For purposes of this section, "animal" refers to both animals and domestic animals. It is the intent of the City to promote a safe coexistence between pet owners and citizens and to apply sanctions only in those instances where there is a need to protect public safety.

41.620 Classification of Levels of Dangerousness

An animal shall be classified as dangerous based upon specific behaviors exhibited by the animal. Behaviors establishing various levels of dangerousness are as follows:

- (1) Level 1 behavior is established if an animal at large is found to menace, chase, display threatening or aggressive behavior, or otherwise threaten or endanger the safety of any animal.
- (2) Level 2 behavior is established if an animal at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.

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- (3) Level 3 behavior is established if an animal, while confined, aggressively bites any person.
- (4) Level 4 behavior is established if an animal, while at large, aggressively bites or causes physical injury to any person or animal.
- (5) Level 5 behavior is established if:
 - (a) An animal, confined or not, causes the serious injury or death of any person;
 - (b) An animal, while at large, kills any animal;
 - (c) An animal engages in or is found to have been trained to engage in exhibitions of fighting; or
 - (d) An animal that has been classified as a Level 4 dangerous animal repeats the behavior described in subsection 41.620(4) of this section after the owner receives notice of Level 4 classification.
- (6) Notwithstanding subsections (1) through (4) of this section, the City Administrator or the City Administrator's designee shall have discretionary authority to refrain from classifying an animal as potentially dangerous, even if the animal has engaged in the behaviors specified in subsections 41.620(1) through 41.620(5) of this section, if the City Administrator or the designee determines that the behavior was the result of abusing or tormenting the animal or other extenuating circumstances. In any case, no animal shall be classified as dangerous if the behavior in question was directed against a trespasser inside any fully enclosed building on private property if all exterior doors of the building were locked at the time the trespassing occurred.

41.630 Identification of Dangerous Animals – Appeals – Restrictions Pending Appeal

- (1) City Administrator or the City Administrator's designee shall have authority to determine whether any animal has engaged in the behaviors specified in subsection 41.620 of this section. This determination shall be based upon an investigation that includes observation of and testimony about the animal's behavior. These observations and testimony can be provided by the animal control officer or by other witnesses who personally observed the behavior. They shall sign a written statement attesting to the observed behavior and agree to provide testimony regarding the animal's behavior if necessary.
- (2) The City Administrator or the City Administrator's designee shall give the animal's owner written notice by certified mail or personal service of the animal's classification as a dangerous animal and of the additional restrictions applicable to that animal by reason of its classification. If the owner denies that

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the behavior in question occurred, the owner may appeal the decision to the municipal judge by filing a written request for a hearing with the City Administrator within 10 days of the date the notice was mailed to the owner by certified mail or the owner was personally served.

- (3) The municipal judge shall hold a public hearing on any appeal from the City Administrator's decision to classify an animal as potentially dangerous. The owner and any other persons having relevant evidence concerning the animal's behavior as specified in subsection (B) of this section shall be allowed to present testimony. The municipal judge shall determine whether the animal exhibited the behavior, specified in subsection 41.620 of this section, in question. The municipal judge shall issue an order containing his or her determination, which shall be final.
- (4) Once the owner has received notice of the animal's classification as a Level 1, 2, 3, or 4 dangerous animal pursuant to subsection 41.620 of this section, the owner shall comply with the restrictions specified in the notice until such time as the chief of police or the chief's designee's decision may be reversed on appeal. Failure to comply with the specified restrictions pending the completion of all appeals shall be a violation of this chapter for which a fine can be imposed. Additionally, the chief of police or the designee shall have authority to impound the animal pending completion of all appeals.
- (5) If the city Administrator or the designee finds that an animal has engaged in Level 5 behavior, the animal shall be impounded pending the completion of an appeal. If the City Administrator or the designee's decision is upheld on appeal, the animal's owner shall be liable for the cost of the animal's impoundment.

41.640 Regulation of Dangerous Animals

The owner of a dangerous animal shall comply with the following regulations:

- (1) If the animal has been classified as a Level 1 dangerous animal, the animal shall be restrained by a physical device or structure that prevents the animal from reaching any public sidewalk or adjoining property whenever that animal is outside the owner's home and not on a leash.
- (2) If the animal has been classified as a Level 2 dangerous animal, the owner shall confine the animal within a secure enclosure whenever the animal is not on a leash or inside the home of the owner.

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- (3) If the animal has been classified as a Level 3 dangerous animal, the owner shall meet the requirements of subsection (2) of this section and shall also post warning signs on the property where the animal is kept.
- (4) If the animal has been classified as a Level 4 dangerous animal, the owner shall meet the requirements of subsections (1), (2), and (3) of this section and shall, additionally, not permit the animal to be off the owner's property unless the animal is muzzled and restrained by an adequate leash and under the control of a capable person.
- (5) Any animal that has been classified as a Level 5 dangerous animal may be euthanized. In addition, the municipal court judge may suspend, for a period of up to five years, that animal owner's right to be the owner of any animal within the city limits, including animals currently owned by that person.

41.650 Banning of Dangerous Animals.

- (1) At the discretion of the City Administrator, an animal that has been classified as a Level 3 or 4 dangerous animal may be prohibited from entering or residing within the city limits except to be transported in a secure vehicle while passing through the City.
- (2) In addition, the City Administrator is empowered to ban a Level 3 or 4 animal from the city limits for a specified period of time or permanently; however, the animal's owner shall have the right of appeal, specified in section 41.630 (2), of any decision under this section.

41.660 Selling of Dangerous Animals

No person shall sell or otherwise transfer to another ownership of a dangerous animal within the city limits. No person shall secrete or harbor a dangerous animal for another while the owner of that animal exercises the right of appeal.

PENALTIES, CITATIONS, AND FEES

41.910 Penalties

Any owner or person in violation of this ordinance shall be given a citation, as described in Section 41.990.

41.920 Impound Fees

As designated by City Council Resolution.

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41.930 City Council Appeal

Any dog owner, believing him or herself aggrieved by the seizure and impounding of his or her dog, may apply to the City Administrator for the release of their dog, provided such appeal is filed within five days of the date the dog was impounded, and the City Administrator shall thereupon set a time and place for the hearing of such application and notify the Code Enforcement Officer and City Council of such meeting. The City Council shall have full power to determine whether the dog has been wrongfully impounded and whether it shall be released to its owner and upon what terms.

41.990 Citation Amounts

As designated by City Council Resolution, citations will be set for the following offenses.

- (1) Permitting a Dangerous Animal to be at large within the city limits.
- (2) Permitting a dog to be at large within the city limits.
- (3) Keeping a loud animal within the city limits.
- (4) Scoop Law.
- (5) Harboring animals without proof of spaying, neutering or rabies shots.
- (6) Harboring Livestock or Poultry.
- (7) Failure to Comply with Dangerous Animal Declaration. [Amended Ord. 2008-10]

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CHAPTER 42 CRIMINAL MISDEMEANORS AND VIOLATIONS

[Enacted 2008-09]

TITLE, SCOPE, AND AUTHORITY

42.005 Title

This chapter may be cited as the Criminal Misdemeanors and Violations Ordinance of the Public Protection section of the City of Adair Village City Code.

42.010 Purpose and Scope

- (1) It is the purpose of this Chapter to It is the intention of this chapter to make the prosecution of and the applicable penalty for all criminal misdemeanors and violations match as closely as possible those provided under state law.

42.020 General Authority

- (1) The City Administrator, upon consent and direction of the City Council, is responsible for the administration, enforcement, and oversight of this Chapter of the City of Adair Village City Code, and to apply these provisions consistent with the general laws of the State of Oregon.
- (2) The City Council may, by order, designate enforcement officers to assist the City Administrator in enforcing this Chapter.
- (3) Provisions of ORS 609 shall apply when not in conflict with or superseded by this ordinance.

42.030 Severability

- (1) If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

DEFINITIONS

42.110 Definitions

In addition to those definitions contained in the Oregon Criminal Code of 2006, adopted by reference, and made a part of this chapter, the following words, or phrases, except where the context clearly indicates a different meaning, shall mean:

Hinder. Any attempt to delay, impede, or prevent action. "Hinder" means any attempt to delay, impede, or prevent action.

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Interfere. Any means to interpose in a way that hinders or impedes.

Obstruct. Any means to hinder from passage, action, or operation

PROCEDURES

42.210 Procedures

The criminal procedures applicable to the prosecution of misdemeanors and violations contained in the Oregon Revised Statutes as constituted on January 2, 2006, are adopted by reference, and made a part of this chapter, and all references therein to “district attorney” shall include the City Attorney. This shall include those provisions relating to defenses and burden of proof, general principles or criminal liability, parties, and general principles of justification.

ADOPTION OF THE OREGON CRIMINAL CODE OF 2006

42.310 Adoption of State Criminal Misdemeanor Offenses and Violations

Each and every misdemeanor and violation made an offense against the State of Oregon under the provisions in Oregon Revised Statutes Chapters 161 through 169; 419(A), (B), and (C); 471; and 475; as constituted on January 2, 2006, are adopted by reference and made a part of this chapter and designated an offense against the City of Adair Village. A person who violates any one of those provisions within the jurisdiction of the City of Adair Village is in violation of this chapter and may be charged with the offense of violating this section and reference shall be made in the charging instrument to that particular section of the Oregon Revised Statutes, as incorporated by reference, which has been violated. In the event that any other section of this chapter or any other ordinance creates a specific misdemeanor or violation offense in conflict with a misdemeanor or violation offense herein incorporated by reference, the provisions of the specific ordinance misdemeanor or ordinance violation offense shall govern.

PENALTIES, CITATIONS, AND FEES

42.910 Penalties

Any owner or person in violation of this ordinance shall be given a citation, as designated by City Council Resolution.

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CHAPTER 43 PARKING AND STANDING VEHICLES

[Enacted, Ord. 2013-01]
[Replacing, Ord. 2009-01]
[Amended, Ord. 2015-01]

TITLE, SCOPE, AND AUTHORITY

43.005 Title

This chapter may be cited as the Parking and Standing Vehicles section of the City of Adair Village City Code.

43.010 Purpose and Scope

(1) It is the purpose of this chapter to define conditions which exist that may prevent the free and easy flow of traffic and to provide a just, equitable, and practicable method to prohibit and abate these conditions within the boundaries of the City of Adair Village, Benton County, and State of Oregon.

(2) The open accumulation and apparent storage of an inoperable or discarded vehicles, trailers, and recreational vehicles 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 citizens, to create a harborage for disease vectors such as, rodents and insects, and to be injurious to the health, safety and general welfare. Therefore, the presence of vehicles, trailers, and recreational vehicles, as described in the provisions below an inoperable vehicle or 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 ordinance.

43.020 General Authority

- (1) The Chief of Police City Administrator, upon consent and direction of the City Council, is responsible for the administration, enforcement, and oversight of this Chapter of the City of Adair Village City Code, and to apply these provisions consistent with the general laws of the State of Oregon.
- (2) The City Council may designate enforcement officers to assist the Chief of Police City Administrator in enforcing this Chapter.

43.030 Severability

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- (1) If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

DEFINITIONS

43.110 Definitions

- (1) Alley. As defined herein, a street through the middle of a block.
- (2) Bus stand. A fixed area in the roadway adjacent to the curb to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.
- (3) Curb. The extreme edge of the improved portion of the roadway.
- (4) Loading zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials or freight.
- (5) Park or parking. The standing of a vehicle, whether occupied or not, except when a vehicle is temporarily standing for the purpose of and while actually engaged in loading or unloading.
- (6) Pedestrian. Any person afoot.
- (7) Person. Every natural person, firm, partnership, association, or corporation.
- (8) Skates. Includes roller skates, in-line roller skates, blades, skateboards, scooters, coasters, roller skis or any similar device that is used as a means of transportation.
- (9) Skate operation. The act of propelling skates by means other than carrying them.
- (10) Traffic lane or roadway. That portion of the roadway used for the movement of a single line of vehicles. That portion of a highway that is improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. (as per ORS 801.450)
- (11) Truck trailer. Any trailer designed and used primarily for carrying loads other than passengers whether designed as a balance trailer, pole trailer, semitrailer, or self-supporting trailer, as this term is defined in the Oregon Vehicle Code.
- (12) Emergency Vehicle. Any vehicle that is operated during the course of duty by a Police Officer, Reserve Police Officer, Code Enforcement Officer, Firefighter or Emergency Medical Technician.

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- (13) Highway. Any surface that is designed as a lane for travel for vehicles that is open to the public. Every public way, road, street, thoroughfare, and place, including bridges, viaducts, and other structures within the boundaries of this City, used, or intended for use of the general public for vehicles or vehicular traffic. (as per ORS 801.305)
- (14) Bike Lane. A lane of travel designed specifically for bicycles to travel upon.
- (15) Park or Parking. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

43.115 Emergency Vehicle Exemption.

- (1) Emergency Vehicles are hereby exempt from the rules established from this chapter when responding to an emergency.
- (2) Notwithstanding from subsection (1), when an emergency vehicle is standing at an emergency scene and is parked in a manner that may be potentially hazardous to pedestrians or other drivers, the operator of an emergency vehicle shall activate a visual warning device.

PARKING AND TRAFFIC OFFENSES

43.210 Adoption of State Laws

Parking and Traffic offenses as defined by the Oregon Vehicle Code are hereby adopted and are punishable in accordance to provisions set in the City Code.

This sub-section establishes places where stopping, standing and parking a vehicle are prohibited for purposes of the penalties under ORS 811.555 (Illegal stopping, standing or parking). Except as provided under an exemption in ORS 811.560 (Exemptions from prohibitions on stopping, standing or parking), a person is in violation of ORS 811.555 (Illegal stopping, standing, or parking) if a person parks, stops or leaves standing a vehicle in any of the following places:

- (1) Upon a roadway outside a business district or residence district, whether attended or unattended, when it is practicable to stop, park or leave the vehicle standing off the roadway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (1), (7) and (9) are applicable to this subsection.
- (2) On a shoulder, whether attended or unattended, unless a clear and unobstructed width of the roadway opposite the standing vehicle is left for the passage of other vehicles and the standing vehicle is visible from a distance of 200 feet in each direction upon the roadway or the person, at least 200 feet in each direction upon

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the roadway, warns approaching motorists of the standing vehicle by use of flaggers, flags, signs or other signals. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (9) are applicable to this subsection.

- (3) On the roadway side of a vehicle stopped or parked at the edge or curb of a highway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (7) are applicable to this subsection.
- (4) On a sidewalk. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (5) Within an intersection. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing or parking) (4) to (7) are applicable to this subsection.
- (6) On a crosswalk. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (7) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone unless a different length is indicated by signs and markings. For purposes of this subsection the safety zone must be an area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (8) Alongside or opposite a street excavation or obstruction when stopping, standing, or parking would obstruct traffic. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (9) Upon a bridge or other elevated structure upon a highway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (8) are applicable to this subsection.
- (10) On any railroad or rail fixed guide way system tracks or within seven and one-half feet of the nearest rail at a time when the parking of vehicles would conflict with operations or repair of the tracks. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.
- (11) At any place where traffic control devices prohibit stopping. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (4) to (7) are applicable to this subsection.

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- (12) In front of a public or private driveway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (13) Within 10 feet of a fire hydrant. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (14) Within 20 feet of a crosswalk at an intersection. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (15) Within 50 feet upon the approach to an official flashing signal, stop sign, yield sign or traffic control device located at the side of the roadway if the standing or parking of a vehicle will obstruct the view of any traffic control device located at the side of the roadway. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (16) Within 15 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station, within 75 feet of the entrance. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection.
- (17) At any place where traffic control devices prohibit standing. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) (2) and (4) to (7) are applicable to this subsection
- (18) Improper positioning of vehicle upon a two-way road or highway, the vehicle shall be positioned so that the right-hand wheels are parallel to and within 12 inches of the right curb or, if none, as close as possible to the right edge of the right shoulder
- (19) On a bicycle lane. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) are applicable to this subsection.
- (20) On a bicycle path. Exemptions under ORS 811.560 (Exemptions from prohibitions on stopping, standing, or parking) are applicable to this subsection. [1983 c.338 §669; 1985 c.21 §1; 1985 c.334 §1; 1989 c.433 §2; 1997 c.249 §234; 2001 c.522 §9]

43.220 Prohibited Parking

- (1) In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park a vehicle:

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- (a) In any alley exceeding 5 consecutive minutes in any one-hour period or the actual time necessary to complete the act of loading or unloading, whichever is less.
- (b) Upon any street for the purpose of:
 - (1) Displaying such vehicle for sale;
 - (2) Greasing or repairing such vehicle except repairs necessitated by an emergency;
 - (3) Displaying advertising from such vehicle;
- (c) Upon any private property in the City without the consent of the owner or person in lawful possession or control of the property in excess of 48 hours. [Such as parking in the parking lot of Santiam Christian School];
- (d) Upon any roadway except where specifically authorized by signage or order of a Police Officer; Designee of the Chief of Police, or Chief of Police;
- (e) Upon any surface that is not improved or designed specifically for vehicle parking on private property;
- (f) Upon any street where the curb is painted Yellow or Red by the City;
- (g) Upon any street or highway facing any direction other than with the flow of traffic.

- (2) The offense described in this section, Prohibited Parking, is a traffic violation

43.230 Parking Oversized Vehicles Prohibited

- (1) No oversized vehicles shall be parked on any residential streets, street, alleys, or public rights-of-way within the city limits of Adair Village for more than seven (7) days four (4) consecutive days, without a valid permit issued by the City.
- (2) For the purposes of this section, the repositioning of any such vehicle or combination thereof from one parked position on City streets, alleys, or public rights-of-way within the city limits of Adair Village within 72 hours after it is moved shall not be treated as interrupting the continuity of the time it has been parked.
- (3) "Oversized vehicle" shall mean any truck other than a pickup truck, any bus, any motor home, or any vehicle to which a camper is attached. For the purposes of this section, any combination of vehicles with an overall length of 23 or exceeding seven (7) feet in width shall be a violation.

43.235 Prohibited Trailer and Recreational Vehicle Parking

- (1) No person shall park a motor home, travel trailer, recreational vehicle, utility trailer, boat trailer, truck with camper, camper, livestock trailer, or any other

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type of trailer designed to be pulled by a vehicle, or any other type of vehicle or trailer used for recreational purpose or sleeping, upon City streets, any street, parking strips, alleys, public parks, or public right of ways within the city limits of Adair Village for more than four (4) consecutive days, without a valid permit issued by the City.

- (2) For the purposes of this section, the repositioning of any such vehicle or combination thereof from one parked position on City streets, alleys, or public rights-of-way within the city limits of Adair Village within 72 hours after it is moved shall not be treated as interrupting the continuity of the time it has been parked.
- (3) No person shall be allowed to sleep, cook, or otherwise use any of the trailers or recreational vehicles as outlined in Section 1 as a means for housing, while parked upon any street, parking strip, alley, public park, or public right of way without first receiving a permit from the City.

43.240 Commercial Vehicle Parking on Residential Streets

- (1) No person shall park a commercial vehicle, which includes Truck Trailer, semi, or full trailer, trailer designed to be towed by a truck trailer or tractor, or any part thereof upon a residential street.
- (2) Commercial Vehicle. A general definition for a commercial vehicle is a vehicle that is used to transport people or property for profit. A commercial motor vehicle is defined by the Oregon Vehicle Code as a vehicle that will be operating at a gross vehicle weight rating or combination weight over 26,000 pounds. The definition also includes vehicles designed to transport 16 or more persons and vehicles designed to transport hazardous materials regardless of weight. This definition excludes fire trucks, emergency vehicles, motor homes and recreational vehicles operated solely for personal use.
- (3) It shall be a defense to any complaint alleging violation of this Section that the purpose of such parking was to load or unload goods, materials, or equipment at premises abutting the residential street for which there is no other access.

43.250 Parking Vehicle on City Street for Vending Purposes

- (1) No person shall park or leave standing a vehicle on a City street for the purpose of advertising, selling, or offering for sale any merchandise.

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REMOVAL, ARREST, AND IMPOUNDMENT

43.310 Removal of Dangerously or Illegally Parked Vehicle

The Chief of Police, or the Chief of Police's designee City, when finding a motor vehicle parked in violation Sections 43.210-43.250 of this ordinance may cause said vehicle to be removed from the street to a place of storage and shall not release said vehicle to its owner or person in charge thereof, unless bail first is posted for the offense and the actual charges for towing, storage, and impoundment are first paid.

43.320 Lien Upon Vehicle

The City shall have a lien on all vehicles impounded under Sections 43.220-43.240 for all bail and other lawful charges against said motor vehicle and said vehicle shall not be released to its owner without prior payment of any bail or other charges against said vehicle, plus actual expenses incurred by the City in impounding and storing said vehicle.

43.330 Requirement of Complain

Notice meeting the requirements of ORS 221.340 .333 shall be sufficient to act as a complaint for violation of Sections 43.210-.237, and any such notice placed in a conspicuous place on a motor vehicle in violation of Sections 43.210-.237 shall be presumptive notice thereof to the owner and operator of such vehicle.

43.340 Arrest of Vehicle

Upon the failure of the owner or person in charge of any vehicle to post bail *prior to or at the first scheduled court proceeding concerning the cited* violation of any ordinance governing the parking of motor vehicles upon the streets or public properties within the City, the court may issue a warrant for the arrest of the motor vehicle. Any officer of this City may service the warrant by impounding the vehicle, if found within the corporate limits of this City, and he may go upon private property to so impound such vehicle. Any vehicle so impounded shall not be released to its owner without payment of all bail or other charges against said vehicle, plus actual expenses incurred by the City in impounding and storing said vehicle.

43.350 Notice of Impoundment

After any motor vehicle has been impounded as hereinbefore provided, the Chief of Police, City Administrator, or the Chief's his/her designee, shall, within three days of such impoundment, cause a registered letter to be sent, return receipt requested, to the registered owner and legal owner, if any, of the motor vehicle, as provided in ORS 483.384 (2).

43.360 Immobilizing Vehicle

As an alternative to impoundment of a vehicle as provided by Section 43.255, any officer of this City may upon finding such vehicle within the corporate limits of this City, temporarily immobilize the same by installing on or attaching to such vehicle, a device designed to restrict

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the normal movement of such vehicle. If such vehicle is so immobilized, the officer so installing or attaching such device shall conspicuously affix to such vehicle a notice in writing on a form provided advising the owner, driver, or person in charge of such vehicle the such vehicle has been immobilized by the City of Adair Village for violation of Sections 43.210-.237 and that release of such immobilization may be obtained at a designated place, that unless arrangements are made for release of such vehicle before 10:00 AM of the following day, the vehicle will be removed from the street at the direction of the Chief of Police, City Administrator, or his/her designee, of the City, and that removing or attempting to remove the device before a release is obtained is unlawful and containing such further information as the City shall deem necessary.

43.362 Impounding Immobilized Vehicle

Any vehicle immobilized under provisions of Section 43. 265 360, which is not lawfully released from immobilization by 10:00 AM of the following day shall be impounded and placed in storage.

43.364 Removal of Immobilization Device

Any person who attempts without proper authority to remove any device installed or attached to a motor vehicle under Section 43.265 360 before a release is obtained or who attempts to move such vehicle without first obtaining a release may be punished by a fine of not more than \$500 or imprisonment not more than 100 days, or both.

43.366 Taking of Impounded Vehicle

Any person who attempts to take or drive away any motor vehicle impounded and stored by the City in any place, public or private, may be punished by a fine of not more than \$500 or imprisonment not more than 100 days, or both.

43.370 Removing Notice of Violation

Any person other than the owner or person lawfully in possession of such motor vehicle who shall removes a written notice of violations of Sections 43.110 210-.250 from the place where posted upon such vehicle, or who shall destroys or obstructs such notice shall may be punished by a fine of not more than \$500 or imprisonment not more than 100 days, or both.

43.380 Violations - Forfeitures

Violations of Sections 43.110-.275 .210 to 43.250 may be punishable by a fine in an amount set by resolution of the City Council. Such fine shall be recoverable from the owner, or person in possession of the vehicle, or from said vehicle in the nature of an in rem proceeding. The Municipal Court of the City shall have authority to levy such penalty against such a vehicle in an in rem proceeding.

**CITY OF ADAIR VILLAGE
CITY CODE**

PENALTIES

43.990 Penalties

Bail schedules will be established by the City Council of Adair Village by resolution.