

BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY, OREGON

Ord
BK

IN THE MATTER OF AMENDING)
KLAMATH COUNTY CODE CHAPTER 401) ORDINANCE NO. 15.07
_____)

WHEREAS, the Board of County Commissioners desires to pursue nuisance abatement more aggressively within the Urban Growth Boundary; and

WHEREAS, the Board of County Commissioners desires to exercise more control over parked vehicles; and

WHEREAS, the Board of County Commissioners desires control over the obstruction of public right-of-ways;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS HEREBY ORDAINS:

The following sections of the current Klamath County Code Chapter 401 be amended as follows:

CHAPTER 401
NUISANCE CONTROL

GENERALLY

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

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(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.

[Following definitions will be renumbered accordingly.]

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(16) "Parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and

¹ Portions deleted from the old Code are placed in brackets and lined out and portions to be added are boldface and underlined.

while actually engaged in loading or unloading property or passengers.

[Following definitions will be renumbered accordingly.]

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(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.

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401.020 [~~Nuisance Defined~~] 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:

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(f) Uncontrolled or uncultivated growth of weeds, brush, vines, 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.

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

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(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 prohibiting immediate free travel.

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401.200 Civil Action to Abate Nuisance.

~~[(1) If an owner fails to abate a nuisance as required under this Ordinance within thirty (30) days after the expiration of the time period set forth in the notice of violation, the Chief Administrative Officer may cause abatement of the nuisance by civil action. Said action shall be to seek a declaration of the nuisance and a decree to abate. After judgment, should it reasonably appear that the items constituting the nuisance can be removed and sold and that the costs of such removal are less than the reasonable value of the property, the Chief Administrative Officer shall direct removal and storage. In all other cases the nuisance shall be abated in the least costly manner. Accurate record of the abatement costs shall be kept and shall include a surcharge of 25% of the cost of the abatement for administrative overhead. A billing for the amount of said costs shall be forwarded by certified or registered mail, return receipt requested, to the owner and/or person in charge of the property by the Klamath County Building Department within thirty (30) days from the date of the billing. Should payment not be received within thirty (30) days, the Board of County Commissioners may order the filing of a lien against the real or personal property.]~~


(1) If an owner fails to abate a nuisance within ten (10) days after the expiration of the time period set out in the Notice of Violation, the Chief Administrative Officer may cause abatement of the nuisance by civil action. This action will be filed to seek judgment in favor of the County and a Decree to Abate. After the Judgment and Decree of Abatement is issued by the court providing for abatement by the County, the Chief Administrative Officer is authorized to abate the decreed nuisance by soliciting three (3) bids from licensed contractors and awarding the abatement project to the low bidder. If, in the opinion of the Chief Administrative Officer, abatement cost will not exceed \$500.00, the bid process is not required. If the decreed nuisance is within the Urban Growth Boundary, the Nuisance Abatement Fund shall be utilized. A 25% surcharge will be added to the actual cost of abatement for administrative costs and an invoice mailed via certified mail to the person responsible. Should payment not be received for abatement costs within thirty (30) days, the Board of County Commissioners shall order the filing of a lien against the real or personal property.

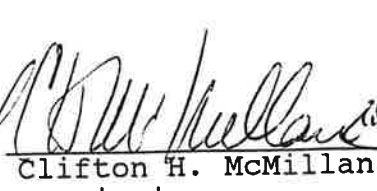
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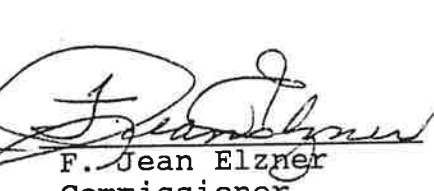
TIRE STORAGE

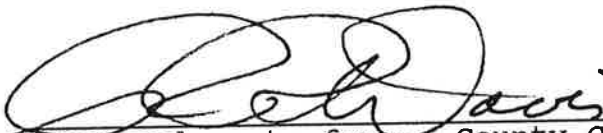
401.400 Tire Definitions.

DONE and dated this 1st day of May, 1996.


David Henzel
Chairman


Clifton H. McMillan
Commissioner


F. Jean Elzner
Commissioner


Approved as to form - County Counsel