

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF AMENDING CHAPTER 401, )  
NUISANCE CONTROL, OF THE KLAMATH ) ORDINANCE NO. 36.04  
COUNTY CODE )  
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**WHEREAS,** the Klamath County Natural Resource Manager has requested that the Board of County Commissioners amend the Klamath County Code to allow issuance of civil violation citations for discharge of water onto public roads outside of an incorporated city; and

**WHEREAS,** the Klamath County Board of Commissioners have held two public hearings and have determined that it is in the best interest of Klamath County to amend the Nuisance Control ordinance to allow the issuance of civil violation citations for discharge of water onto public roads outside of an incorporated city;

**NOW, THEREFORE,** the Klamath County Board of Commissioners ordains that Chapter 401, Nuisance Control, of the Klamath County Code is amended to read as follows<sup>1</sup>:

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**CHAPTER 401  
NUISANCE CONTROL**

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- Ordinance No. 36.02 - 09/12/85
- Ordinance No. 15.04 - 02/12/92
- Ordinance No. 15.06 - 05/18/94
- Ordinance No. 15.07 - 05/01/96
- Ordinance No. 15.10 - 11/28/2000
- Ordinance No. 36.03 - 10/05/2004

**CHAPTER 401**  
**NUISANCE CONTROL**

**401.005 Definitions.** As used in this Chapter, unless the context requires otherwise, the following terms are defined as follows:

(1) "Abandoned Vehicle" means any vehicle, as defined in this section, which reasonably appears to be in one or more of the following conditions: Inoperable, wrecked, discarded, unoccupied and unclaimed; or totally or partially dismantled upon the roads, streets, alleys, and/or unincorporated areas of Klamath County, Oregon.

(2) "Authorized Officer" means, unless the context requires otherwise, the Director of the Klamath County Community Development Department; the County Health Officer/Public Health Administrator of Klamath County, Oregon; Klamath County Public Works Director; the Solid Waste Director of Klamath County, Oregon; Weed Control Supervisor of Klamath County, Oregon; Klamath County Counsel; and any duly licensed law enforcement officer.

(3) "Chief Administrative Officer" means the Klamath County Director of the Community Development Department or his designee.

(4) "County Health Officer" means the individual responsible for the delivery of public health services in Klamath County, Oregon, his Sanitarian Supervisor or other designee.

(5) "Dangerous Building" means any building or structure, including any portion thereof of any dwelling unit, guest room or suite of rooms where conditions exist to the extent that life, limb, health, property safety or welfare of the public or the occupants shall be endangered; specifically:

(a) Any building or structure which has any of the conditions or defects listed in Section 302, Uniform Code for the Abatement of Dangerous Buildings, as adopted by the International Conference of Building Officials, Library of Congress Number 81-86616, copyrighted 1982 and any amendments thereto.

(b) Any building or structure which has any of the conditions or defects listed in Section 1001, Uniform Housing Code, as adopted by I.C.B.U., Library of Congress Number 81-86609, copyrighted 1982 and any amendments thereto.

(c) Any building or structure which has any of the conditions or defects listed in the Uniform Fire Code, as adopted by I.C.B.U., Library of Congress Number 81-86619, copyrighted 1982.

(6) "Inoperable Vehicle" means a vehicle designated for use on the highway which has been left on public or private property 10 days or more and is not currently licensed or has been

extensively damaged, vandalized or stripped, including, but not limited to missing tires, wheels, motor or transmission.

(7) "Garbage" means all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of food.

(8) "Hazardous Waste" means the waste that may, by itself or in combination with other wastes, be infectious, explosive, poisonous, caustic, toxic or otherwise dangerous to human, animal or plant life or which are defined as hazardous under O.R.S. 466.005.

(9) "Intersection" means the area embraced within the prolongation or connection of the lateral right-of-way lines of two or more streets or roads which join one another at an angle, whether or not one street or road crosses the other.

(10) "Liquid Waste" means waste oil, septic tank pumping or effluent, liquid industrial wastes or other similar material.

(11) "Noxious Weed" means any weed designated as noxious by the State of Oregon or the Board of County Commissioners.

(12) "Non-authorized Land Use" means any use of real property or improvements which use is expressly prohibited pursuant to the Klamath County Land Use Ordinance or Zoning Ordinance then in effect, or any use of land which fails to conform to conditions established by the governing body on Conditional Use Permits, variances, temporary permits or zone changes. Non-authorized land use does not include lawfully existing non-conforming uses.

(13) "Nuisance", where not otherwise specifically enumerated or described, means anything that works or causes injury, damage, hurt, inconvenience, annoyance, or discomfort to another and the legitimate enjoyment of a person's reasonable rights of person or property, or capable of causing an unreasonable threat to the public health, safety, and welfare under the circumstances.

(14) "Nuisance Abatement Fund" is a dedicated fund, subject to yearly budget proceedings, authorized and funded by the County for the abatement of court decreed nuisances within the Urban Growth Boundary.

(15) "Owner" means any person, as defined in this section, having a legal interest in the real or personal property.

(16) "Parking" means 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.

(17) "Person" means any natural person, association, trust, partnership, firm or corporation.

(18) "Person in Charge of Property" means an agent, occupant, lessee, contract purchaser or person other than the owner, having possession or control of property or the rights thereto.

(19) "Rodent" means mouse, rat or other animals commonly known as rodents, including, but not limited to, gophers, moles, shrews, and squirrels.

(20) "Refuse" means all solid wastes except body wastes and shall include garbage, ashes, and rubbish.

(21) "Rubbish" means glass, metal, paper, wood, plastics, or other nonputrescible solid waste.

(22) "Sewage Sludge" means residual waste or sewage treatment plants, consisting of digested organic waste and undigestible solids.

(23) "Sidewalk" means that portion of a public right-of-way, other than the roadway, set apart by curbs, barriers, marking or other delineation for pedestrian travel.

(24) "Solid Waste" means all putrescible and non-putrescible wastes, whether in solid or liquid form (except wastes produced by the human body, liquid-carried industrial waste or sewage, or sewage hauled as an incidental part of septic tank or cesspool cleaning service) and includes garbage, rubbish, refuse, ashes, fill material, sewage sludge, street refuse, industrial wastes, swill, demolition and used construction materials, abandoned vehicles, or parts thereof, discarded home or industrial appliances, vegetable or animal wastes not associated with agricultural or garden activities and semi-solid waste, dead animals and other discarded solid materials.

(25) "Urban Growth Boundary" means the boundary for Urban Growth acknowledged by the Oregon State Land Conservation and Development Commission surrounding the City of Klamath Falls.

(26) "Vector" means any insect organism, including but not limited to flies, fleas, lice, ticks, fly maggots and mosquito larvae, rodent or other animal capable of bearing or carrying disease transmittable to human beings.

(27) "Vehicle" means any self-propelled device which is designed or used for transporting people, goods, or property upon a public street or roadway, including, but not limited to a body, engine, transmission, frame or other major parts, but does not include a device propelled by human power, such as a bicycle, or a device operated exclusively upon fixed rails or tracks. "Vehicle" shall not include devices primarily designed for use in agricultural operations.

**401.010 Policy.** The Klamath County Board of Commissioners has determined it necessary to establish and maintain a program for the effective control and abatement of nuisances which constitute a hazard or menace to the health, safety, and welfare of the people of Klamath County, and this Chapter shall be liberally construed to effectuate this purpose.

**401.020 Specific Nuisances.**

(1) It shall be unlawful for any person to maintain or allow to exist the following things, practices, or conditions on any property, or within public road rights-of-way adjacent thereto, which are hereby declared to be nuisances:

(a) Any small animal carcass not buried, destroyed or removed by an approved method within twenty-four (24) hours after death. A large animal carcass not buried, destroyed or removed by an approved method within three (3) business days after death. An approved method under this Section shall mean a method approved by the State of Oregon Health Department or Agricultural Department.

(b) Accumulation, collection or storage of solid waste, hazardous waste, garbage, sewage sludge, or liquid waste, without prior approval of the County Health Officer/Public Health Administrator, or Solid Waste Department, unless the person is licensed by lawful authority to operate a business specifically for those purposes, franchised or has been issued a permit by lawful authority, and storage or accumulation occurs on such property which allows such use as a permitted use under the Klamath County Zoning and Land Use Ordinances.

(c) A well, septic system or cesspool that has not been safely or securely sealed or properly constructed and maintained, which may cause or have caused an injury to any person or contamination of potable water supply.

(d) An abandoned, discarded or unattended icebox, refrigerator, or other container with a compartment of more than one and one-half cubic feet capacity, and a door or lid which locks or fastens automatically when closed, and which cannot be easily opened from the inside.

(e) Any property, whether vacant or improved, building, residence, structure, or accumulation of any materials, which is infested or provides harborage for vector or rodents.

(f) Uncontrolled or uncultivated growth of weeds, brush, vine, or grasses, over eight inches (8") high which offer vector or rodent harborage, which constitute a fire hazard, or which unreasonably interfere with the use and enjoyment of public and private property within 500 feet of the external property lines on which the vegetation or growth is located.

(g) An open pit, well, quarry, cistern, excavation or other hole of depth of four feet or more and a top width of twelve (12) inches or more without reasonable safeguards or barriers to prevent such places from being accessible to children.

(h) Dead or decaying trees and tree limbs that present a safety hazard to the public or to abutting property owners.

(i) Any abandoned or inoperable vehicle upon private property, unless the owner of the property is lawfully authorized to operate a business specifically for the purpose of storage of discarded vehicles.

(j) Signs, hedges, shrubbery, fences, walls, natural growth or other obstructions at or near intersections which hinder the view necessary for the safe operation of vehicles.

(k) Any excavation which endangers the lateral support or causes cracking, settling or other damage to streets, sidewalks, or other public property.

(l) Obstruction to public sidewalks or roadways by trees, bushes, roots, other natural growth, soil, solid waste, or snow removed from adjoining properties.

(m) Any accumulation of discarded tire casings which is not demonstrably a part of short term storage for commercial tire recapping or tire retail business or authorized land fill. Short term storage shall not exceed a period of ninety (90) days.

(n) Any dangerous building or structure as defined in KCC 401.005 (5), which from any cause endangers the life, limb, health, property, safety or welfare of the general public, their uses or occupants, which to correct said nuisance may require its repair, vacation or demolition.

(o) The burning of refuse, liquid waste, solid waste, or waste which emits an obnoxious odor and for which a fire permit has not been issued.

(p) Any noxious weeds or plants as determined by the Klamath County Board of Commissioners which are being permitted to grow and produce bloom or seed.

(q) The parking of trucks with 3 or more axles and a gross vehicle weight rating of 40,000 pounds or more on any County or public road right-of-way within the Urban Growth Boundary.

(r) The parking of trailers with 2 or more axles and a gross vehicle weight rating of 40,000 pounds or more on any County or public road right-of-way within the Urban Growth Boundary.

(s) The obstruction of public ways, i.e. streets, sidewalks, alleys, etc. with vehicles, personal property, snow, blockades, or any other material creating a public nuisance.

**(t) Except as authorized by the appropriate governing body, the overflow, seepage or discharge of water from adjacent land onto a public road outside of an incorporated city, including but not limited to water that is passing over**



the land, diverted from the land by an obstruction on the land or discharged from an irrigation sprinkler or other device.

(2) Uniform civil violation citations, in accordance with KCC Chapter 800, for violations of Section 401.020(t), shall be issued by the Klamath County Natural Resource Manager, Klamath County Vegetative Manager, or other Klamath County Public Works employees as delegated by the Director of Public Works and appointed by the Klamath County Board of Commissioners Resolution or Order.

(3) The declaration of the above nuisances shall not be construed to limit the power of the Chief Administrative Officer or his authorized representative to investigate any other thing, practice or condition appearing to be a nuisance which is a danger to public health and safety and to declare the same practice, thing or condition a nuisance when the facts appear that a thing, practice or condition exists which is the cause or a threat to public health and safety. Such nuisance shall become subject to the provisions of this Chapter upon the said declaration of the Chief Administrative Officer.

(4) Notwithstanding section 1(i) herein, an owner of property upon which any inoperable vehicle is kept may file an application for storage of a vehicle. Such application shall describe the vehicle, location, value, when the vehicle will be operable and any other information deemed relevant by the Chief Administrative Officer. The filing of such application shall be on a form prescribed by the Chief Administrative Officer. Upon the filing of such application, the owner shall have six (6) months within which to cause the vehicle to be operational. If it is not made operational, it shall be removed or placed in an enclosed garage. No more than two applications may be filed for one piece of property.

#### **401.100 Administration and Enforcement.**

(1) The Chief Administrative Officer, or in the matter of noxious weed control, the Weed Control Supervisor, under this Chapter shall be responsible for the administration and enforcement of this Chapter.

(2) The Chief Administrative Officer, Hearings Officer, or any authorized officer shall have the authority to administer oaths; certify to all official acts; subpoena; require the attendance of witnesses at public hearings before the Hearings Officer or Board of County Commissioners; require production of relevant documents at public hearings; and take the testimony of any person by depositions.

(3) The Board of County Commissioners hereby establishes two non-mutually exclusive methods for enforcement of this Chapter.