

NUISANCES

GENERAL

5.600 DEFINITIONS

For purposes of [Sections 5.600 to 5.692](#), the following words and phrases shall mean:

Animal. Any mammal, reptile, amphibian or insect.

Exotic. Foreign to the continental U.S., whether wild or domesticated.

Graffiti. Any unauthorized markings of paint, ink, chalk, dye, or other similar substances, and/or the unauthorized etching or scratching of property and the structures appurtenant thereto, including but not limited to, buildings, structures, fences, walls, and poles, where the markings are visible from premises open to the public such as the public right of way, sidewalks, or other publicly owned property.

Junk. Includes all old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste; or junked, dismantled, wrecked, scrapped or ruined motor vehicles or motor vehicles parts; iron, steel or other old scrap ferrous or nonferrous material; metal or nonmetal materials.

Nuisance. Where not otherwise specifically enumerated or described, "nuisance" shall mean anything that works or causes injury, damage, hurt, inconvenience, annoyance or discomfort to another in the legitimate enjoyment of his/her reasonable rights of person or property.

Officer. Any City employee charged with enforcement of [Sections 5.610 to 5.692](#) by the City Manager.

Permit. To suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

Person in Charge. An agent, occupant, lessee, contract purchaser or other person having possession or control of property or the supervision of any construction project.

Person Responsible. The person responsible for abating a nuisance shall include:

- (1) The owner;
- (2) The person in charge of property, as defined in this Section; and/or
- (3) The person who caused to come into or continue in existence a nuisance as defined in this Code or any Ordinance of the City.

Property. Any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to, any business or residential premises, room, house, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For property consisting of more than one unit, property is limited to the unit or the portion of the property on which any nuisance abatement has occurred or is occurring, but includes areas of the property used in common by all units of property including without limitation other structures erected on the property and areas used for parking, loading and landscaping.

Public Place. A building, way, place or accommodation, whether publicly or privately owned, open and available to the general public.

Sewage. Human excreta as well as kitchen, bath and laundry wastes.

Wild animal. A species of animal not usually domesticated, regardless of comparative docility or familiarity of the individual animal with man; a species which is *ferae naturae*.

[Amended by Ordinance 6522, enacted Dec. 17, 1986; Amended by Ordinance No. 94-31, enacted Oct. 5, 1994; Amended by Ordinance No. 09-02, enacted March 2, 2009.]

NUISANCES AFFECTING PUBLIC HEALTH

5.610 NUISANCES AFFECTING PUBLIC HEALTH

No person shall cause or permit on property owned or controlled by him/her a nuisance affecting public health. The following are nuisances affecting public health and may be abated as provided in [Sections 5.664 to 5.676](#).

- (1) Privies. Open vaults or privies constructed and maintained within the City, except those constructed or maintained in connection with construction projects in accordance with the regulations of the Department of Environmental Quality.
- (2) Debris. Accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time and that affect the health of the City.
- (3) Stagnant Water. Stagnant water which affords a breeding place for mosquitoes and other insect pests.
- (4) Odor. Premises which are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition.
- (5) Surface Drainage. Surface drainage of sewage of geothermal fluids, when authorized by the Public Works Department, from private premises.
- (6) Human Waste. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property, any human feces or urine.

[Amended by Ordinance No. 6522, enacted Dec. 17, 1986; Amended by Ordinance No. 13-05, enacted August 19, 2013.]

5.612 CARCASSES

No person shall permit an animal carcass owned or controlled by him to remain upon public property, or to be exposed on private property, for a period of time longer than is reasonably necessary to remove or dispose of the carcass.

5.614 SLAUGHTERING ANIMALS

- (1) No person shall slaughter or butcher any animal except when done in a completely enclosed structure and when authorized by the City Zoning Ordinance.
- (2) Any person who slaughters or butchers any animal pursuant to the exception set forth above, shall immediately dispose of the

remains of such animal in a manner which will neither create offensive odors, be visible to the public, nor adversely affect the City sewer system.

[Amended by Ordinance No. 6346, enacted July 20, 1981.]

5.616 NUISANCE ANIMALS PROHIBITED

- (1) No owner or person in charge of property shall keep or maintain animals in such a manner as to cause a nuisance to neighboring property owners.
- (2) As used in this Section "animal" shall include any mammal, reptile, amphibian, insect, or fowl but shall not include dogs.

[Added by Ordinance No. 95-14, enacted Nov. 16, 1995.]

5.618 OUTDOOR BURNING

Except as specified in this section open burning is prohibited.

- (1) The City Manager in consultation with the Klamath County Environmental Health Division Manager and Fire District No. 1 and No. 4 may declare two specific 15 day periods a year during which times the open burning of residential yard debris will be allowed. Open Burning Windows will occur in Spring and Fall. Each window will include 3 weekends.
 - (a) During the Open Burning Window, the City Manager may temporarily prohibit open burning should poor ventilation episodes occur, or be forecast.
 - (b) The City Manager in consultation with Klamath County Environmental Health Division Manager and Fire Districts No. 1 and No. 4 may extend the Open Burning Window one day for every day in which open burning has been prohibited during the Open Burning Window due to poor ventilation or weather conditions.
- (2) All agricultural open burning is prohibited at all times unless allowed by a Certificate of Variance.
- (3) The use of burn barrels and other outdoor burning devices is prohibited at all times.
- (4) A Certificate of Variance to allow Open Burning outside the Spring or Fall Open Burning Windows, may be issued on a case by case basis by the City Manager when an

emergency, or substantial need, is documented.

- (5) Open Burning as used in this section shall mean: all open or outdoor fires intended for heating or the combustion of waste, and those included in the definition of "Open Burning" in Oregon Administrative Rule Chapter 340 Division 264. Outdoor cooking fire and recreational fire in deck, patio or campsite fire pits are not included.

[Added by Ordinance No.98-3, enacted Jan. 5, 1998; Amended by Ordinance No. 02-05, enacted March 19, 2002; Amended by Ordinance No.07-22, enacted Oct. 16, 2007.]

NUISANCES AFFECTING PUBLIC SAFETY

5.620 CREATING A HAZARD

No owner or person in charge of property shall create a hazard by:

- (1) Maintaining or leaving in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside; or
- (2) Maintaining property upon which there is a well, cistern, cesspool, excavation, or other hole of a depth of four feet or more and a top width of 10 inches or more and failing or refusing to cover or fence it with a suitable protective construction.
- (3) Allowing dry grass, dry weeds, dry brush or other dry vegetation, whether cut or uncut, to accumulate on property within 200 feet of any structure where such accumulation is susceptible to fire which could endanger structure.

[Added by Ordinance No. 6346, enacted July 20, 1981.]

5.622 ATTRACTIVE NUISANCES

- (1) No owner or person in charge of property shall permit thereon:
 - (a) Unguarded machinery, equipment, buildings or other devices or structures which are attractive, dangerous and accessible to children.
 - (b) Lumber, logs or piling placed or stored in a manner so as to be attractive, dangerous and accessible to children.
 - (c) An open pit, quarry, cistern or other excavation without safeguards or barriers to prevent such places from being used by children.
- (2) This Section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.

5.624 OBSTRUCTIONS

No owner or person in charge of property, improved or unimproved, abutting on a public sidewalk or alley shall permit boxes, wood or other encumbrances or obstructions on the sidewalk, planting strip, or alley; except, that such person, when receiving or shipping goods, may temporarily occupy such portion of the

sidewalk as is necessary for such purpose. In no event shall the sidewalk be blocked between the hours of 6:00 p.m. of one day and 7:00 a.m. of the following day. Merchandise may be displayed for sale upon sidewalks after first obtaining a permit to do so from the Police Chief.

[Amended by Ordinance No. 6522, enacted Dec. 17, 1986]

5.626 SCATTERING AND STORING RUBBISH

- (1) No person shall deposit, store or keep upon public or private property any kind of rubbish, junk, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person or vehicle traveling upon a public way.
- (2) Those substances enumerated in Subsection (1) may be temporarily stored in containers which are substantially fly and rodent proof and are covered in such a manner as to prevent said substances from being carried away by the elements. No garbage container shall be allowed to remain on or adjacent to the planting strip except for those days in which the garbage is to be collected.
- (3) No person shall drive or move a truck, trailer or other vehicle transporting solid waste to a disposal site if said truck, trailer or other vehicle contains litter, other solid waste material or refuse of any sort, unless such person shall have secured the load in such a manner that a protective cover is provided or that the load is sufficiently bound with rope or other suitable material so that refuse or other solid waste shall not drop or be scattered from the trailer or vehicle.
- (4) No person shall deposit or cause to be deposited any kind of rubbish, junk, trash, debris, refuse, or other garbage in any garbage container owned or controlled by another person without that person's express or implied consent.

[Added by Ordinance No. 6434, enacted October 3, 1983; Amended by Ordinance No. 6595, enacted April 2, 1990.]

5.628 DEFECTIVE SIDEWALKS

- (1) No owner of property, improved or unimproved, abutting a public sidewalk shall permit such sidewalk to deteriorate to such a condition that, because of cracks, chipping, weeds, settling, covering by dirt, sand, cinders, or other similar occurrences, the sidewalk becomes a hazard to persons using it.
- (2) The City's notices of intent to abate defective or hazardous sidewalk conditions as provided for in [Section 5.664](#), and any actions taken by the City to abate such conditions do not relieve the property owner or the person in charge of the property of these responsibilities, duties and liabilities under Section 4.642 to maintain adjacent sidewalks free from the described conditions and do not constitute an assumption by the City of those duties, responsibilities or liabilities.
- (3) In order to address pedestrian safety issues in a timely manner following winter snow events, between Nov. 1 and March 31 of each winter season, the City may cause to be advertised in a manner reasonably calculated to give notice to all owners and persons in charge of property of their duty to keep the sidewalk(s) adjacent to their property free from ice and snow. If the published notice is used, it shall be in lieu of the notice required by [Section 5.664](#).

[Amended by Ordinance No. 08-16, enacted Dec. 1, 2008; Amended by Ordinance No. 11-11, enacted Nov. 21, 2011; Amended by Ordinance No. 15-01, enacted Feb. 2, 2015.]

5.629 SNOW AND ICE REMOVAL

- (1) No owner or person in charge of property, improved or unimproved, vacant or occupied, abutting a public sidewalk, shall permit:
- (a) Snow to remain on such sidewalk and ADA ramps later than noon. This provision is intended to require snow removal at least once a day, no later than noon;
- (b) Ice to remain on such sidewalk and ADA ramps for a period longer than the noon after the ice has formed, unless the ice is covered with sand, cinders, or other

suitable material, to assure safe travel. This provision is intended to require ice mitigation at least once a day, no later than noon;

- (c) Sand, cinders, or other material to remain on such sidewalk and ADA ramps for a period longer than 48 hours after the ice is melted, if the sand, cinders, or other material was placed on the sidewalk by such owner or person in charge.
- (2) The owner or person in charge of property, improved or unimproved, vacant or occupied, abutting a public sidewalk, shall clear the snow and ice on sidewalks and ADA ramps, as required in Subsection (1) to a minimum path of 48 inches wide for safe pedestrian travel. If the sidewalk is less than 48 inches in width, the entire width shall be cleared.
- (3) No owner or person in charge of property, improved or unimproved, vacant or occupied, abutting a fire hydrant, shall permit snow or ice to remain within a radius of three feet from the fire hydrant later than noon. This provision is intended to require snow removal and ice mitigation at least once a day, no later than noon.
- (4) No person shall place or deposit snow or ice into the street or gutter.
- (5) No local transit service provider with shelters or benches within the public right-of-way shall permit:
- (a) Snow to remain within a 48 inch wide path of travel to and around the shelter or bench later than noon;
- (b) Ice to remain within a 48 inch wide path of travel to and around the shelter or bench later than noon, unless the ice is covered with sand, cinder, or other suitable material to assure safe travel and access.
- (c) These provisions are intended to require snow removal and ice mitigation at least once a day, no later than noon.
- (6) To address pedestrian safety issues in a timely manner following winter snow events, between November 1 and March 31 of each winter season, the Officer shall give notice to all owners and persons in charge of property of their duties to keep the sidewalk(s) adjacent to their property free from ice and snow. The notice shall be given in a manner most reasonably calculated to

notify owners and persons in charge of property of their duties. The notice shall state that after the date designated, the City intends to abate all such nuisances 48 hours or more after the violation occurred and to charge the cost of doing so as to any particular parcel of property to the owner thereof, the person in charge thereof, or the property itself. This general notice shall be in lieu of the notice required by Section 5.664. In addition to, and in conjunction with the notices, the Officer shall provide all electronic media in the area, with copies of the notice for their use, as they deem appropriate.

- (7) Prior to the first abatement of a violation of Subsection (1), the Officer shall send an individual notice of violation via first class mail to the owner and, if the property is occupied, the person(s) in charge of the property. The individual notice need only be sent once per snow season and shall inform the recipient that, within five days of the notice, and at any time 48 hours or more from the date of subsequent violation(s) for the rest of the winter season, the City may abate any violation of this Section on any property owned and/or occupied by the intended recipients of the individual notice, with the cost to be charged against the property, or the owner or person in charge.
- (8) The City's general and individual notices as provided for by this Section, and any actions taken by the City to abate such conditions:
- (a) do not relieve the property owner or the person in charge of the property of the duties, responsibilities and liabilities under Section 5.642; and
 - (b) do not constitute an assumption by the City of those duties, responsibilities or liabilities.

[Added by Ordinance No. 11-11, enacted No. 21, 2011.]

5.630 NOXIOUS VEGETATION

- (1) The term "noxious vegetation" does not include vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard or a traffic hazard within the meaning of Subsection (2).
- (2) The term "noxious vegetation" does include:
 - (a) Canada thistle, whitetop, puncture vine, blue flowering lettuce, toadflax, spiny

cocklebur, wild morning glory, Russian knapweed, tansy ragwort, leafy spurge, water hemlock, poison hemlock, mattgrass, Mediterranean sage, yellow star, musk, and Scotch thistle.

- (b) Rosebushes or other thorn-bearing shrubs or trees that extend into a public thoroughfare or across a property line.
 - (c) Vegetation that is:
 - (i) A health or safety hazard; or
 - (ii) A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.
- (3) Between May 15 and Oct. 30 of any year, the term "noxious vegetation" also includes:
- (a) Weeds more than 8 inches high.
 - (b) Grass more than 8 inches high and not within the exception stated in Subsection (1).
- (4) No owner or person in charge of property may allow noxious vegetation to be on said property or in the right-of-way of a public thoroughfare abutting on the property. It shall be the duty of the owner or person in charge of property to cut down and remove or to destroy noxious vegetation as often as needed, to prevent it from becoming unsightly, or from becoming a health, safety, or traffic hazard.
- (5) Between May 1 and June 15 of each year, the Officer may cause to be published three times in a newspaper of general circulation in the City a copy of Subsection (4) as a notice to all owners and persons in charge of property of their duty to keep their property free from noxious vegetation. The notice shall state that the City intends to abate all such nuisances 10 or more days after final publication of the notice and to charge the cost of doing so on any particular parcel of property to the owner thereof, the person in charge thereof, or the property itself. In addition to and in conjunction with published notices, the Officer shall provide all electronic media in the area with copies of the notice for their use as they deem appropriate.
- (6) If the published notice provided for in Subsection (5) is used, it shall be in lieu of the notice required by [Section 5.664](#). Provided, however, that prior to abatement of any such noxious vegetation by the City, the Officer shall cause a seasonal notice of

violation to be sent via first class mail to the owner of the property, and to the person in charge of such property, if the property is occupied. The seasonal notice need only be sent once per noxious vegetation growing season and shall inform the owner and, if applicable, the person in charge, that at any time 10 or more days from the date of the notice, and for the rest of that growing season, the City may cause the noxious vegetation on any property they own to be abated, with the cost to be charged against the property, or the owner or person in charge thereof.

- (7) Where strict compliance with the requirements of Subsection (3) above would be impractical as they apply to a certain type of vegetation or to a certain parcel of property, the Officer may, after inspecting the property, waive the requirements as they so apply and require perimeter cutting that will meet the basic intent of this Section.

[Amended by Ordinance No. 6346, enacted July 20, 1981; Amended by Ordinance No. 6522, enacted Dec. 17, 1986; Amended by Ordinance No. 08-16, enacted Dec. 1, 2008]

5.632 TREES AND SHRUBS

- (1) No owner or person in charge of property that abuts upon a street, alley or public sidewalk shall permit trees or bushes on the property to interfere with street or sidewalk traffic.
- (2) It shall be the duty of an owner or person in charge of property that abuts upon a street, alley or public sidewalk to keep all trees and bushes on the premises, including the adjoining planting strip, trimmed to a height of not less than seven feet above the sidewalk and not less than 13 feet above the roadway.
- (3) No owner or person in charge of property shall allow to stand a dead or decaying tree that is a hazard to the public.
- (4) No owner or person in charge of property shall permit a tree limb to remain broken or growing in a manner as so to be a hazard to the public.
- (5) All trees, shrubs, plants and vegetation in any planting strip may be trimmed, pruned or removed at any time by the City; or the City may require any property owner or person in charge of property to trim, prune or remove

any trees, shrubs, plants or vegetation in a planting strip abutting upon the property.

- (6) No person shall plant any variety of poplar or willow trees within the City, except for Quaking Aspen and willow species whose mature height does not exceed 30 feet, all of which shall be planted a minimum of 50 feet from any right-of-way or utility easement.
- (7) When the roots of a tree or shrub of any kind close, clog or retard the free and natural flow of sewage or storm water through the pipes of the sewer system of the City, the City Manager shall proceed to have such obstruction removed. If the City Manager determines that the tree or shrub causing such obstruction will be a nuisance by causing frequent recurrence of such trouble and that it should be destroyed, he/she shall, after removal of the obstruction, proceed to have the tree or shrub removed as provided in this chapter for the abatement of nuisances.
- (8) When the roots of a tree or shrub of any kind grow in a manner so as to damage, or it is evident that such roots will damage, any sidewalk, curb or street pavement or a portion thereof, the City Manager shall proceed to have that portion of the tree or shrub causing such damage removed. If the City Manager determines that the tree or shrub will be a nuisance by causing a recurrence of such trouble and that it should be destroyed, he/she shall, after removing that portion causing the damage, proceed to have the tree or shrub removed as provided in this chapter for the abatement of nuisances.

[Amended by Ordinance No. 6522, enacted Dec. 17, 1986; Amended by Ordinance No. 98-24, enacted Nov. 3, 1998; Amended by Ordinance No. 03-24, enacted Dec. 1, 2003.]

5.634 FIRES

No person shall cause any fire to be kindled on any asphalt or similar pavement, or to heat any roofing or other material on or above such pavement; or burn anywhere in the City any offal, refuse, garbage or other matter causing noxious odors; or burn on any streets or alleys or private property in the City without first obtaining permission from the Fire Chief and under such precautions as he/she may direct, any paper, straw, vegetable matter, leaves,

wood or other substance emitting sparks, flying ashes or cinders during combustion, or dangerous to adjacent property.

5.636 EXPLOSIVES

No person shall keep or store, for sale or use, within the City any larger quantity than 50 pounds of gunpowder, blasting powder, dynamite or other explosive substance, except at a place authorized by the Police Chief.

5.638 FENCES

(1) No owner or person in charge of property shall construct or maintain or cause to be constructed or maintained on any lot or parcel of land within the City an electric fence, or to charge with electricity, or cause to be charged with electricity, a fence already constructed, or wires or other structure that could be termed a fence or used as a fence.

(2)(a) No owner or person in charge of property shall construct or cause to be constructed within the City a barbed-wire fence. Barbed-wire fences now in existence, upon need of repair, shall be removed and not replaced, but fences of material other than barbed-wire may be constructed in place thereof.

(b) Barbed-wire shall be allowed as top stranding material on fences constructed of chain link or similar non-barbed material, provided that such fences are locked, are in commercial or industrial zones, and are 6 feet or more in height, not including the top strand barbed-wire portion.

(3)(a) Fences shall be constructed of materials that are structurally sound.

(b) Before construction work on any fence is started, the owner or contractor shall apply to the Planning Director, or his/her designee for a fence permit. The Planning Department shall issue the permit after he/she is satisfied that the fence height and material type meet the requirements of this Section and any other applicable Code sections and the applicable fence permit fee has been paid.

[Amended by Ordinance No. 6605, enacted July 2, 1990; Amended by Ordinance No. 03-04, enacted January 23, 2003.]

5.640 SURFACE WATERS, DRAINAGE

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

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

[Amended by Ordinance No. 6522, enacted Dec. 17, 1986.]

5.642 SIDEWALK LIABILITY

The City shall not be liable to any person for any loss or injury to a person or property suffered or sustained by reason of any accident on sidewalks caused by ice, snow, encumbrances, obstructions, cracks, chipping, weeds, settling, holes covered by dirt or other similar conditions on or off the sidewalk. Adjacent property owners shall maintain sidewalks free from such conditions and shall be liable for any and all injuries to persons or property arising as a result of their negligent or intentional failure to so maintain the sidewalks. The duty imposed on property owners by this Section shall supersede and take precedence over any other Code provisions which may appear, for enforcement purposes, to establish a less restrictive duty.

[Added by Ordinance No. 6425, enacted July 18, 1983; Amended by Ordinance No. 6522, enacted December 17, 1986.]

PERMITS FOR WILD AND EXOTIC ANIMALS

5.646 PERMIT REQUIRED

- (1) No person shall keep or maintain a wild or exotic animal without first having obtained a permit from the City Manager or his/her designee.
- (2) Permits shall be valid for 1 year from the date of issuance unless sooner revoked. Permit applications shall be made on forms to be supplied by the City Manager.

[Added by Ordinance No. 94-31, enacted October 5, 1994.]

5.648 CONDITIONS AND REVOCATION

- (1) Pursuant to the issuance of a permit, the City Manager may impose conditions on the keeping and maintaining of an animal necessary for the welfare of the animal, safety of the owner, and the protection of the general public. Failure of the owner to abide by such conditions shall be grounds for revocation of the permit by the City Manager.

NUISANCES AFFECTING PUBLIC WELFARE

5.650 JUNK

- (1) No owner or person in charge of property shall keep any junk outdoors on any street, lot or premises; or in a building that is not wholly or entirely enclosed except for doors used for ingress and egress.
- (2) This Section shall not apply to junk kept in a duly licensed junk yard or automobile wrecking house.

5.652 RADIO AND TELEVISION INTERFERENCE [REPEALED]

[Repealed by Ordinance No. 6522, enacted Dec. 17, 1986.]

5.654 UNSIGHTLY PROPERTY

- (1) No owner or person in charge of property shall permit such property or any structure or building located thereon to reach such a condition of dilapidation or neglect as to become unsightly and an eyesore in the City.

In the event that sufficient conditions cannot be imposed, the City Manager shall not issue a permit. Denial may be appealed to the City Council.

- (2) If, from facts coming to the attention of the City Manager, it is determined that the conditions of the permit have been or are being violated, the City Manager shall notify the owner, by either certified mail or personal service, to remove the animal from the City within 10 days of such service.
- (3) The owner shall cause the animal to be removed, unless within the 10 day period the owner appeals the order to the City Council, which shall then determine whether the animal should be removed.
- (4) Revocation of the permit shall not be the exclusive remedy for the violation of the conditions of the permit.

[Added by Ordinance No. 94-31, enacted Oct. 5, 1994.]

- (2) Conditions of the property affecting its appearance shall include but are not limited to the following:
 - (a) Missing or broken windows or exterior doors.
 - (b) Chipped or peeling exterior paint or the lack of State Structural Specialty Code-approved exterior protective siding.
 - (c) Broken, rotted, split or buckled exterior wall coverings or roof coverings.
 - (d) Noxious vegetation, untended shrubs or bushes, or dead or diseased trees or shrubs.
 - (e) Sagging, broken, split or rotted porches, steps, stairs or fences.
 - (f) Lack of adequate garbage or rubbish storage facilities.
- (3) On the signed complaint of three separate householders or property owners made to the Officer within any 120 day period, the Officer shall investigate the complaints and, if

a nuisance exists, proceed either to have the nuisance abated as provided in [Sections 5.664 to 5.676](#) or, when appropriate, under the provisions of the code for abatement of dangerous buildings, or cite the person responsible as provided in [Section 5.682](#).

[Added by Ordinance No. 94-13, enacted April 29, 1994.]

5.656 UNLAWFUL GRAFFITI NUISANCE ON PRIVATE PROPERTY

- (1) No owner or person in charge of property may permit graffiti, as defined in Klamath Falls Code [Section 5.600](#), to remain on said property for a period in excess of 10 days.
- (2) This section shall not apply to markings which:
 - (a) are a part of the general color scheme of the building or structure; and
 - (b) do not contain words or symbols; and
 - (c) were applied by the owner or person in charge, or an agent thereof; or
 - (d) are a part of a sign, which has been previously approved by the City, with the painting or marking reviewed by the City Planning Division or Commission, pursuant to Klamath Falls Community Development Ordinance Sections 14.300 through 14.368.
- (3) Graffiti is found to be a nuisance and shall be abated pursuant to the provisions of Klamath Falls Code [Sections 5.664 through 5.692](#).

[Added by Ordinance No. 09-02, enacted March 2, 2009.]

5.658 PARKING OF MOTOR VEHICLE IN FRONT YARDS

- (1) No person shall park or store, or allow to be parked or stored on property owned by or their control, any motor vehicle in the front yard of a residential property except upon an improved surface.
- (2) As used in this Section "front yard" shall have the meaning ascribed to it in CDO Section 10.010, and improved surfaces shall mean a surface improved with either concrete, asphalt or gravel and access to the street without going over a curb.
- (3) This section shall not apply to the temporary parking of a motor vehicle in a front yard for the purposes of loading, unloading or washing, nor shall it be construed to allow parking on the park strip in violation of [Section 6.605\(3\)](#).

UNENUMERATED NUISANCE**5.660 UNENUMERATED NUISANCES**

(1) The acts, conditions or objects specifically enumerated and defined in [Sections 5.600 to 5.654](#) are declared public nuisances. Such acts, conditions or objects may be abated by the procedures set forth in [Section 5.664 to 5.676](#) and are subject to the enforcement provisions of [Section 5.682](#).

(2) In addition to the nuisances specifically enumerated within [Sections 5.600 to 5.654](#), every other thing, substance or act which is determined by the Council to be injurious or detrimental to the public health, safety or welfare of the City or its citizens is declared a nuisance and may be abated as provided in Sections 5.644 to [5.676](#).

ABATEMENT PROCEDURE

5.664 NOTICE

- (1) Upon determination by the Officer that a nuisance exists, the Officer may cause a notice to be posted on the premises or at the site of the nuisance, directing any person responsible to abate the nuisance, or the Officer may issue a citation pursuant to [Section 5.682](#). Where the premises are unoccupied or posting a notice upon the premises is not practical, the Officer shall mail a notice letter to the premises by first class mail.
- (2) As soon as practical after the time of posting or mailing of the notice as provided in Subsection (1), the Officer shall cause a copy of the notice or letter to be forwarded by first class mail, postage prepaid, to the owner of the premises at his/her last known address according to the records of the Klamath County Assessor, or as personally changed by the Owner via written notification to the Code Enforcement office.
- (3) The posted notice and the notice letter directing abatement shall contain:
 - (a) A description of the real property, by street address or otherwise, on which the nuisance exists.
 - (b) A direction to abate the nuisance within a time period not less than the time period provided by [Section 5.670](#), said time period to run from the date of posting or mailing the notice, as applicable.
 - (c) A description of the nuisance.
 - (d) A statement that, unless the nuisance is removed, the City may abate the nuisance and the cost of the abatement will be charged to the person responsible.
 - (e) A statement that failure to abate a nuisance may warrant imposition of a fine.
 - (f) A statement that the person responsible may protest the order to abate by giving notice to the City Manager within 5 days from the date of the notice.
- (4) Upon completion of the posting and mailing(s):
 - (a) The Officer posting a notice shall note the time, date and location of the posting; and
 - (b) The person(s) mailing notices shall note the date and address of all mailings; and

- (c) The Officer shall schedule, or cause to be scheduled, a follow-up inspection to verify whether the nuisance has been abated.
- (5) An error in the name or address of the person responsible shall not make the notice void, and in such case the posted notice shall be sufficient.
- (6) In lieu of the posting and mailing(s) required by this Section, personal service of the notice to abate upon the person responsible shall be sufficient.

[Amended by Ordinance No. 08-16, enacted December 1, 2008.]

5.666 ABATEMENT BY THE PERSON RESPONSIBLE

- (1) Within the appropriate time period provided in [Section 5.670](#), and after the posting of such notice as provided in [Section 5.664](#), the person responsible shall remove the nuisance or show that no nuisance exists.
- (2) A person responsible, protesting that no nuisance exists, shall file with the City Manager a written statement which shall specify the basis for so protesting.
- (3) The statement shall be referred to the Council as a part of its regular agenda at its next succeeding meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the Council and the Council shall determine whether or not a nuisance in fact exists. The determination shall be entered in the official minutes of the Council. Council determination shall be required only in those cases where a written statement has been filed as provided.
- (4) If the Council determines that a nuisance does, in fact, exist, the person responsible shall, within the relevant abatement period after the Council determination, abate the nuisance.

5.668 JOINT RESPONSIBILITY

If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the City in abating the nuisance.

5.670 ABATEMENT PERIODS

- (1) The person responsible shall abate nuisances within the following time periods:

- (a) 30 days for nuisances specified in [Sections 5.628 and 5.664](#).
- (b) 10 days for nuisances specified in [Section 5.656](#).
- (c) 5 days for all other nuisances for which the abatement period is not otherwise provided.

[Amended by Ordinance No. 09-02, enacted March 2, 2009.]

5.672 ABATEMENT BY THE CITY

- (1) If, within the time allowed, the nuisance has not been abated by the person responsible, the City Manager or his/her designee may cause the nuisance to be abated.
- (2) The City shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.
- (3) The City Manager or his/her designee shall keep an accurate record of the expense incurred by the City in physically abating the nuisance and shall include therein a charge of \$35 or 25% of those expenses, whichever is greater, for administrative overhead.

[Amended by Ordinance No. 6522, enacted Dec. 17, 1986; Amended by Ordinance No. 6619, enacted June 19, 1991.]

5.674 ASSESSMENT OF COSTS

- (1) The City Manager or his/her designee, by certified mail, postage prepaid, shall forward to the person responsible, if the owner, 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 30 days from the date of the notice.
 - (c) That if the person responsible objects to the cost of the abatement as indicated, he/she may file a notice of objection with the City Manager not more than 10 days from the date of the notice.
- (2) Upon the expiration of 10 days after the date of the notice, the Council, in the regular course of business, shall hear and determine, pursuant to 1.025(5), the objections to the costs assessed.
- (3) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs, as stated or as

determined by the Council, shall be made and shall thereupon be entered in the docket of City liens. Upon such entries being made, it shall constitute a lien upon the property from which the nuisance was removed or abated.

- (4) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of 12% per annum. The interest shall commence to run from the date of the entry of the lien in the lien docket.
- (5) An error in the name of the person responsible shall not void the assessment, nor shall a failure to receive the notice of the proposed assessment render the assessment void; but it shall remain a valid lien against the property.

[Amended by Ordinance No. 6410, enacted December 20, 1982; Amended by Ordinance No. 6619, enacted June 19, 1991; Amended by Ordinance No. 13-05, enacted August 19, 2013.]

5.676 SUMMARY ABATEMENT

The procedure provided in [Sections 5.664 to 5.674](#) is not exclusive, but is in addition to procedure provided by other Code sections. The Officer, the Fire Chief, the Police Chief, or any other City official may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property.

ADMINISTRATION AND ENFORCEMENT

5.680 ADMINISTRATION

- (1) For purposes of administering the provisions of [Sections 5.600 to 5.676](#), the City Manager shall appoint a Health and Safety Officer for the City. Such Officer shall have full power and authority to do any and all things necessary, incidental or proper in the enforcement of said Sections, excluding the power to arrest.
- (2) No person shall hinder or attempt to prevent the Officer, or anyone working under the authority of the Officer or the City Manager, from enforcing the provisions of these Sections.
- (3) The provisions of [Sections 5.600 to 5.676](#) shall also be enforced by the City police officers and such other City employees as may be so designated by the City Manager.

5.682 ENFORCEMENT BY CITATION

In addition to the abatement procedures set forth in [Sections 5.664 to 5.676](#), the Officer may issue a citation to a person responsible for a nuisance violation in lieu of a formal complaint.

5.683 ENFORCEMENT FEES

- (1) In order to defray the costs of enforcement of [Sections 5.600 to 5.660](#) (the Nuisance Code), the Public Safety Officer or his/her designee (the Officer) shall impose fees on those properties and owners of those properties which are found not to be in compliance with the Nuisance Code in those instances where the owner is the person responsible.
- (2) The City shall charge a monthly enforcement fee for each property that meets the following conditions:
 - (a) The property is subject of a written notice of violation, as described in [Section 5.685](#);
 - (b) A response period of 30 days has passed since the effective date of the initial notice of violation; and
 - (c) The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.
- (3) The amount of the monthly enforcement fee shall be \$50 per month for the first 3 months. Thereafter the monthly fee shall be doubled every 3 months until paid in full.
- (4) Whenever the owner believes that all violations listed in the first or any subsequent

notice of violation have been corrected, they shall so notify the Officer. Upon receipt of such notice, the Officer shall promptly schedule an inspection of the property and shall notify the owner if any violations remain uncorrected. If compliance occurs after the 30 day notice period has run, a \$25 inspection fee shall be paid by the owner.

- (5) Once monthly enforcement fees begin, they shall continue until all violations listed in the first or any subsequent notice of violation have been corrected.
- (6) When a property meets the conditions for charging an enforcement fee as described in (2) above, the City shall then:
 - (a) Notify the occupant(s) and the property owner(s) of the assessment of enforcement fees;
 - (b) Record a property lien in the City Lien Docket and record a Notice of Pending Lien with Klamath County;
 - (c) Bill the property owner(s) monthly for the full amount of enforcement fees owing, plus an additional 10% to cover administrative costs together with interest at 12% per annum; and
 - (d) Maintain lien records until
 - (i) The lien and all associated interest, penalties, and costs are paid in full; and
 - (ii) The Officer certifies that all violations listed in the original or any subsequent notice of violation have been corrected.
- (7) Each person who has a legal or equitable interest in the property on or after the effective date of a notice of violation shall be personally liable for fees imposed pursuant to this section, including all interest, civil penalties, and other charges.

[Added by Ordinance No. 96-29, enacted Sep. 17, 1996; amended by Ordinance No. 96-37; enacted Dec. 3, 1996.]

5.685 NOTICE OF VIOLATION

If the Officer finds one or more violations of the provisions of the Nuisance Code, the Officer shall in writing notify the owner or the owner's local agent and the occupant of the existence of the violations. The method of serving the notice to the owner shall be one or more of those described in (3) below. Failure to comply with the notice shall be a violation of these Acts.

- (1) The notice of violation shall:

- (a) Give the street address and a legal description sufficient for identification of the property;
 - (b) Describe the violation at the property;
 - (c) Disclosure that fees, charges, and liens as described in [Section 5.683](#) may result from a failure to remedy the violations;
 - (d) Specify a response period during which the property may be brought into compliance with this Title before fees, charges, or liens will be assessed; and
 - (e) Disclose the owner's right to appeal the findings of the notice of violation.
- (2) The effective date of a notice of violation shall be the date of service of the notice to the owner. The date of service shall be the day on which the notice is:
- (a) Mailed first class to the property owner at the address shown on the last available assessment roll in the office of the County Assessor;
 - (b) Mailed first class to any local agent for the property; or
 - (c) Delivered personally to the property owner or any local agent for the property.
- (3) The Officer shall monitor compliance with the notice of violation through periodic tracking and inspection. Once a notice of violation has been sent, the owner shall be responsible for all enforcement fees associated with the property, as described in [Section 5.683](#), until the violations are corrected.
- (4) The Officer may set time limits in which the violations are to be corrected. Failure to comply with the time limits shall be a violation of these Acts.

[Added by Ordinance No. 96-29, enacted September 17, 1996.]

5.686 EXCEPTIONS TO ENFORCEMENT FEES

- (1) When all outstanding violations on a property, except those requiring exterior repair, have been corrected, the Officer may, at the request of the owner, temporarily suspend enforcement fees due to inclement weather until the following May 1st. Suspension of fees shall not in any case extend more than 1 year beyond the effective date of the initial notice of violation.
- (2) If the owner fails to correct violations within the stated period of suspension, the City shall immediately charge the full value of all suspended fees.

[Added by Ordinance No. 96-29, enacted Sep. 17, 1996.]

5.687 HARDSHIPS

- (1) When the literal application of the requirements of these Acts would cause undue hardship to the owner or occupants of the affected structure, an exception may be granted by the Officer upon application. The application shall state the reasons for the requested exception, and shall be in writing. However, regardless of hardship, an exception may only be granted when all safety and sanitary conditions are met. This Section shall not be construed so as to evade the provisions of these Acts.
- (2) Any exception granted by the Officer shall be in writing and shall state the reasons for granting that exception. A copy of the Officer's decision shall be kept in the files of the Planning Department.

[Added by Ordinance No. 96-29, enacted Sep. 17, 1996; Amended by Ordinance No. 14-11, enacted Nov. 17, 2014.]

5.688 APPEALS

Whenever a responsible party has been given an order pursuant to these Acts and has been directed to make any correction, to perform any act, or to incur any expensive, the party may have the order reviewed by the Code Enforcement Supervisor. If a review is sought, the party shall submit a written request to the Code Enforcement Supervisor within 15 days of the date of the order. Pending determination by the Supervisor, the order will be stayed. Following the review, the Supervisor shall issue a written determination.

[Added by Ordinance No. 96-29, enacted Sep. 17, 1996; Amended by Ordinance No. 14-01, enacted March 3, 2014.]

5.690 PENALTIES

Violation of any of the provisions of [Sections 5.600 to 5.660](#) is punishable by fine of not less than \$50, nor more than \$500.

[Amended by Ordinance No. 6522, enacted December 17, 1986; Amended by Ordinance No. 6619, enacted June 19, 1991.]

5.692 ABATEMENT IN LIEU OF FINE

The abatement of a nuisance is not a penalty for violating any provision in [Sections 5.600 to 5.660](#), but is an additional remedy. The

imposition of a penalty does not relieve a person of the duty to abate a nuisance. However, abatement of a nuisance within the time provided from the date of notice to abate, or, if a written protest has been filed, then from the date of Council determination that a nuisance exists, shall relieve the person responsible from the imposition of any fine under [Section 5.690](#) for that nuisance.