

## **Ordinance No. 270**

### **AN ORDINANCE AMENDING CHAPTER 91 OF THE DUNES CITY CODE OF ORDINANCES REGARDING NUISANCES; REPEALING ORDINANCE NO. 252; AND OTHER MATTERS RELATING THERETO.**

**WHEREAS**, on December 15, 1986, the City Council of Dunes City adopted Ordinance No. 108, which established Chapter 91 within the Dunes City Code of Ordinances entitled “Nuisances” and;

**WHEREAS**, on May 12, 2005, the City Council of Dunes City adopted Ordinance No. 176, amending Ordinance No. 108 in various ways; and

**WHEREAS**, on May 8, 2019, the City Council of Dunes City adopted Ordinance No. 252, amending Ordinances 220 and 251 in various ways; and

**WHEREAS**, the City Council of Dunes City adopted Ordinance No. 219, entitled “Code Enforcement” which, among other things, establishes an abatement process to be used by the City under Chapter 36 of Dunes City Code; and

**WHEREAS**, the City Council of Dunes City wishes to amend its nuisance provisions to make them less restrictive on Dunes City residents and easier to administer;

### **NOW, THEREFORE, THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:**

**Section 1.** Chapter 91 of the Dunes City Code is hereby amended to read as follows:

#### **TITLE IX – GENERAL PROVISIONS**

#### **CHAPTER 91 – NUISANCES**

##### **Section**

**§ 91.01 Purpose and Process**

**§ 91.02 Definitions**

**§ 91.03 Nuisances Declared**

**§ 91.04 Animals**

**§ 91.05 Nuisances Affecting Public Health & Safety**

**§ 91.06 Vegetation and Vision Obstructions**

**§ 91.07 Fences**

**§ 91.08 Buildings and Structures**

**§ 91.09 Dangerous Excavations**

**§ 91.10 Nuisances Affecting the Public Peace**

## § 91.11 Chronic Nuisance Property

## § 91.12 Code Enforcement

### §91.01 Purpose and Process

The purpose of this chapter is to protect the public health and safety and to improve the aesthetics of the City by eliminating health and safety hazards and prohibiting or restricting conditions and actions that adversely impact the beauty and livability of the City. The nuisance process described in this Chapter is intended to abate ongoing conditions, which is to lessen, reduce, or remove such conditions. But some nuisances may be of short duration, and the civil infraction process may be used to impose sanctions on those responsible for the nuisance, whether or not the nuisance abatement process is also used.

### § 91.02 Definitions

- A. Fence means a barrier intended to prevent escape or intrusion or to mark a boundary. A fence may consist of wood, metal, masonry, plastic, or similar materials, or a hedge or other planting arranged to form a visual or physical barrier.
- B. Inoperable Vehicle means any vehicle which has no current valid state vehicle registration, or which cannot be moved without being repaired or dismantled, or which is no longer usable for the purposes for which it was manufactured.
- C. Person Responsible means the person responsible for abating a nuisance includes the owner, the person in charge of property as defined in this section, and the person who caused a nuisance, as defined in this Chapter or another ordinance of the City, to come into or continue in existence.
- D. Public Place means a building, place, or accommodation, whether publicly or privately owned, open and available to the general public.
- E. Screened and Fenced means surrounded by a fence to prevent unauthorized entry into an area and effectively screened from view from public rights-of-way and adjacent properties.
- F. Street means the area within the right-of-way improved for vehicular travel, including bike lanes and motor vehicle travel lanes.
- G. Vermin means wild or feral animals normally considered to be pests such as rats, mice, raccoons, and possums.

### § 91.03 Nuisances Declared

The following actions or omissions are declared to be nuisances.

- A. The acts, conditions, or objects specifically enumerated in this Chapter or designated a nuisance by City code or ordinance.
- B. Violations of the zoning ordinance and any failure to comply with a condition of a land use approval.

- C. Violation of any ordinance imposing health, safety, or sanitary standards for housing.
- D. Real property where chronic unlawful activities occur, or where those chronic unlawful activities result from the use of the real property.

#### **§ 91.04 Animals**

- A. No person may permit an animal or bird owned or controlled by the person to be at large if the animal or bird is known to be afflicted with a communicable disease or is a dangerous animal.
- B. No person may permit livestock or poultry to run at large within the City nor permit any barn, stable, chicken coop or other similar structure to cause an odor noticeable at the property line of the property.
- C. No person may permit any fowl or animal carcass owned by him or under his control to remain upon the public streets or places, or to be exposed on private property, for a period of time longer than is reasonably necessary to remove or dispose of such carcass.
- D. No person shall scatter or deposit any food or other attractants on public or private property with the intent of attracting and/or feeding wild animals. This subsection does not apply to birdseed held in receptacles that are reasonably designed to avoid access by wild animals.

#### **§ 91.05 Nuisances Affecting Public Health and Safety**

No person may permit or cause a nuisance affecting public health or safety.  
Nuisances affecting public health or safety include, but are not limited to:

- A. Privies and Improperly Functioning Septic System.  
An open vault or privy, cesspool, or improperly maintained septic tank that causes odor or improper disposal of wastes. Portable privies placed on a temporary basis in connection with construction projects or temporary events in accordance with the State Board of Health regulations are not nuisances, and portable privies placed with City approval are not nuisances.
- B. Debris
  - 1. Accumulations of debris, rubbish, manure, junk, and other refuse located on private property or right-of-way that is not removed within a reasonable time. A reasonable time for materials that can be disposed of through normal solid waste collection is one week. A reasonable time for other materials is 30 days.
  - 2. Unprotected garbage or refuse. Garbage or refuse stored or allowed to remain outdoors other than in receptacle that provides protection from weather and animals, including garbage or refuse that overflow from trashcans or dumpsters. A trashcan or dumpster will be considered to be overflowing if the lid cannot be fully closed because due to the accumulation of garbage. For purpose of this section, construction waste is not considered garbage or refuse.

- C. Junk Machinery, Junk Vehicles, and Inoperable Vehicles.  
More than one piece of Junk machinery, junk vehicle, and/or inoperable vehicle that are not removed within 30 days. Junk machinery, junk vehicles, and inoperable vehicles within an enclosed building and those that are screened and fenced on the premises are exempt from this section.
- D. Stagnant Water.  
Stagnant water which affords a breeding place or drinking source for mosquitoes, insects, and other insect pests on private property.
- E. Water Pollution.  
Pollution of a body of water, surface water, groundwater, well, spring, stream or drainage ditch by sewage, industrial wastes or other hazardous substances placed in or near such water without necessary permits in a manner that will cause harmful material to pollute the water.
- F. Odor.  
Premises that are not properly maintained so that they are in a state or condition that causes an offensive odor.
- G. Smoke, Fumes, Cinders, and Dust.  
Dense smoke, noxious fumes, gas, soot, cinders, or dust in unreasonable quantities and not associated with cooking. Reasonableness shall take into account the purpose of the action resulting in the smoke, fumes, soot or cinders and the availability of alternatives.
- H. Properties Declared "Unfit for Use."  
Property placed on the Oregon Health Division "unfit for use list" because it has been used for the manufacture of illegal drugs and that has not been issued a "Certificate of Fitness" by the Oregon Health Division.
- I. Unsafe Buildings.  
No person shall permit a building owned by the person to be in an unsafe condition, as defined in the building code of the State.
- J. Appliances and Containers.  
No person may leave an abandoned, unattended or discarded appliance or similar container which has a door with a snap lock or lock or other mechanism which may not be released for opening from the inside, without first removing the lock or door.
- K. Littering.
1. Discarding or depositing any rubbish, trash, garbage, debris, litter or other refuse upon the land of another without permission of the owner, or upon any right-of-way, park, or other public property, other than in a receptacle intended for refuse collection, and then only if the receptacle is intended for public use or with the permission of the person in charge of the receptacle.
  2. Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank, or other contaminated source, upon the land of another without permission of the owner, or upon any public way.
  3. Discarding any lighted tobacco product, matches, or other lighted material.

## **§91.06 Vegetation and Vision Obstructions**

The following things, practices, or conditions on any property are nuisances

- A. Grass, thistles, cockleburrs, weeds, or scotch broom greater than eight inches in height or taller are a fire hazard. The City shall have discretion to not enforce this section based on the totality of circumstances, including the type and location of the property, whether the property is appropriately left in a natural state, whether the property has even been cleared without appropriate measure to prevent invasive plant species, and other similar factors.
- B. Dead, decaying, or unsafe trees or tree limbs that present a safety hazard to the public or adjacent property.

## **§91.07 Fences**

- A. No person may construct or maintain a barbed-wire fence or allow barbed wire to remain as a part of a fence along a public way. Fences that include barbed wire above a level at least six feet above ground level and placed and maintained by a governmental entity for the purpose of public safety or security are exempt from this section.
- B. No person may install, maintain, or operate an electric fence along a street, or along the adjoining property line of another person.
- C. Improperly maintained fences are nuisances. A fence is improperly maintained if components are missing or loose, or the fence is sagging, leaning or otherwise not in good repair.

## **§ 91.08 Buildings and Structures**

- A. An improperly maintained building or structure is a nuisance. An improperly maintained building is one that is in an obviously dilapidated state, such as a building or structure that has:
  - 1. A substantial amount of missing siding, roofing or other component. A building with a temporary covering such as a tarp or plywood for more than 30 days is considered to have missing siding or roofing.
  - 2. Has missing windows, doors, or screens that are not properly attached or that do not properly close.
- B. The purpose of the outdoor lighting standards are intended to produce efficient, effective, attractive outdoor lighting that is appropriate to the need and prevents glare. The standards are designed to:
  - 1. Provide for nighttime safety, utility, security and productivity while conserving energy and other resources.
  - 2. Minimize glare, light trespass and light pollution.

3. Curtail the degradation of the nighttime environment to enhance citizens' enjoyment and protect the natural cycles of plants and animals that require darkness at night in order to thrive.
4. *Applicability of Outdoor Lighting Standards.* The installation of outdoor lighting fixtures shall be subject to these lighting standards.
5. *Shielding.* All lighting fixtures shall be "cutoff" and additional shielding shall be required, as necessary, to direct the light within the boundaries of the development site. Fixtures for exterior illumination of signs, including signs attached to a building, shall be top-mounted as well as shielded to aim the light downward on the sign only.
6. *Prohibited Types of Lights.* Decorative lasers, continuously flashing lights and searchlights are prohibited. Dunes City is an Intrinsically Dark Area and Low Ambient Light Area, high pressure sodium lights, mercury vapor lights, and flood lights are prohibited, except when used to illuminate walkways and bike paths in compliance with applicable standards.
7. *Exemptions to Lighting Standards.* The following lighting fixtures are exempt from meeting these lighting standards:
  - a. Lighting on Public Streets owned and operated by Lincoln PUD.
  - b. A lighting fixture that does not exceed 1,500 lumens when the light is directed within the boundaries of the development site.
  - c. Emergency lighting.
  - d. Lighting fixtures that must conform with federal or state regulations, such as airport runway lights, TV and radio transmission towers, telecommunication towers and railroad lights.
  - e. Holiday lights and decorations in place shall not cause excessive glare.
  - f. Temporary lighting installed for permitted temporary activities.
  - g. Lighting for governmental flags.
  - h. Temporary lighting necessary for construction sites.

Low Ambient Light Areas shall consist of land zoned R-1 Residential, C-C Community Commercial, or Open Space, unless determined to have a high level of nighttime activity and any other zone not specifically listed. These areas are discouraged from providing lighting except where it is desirable to illuminate walkways, bike paths, parking lots or other areas to be used after dark. Where lighting is to be provided for all areas except parking lots, the following standards shall apply:

1. Walkways or pathways shall be illuminated to a minimum average maintained luminance of .3 foot-candle and not to exceed a maximum average-maintained luminance of .9 foot-candle.
2. Any other lighting fixtures not illuminating walkways, bike paths, or parking lots shall be designed to direct light downward, and light sources shall have an initial output of no more than 1,500 lumens.
3. *Parking Lot Lighting.* Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and not to cause glare or direct illumination onto adjacent properties or streets. Parking lot lighting shall comply with the following standards:

- a. All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA) and as defined in this land use code.
- b. Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas suggested elsewhere in this section.
- c. Light fixtures shall include cut-off fixtures, and shall be located, mounted, aimed, and
- d. To the extent practicable, lighting fixtures shall be directed downward (i.e. below the horizontal) rather than upward.

#### **§91.09 Dangerous Excavations**

No owner or person in charge of property shall allow an excavation with a depth of four (4) feet or more and a top width of twelve (12) inches or more to be unguarded in the absence of suitable barriers, with warning lights or area lighting to be provided during hours of darkness.

#### **§ 91.10 Nuisances Affecting The Public Peace.**

No person shall produce or permit to be produced, with a sound producing device, sound which:

- 1. When measured at the boundary of the adjacent property, the source of the sound exceeds:
  - a. 50 dBA between the hours of 10 p.m. and 7 a.m.
  - b. 80 dBA between the hours of 7 a.m. and 10 p.m.
  - c. 90 dBA between the hours of 7 a.m. and 6 p.m. for construction, and landscaping companies.
  - d. Except during storm cleanup, power outages, disaster response or any other emergency response.

#### **§ 91.11 Chronic Nuisance Property**

Any real property within the City that becomes a chronic nuisance property is in violation of the Chapter and subject to remedies.

A. Chronic nuisance property means:

- 1. Property upon which the owner or person in charge of property permits three or more separate incidents listed below to occur within any 30-day period, or five or more separate incidents listed below within any 90-day period, at least one of which separate incidents must have resulted in a fine;
- 2. Property, the use of which has a causal relation to three or more separate incidents listed below occurring within any 30-day period, or five or more

separate incidents listed below within any 90-day period, at least one of which separate incidents must have resulted in a fine, and all of which occurred within 100 feet of the boundary line of the subject property; or

3. Any combination of separate incidents as specified in Subsection (A)(1) or (A)(2) above which amounts to three or more separate incidents listed below occurring within any 30-day period, or five or more separate incidents listed below within any 90-day period, at least one of which separate incidents must have resulted in a fine.

#### **§ 91.12 Code Enforcement**

**See Code Enforcement Chapter 36 of Dunes City Code.**



The first reading of this Ordinance was conducted in a regular meeting of the City Council of Dunes City, Oregon, on the 4<sup>th</sup> day of June, 2025.

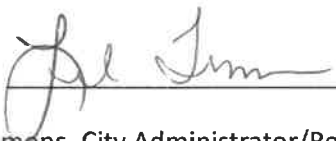
The second reading of this Ordinance was conducted in a regular meeting and adopted by the City Council of Dunes City, Oregon on this 4<sup>th</sup> day of June, 2025.

Ayes: 6 Nays: 0 Abstain: 0 Absent: 0 Vacant: 0

ADOPTED BY THE DUNES CITY COUNCIL THIS 4<sup>th</sup> DAY OF June, 2025.



Ed McGuire, Mayor

ATTEST: 

Lila Timmons, City Administrator/Recorder