TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ALARM SYSTEMS

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§ 90.01 PURPOSE.

The purpose of this chapter is to regulate alarm systems that require a response by the Police or Fire Department to ensure that their use is in the best public interest.
(Ord. 85-50, passed 1-13-86)

§ 90.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM SYSTEM. Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry, fire, or other activity requiring urgent attention and to which public safety officers are expected to respond.

ALARM USER. A person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, structure, or facility wherein an alarm system is maintained.

FALSE ALARM. An alarm signal, eliciting a response by public safety officers when a situation requiring a response by the public safety officers does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

INTERCONNECT. To connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device to a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

LOCAL ALARM. An alarm system which utilizes a light, siren, bell, horn, or other similar device to signal the occurrence of an illegal entry, fire or other activity requiring urgent attention and to which public safety officers are expected to respond.

PUBLIC SAFETY OFFICER. Member of the Police or Fire Department, employed by the city.

911 LINE. A telephone line that is designated to receive emergency calls by the Seaside 911 Emergency Center.
(Ord. 85-50, passed 1-13-86)

§ 90.03 APPLICATION FOR POLICE DEPARTMENT TERMINAL.

(A) Persons wishing to terminate an alarm system in the Police Department shall apply in writing to the Chief of Police stating the nature of the alarm system, address of the premises to be protected, and identification of the alarm user and concern if other

than the user, who would install and/or maintain the system.

(B) The Chief of Police shall review all applications and conduct such other inquiry as appropriate to be satisfied that the proposed system and equipment is acceptable. Upon satisfactory review, a permit describing the premises to be protected and conditions of the permit may be prepared; and when acknowledged by the applicant in writing, becomes valid.

(C) All alarm installations and maintenance in the Police Department shall meet requirements as prescribed by the Chief of Police and shall be made by qualified personnel at no expense to the city.
(Ord. 85-50, passed 1-13-86) Penalty, see § 90.99

§ 90.04 LOCAL ALARMS.

(A) Alarm users with local alarms shall provide the Chief of Police a diagram of the alarm system and the names, addresses, and phone numbers of at least three persons who have authority to enter the protected premises.

(B) Local alarms must be silenced or extinguished within 15 minutes of the initial signal.

(C) It shall be unlawful for local alarms to utilize any signaling device such as siren or lights similar, in the sole determination of the Chief, to those used on emergency vehicles.
(Ord. 85-50, passed 1-13-86) Penalty, see § 90.99

§ 90.05 AUTOMATIC DIALING DEVICES.

(A) Persons wishing to install an automatic dialing device shall apply in writing to the Chief of Police stating the address of the premises to be protected, and identification of the alarm user, if other than applicant. The application shall include a signed acknowledgment by the alarm user that said user has read and agrees to the provisions of this chapter. The names, addresses, and phone numbers of at least three persons who have authority to enter the protected premises shall accompany the application.

(B) The Chief of Police shall review all applications and conduct such other inquiry as appropriate to be satisfied that the proposed system and equipment is acceptable. Upon satisfactory review, the Chief shall authorize installation of the automatic dialing device.
(Ord. 85-50, passed 1-13-86) Penalty, see § 90.99

§ 90.06 FALSE ALARMS.

(A) Signals from an alarm system which are false are a nuisance.

(B) For a response to any false alarm beginning with the fourth false alarm in any calendar year, the city shall impose a fee of $25.

(C) Any alarm user delinquent in payment of false alarm fees in excess of 60 days shall be notified by the Chief of Police to deactivate the user's alarm system. Any system so deactivated shall not be used again until application has been made and approved by the Chief of Police.
(Ord. 85-50, passed 1-13-86) Penalty, see § 90.99

§ 90.07 ALARM TESTING.

Whenever an alarm user or alarm system salesperson deems it necessary to test or otherwise intentionally set off or activate an alarm system, he shall notify the Police Department that he intends to test or otherwise intentionally activate an alarm prior to actual testing being conducted. Failure to do so shall result in that user being considered as having had a false alarm.
(Ord. 85-50, passed 1-13-86) Penalty, see § 90.99

§ 90.08 ALARM SYSTEM SALESPERSONS.

(A) All alarm system salespersons shall register with the Chief of Police and shall provide the Chief of Police with the names and photographs and a copy of the state protective signal installer licenses of all employees. Said names, photos, and license copies shall be kept current. Identification cards shall then be issued by the Chief of Police to each registered salesperson. Said cards shall contain a full face

photo, the name, height, weight, date of birth, name of employing company, capacity of employee (e.g., salesman, repairman, installer) and the signatures of the company authorizing the individual and card holder. Said cards shall be numbered.

(B) No alarm system salesperson shall install, repair, maintain, or service any automatic dialing device, local alarm or other alarm system unless:

(1) Said system is in compliance with the provisions of this chapter, and

(2) The alarm system salesperson is validly registered pursuant to division (A) above.
(Ord. 85-50, passed 1-13-86) Penalty, see § 90.99

§ 90.09 UNLAWFUL TO PROGRAM DEVICE INTO 911 LINE.

It is unlawful for any person to program an automatic dialing device to call the 911 line.
(Ord. 85-50, passed 1-13-86) Penalty, see § 90.99

§ 90.10 ADMINISTRATION AND APPEAL.

(A) The Chief of Police shall administer the alarm system program and be the determining authority in matters in question regarding removal and status of alarm systems.

(B) At such times as an alarm user or alarm system salesperson disagrees with determinations relating to the alarm program, he may appeal in writing to the City Council and shall receive a hearing on the matter. The decision of the City Council will be final.
(Ord. 85-50, passed 1-13-86)

§ 90.99 PENALTY.

Any person violating any of the provisions of this chapter shall be deemed guilty of an offense; and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which a violation is committed, continued or permitted; and, upon conviction of any such violation, such person shall be punishable by a fine of not more than $500.
(Ord. 85-50, passed 1-13-86)

CHAPTER 91: CEMETERY REGULATIONS

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§ 91.01 OPERATION SUBJECT TO LAW.

In addition to these rules and regulations, all interments, disinterments and removals are made subject to the laws of the State of Oregon, the rules and regulations of the Oregon State Health Division, and the laws of the city.
(Ord. 85-44, passed 11-25-85)

§ 91.02 HUMAN INTERMENT ONLY.

The cemetery is reserved for the interment of the human race only.
(Ord. 85-44, passed 11-25-85) Penalty, see § 10.99

§ 91.03 OWNERSHIP OF PROPERTY.

No interment shall be permitted in any property in Evergreen Cemetery unless said property is fully paid for.
(Ord. 85-44, passed 11-25-85) Penalty, see § 10.99

§ 91.04 NUMBER OF REMAINS; CASKET SPECIFICATIONS.

(A) *Number of remains.* Not more than one body, or the remains of more than one body, shall be interred in one grave, except in the case of a mother and newborn baby, or incinerated remains.

(B) *Casket specifications.* Every casket containing a human body must be enclosed in an outer box or vault constructed of concrete, corrosion resistant metal, or fiberglass. All vaults or liners shall be so constructed that they will bear a minimum weight of 150 pounds per square foot with a minimum of 12 inches of earth cover.
(Ord. 85-44, passed 11-25-85) Penalty, see § 10.99

§ 91.05 CREMATED REMAINS.

(A) Cremated remains must be interred in a concrete or corrosion-resistant container.

(B) There shall be no more than four cremated remains in any one plot.
(Ord. 85-44, passed 11-25-85) Penalty, see § 10.99

§ 91.06 PLOT DIVISION.

No plot or lot can be divided.
(Ord. 85-44, passed 11-25-85) Penalty, see § 10.99

§ 91.07 DESCENT OF PLOT.

Upon the death of the owner, unless he has disposed of the plot either by specific direction in his will, or by a written declaration of reservation, filed in the office of the City Auditor, if no interment has been made in a plot, the plot descends to the heirs at law of the owner, subject to the rights of the surviving spouse.
(Ord. 85-44, passed 11-25-85)

§ 91.08 IMPROVEMENTS OR ALTERATIONS.

(A) All improvements or alterations of any part of the cemetery shall be under the direction of the Public Works Director, or his designee; and if made without his written consent, he shall have the right to remove, alter or change such improvements or alterations at the expense of the lot owner.

(B) Fences, curbs and enclosures around graves or lots are prohibited.
(Ord. 85-44, passed 11-25-85; Am. Ord. 2005-01, passed 4-25-05)

§ 91.09 DISINTERMENTS AND REMOVALS.

Disinterments and removals may be made with the written consent of the Superintendent, surviving spouse, the surviving parents of a child or unmarried person, other persons who have the legal right to order disinterment, and the plot owner, provided all the requirements of the laws of the State of Oregon, ordinances of the city, and the rules and regulations of the cemetery are complied with. Failure to comply with the conditions stated herein, or any other good and sufficient reason, shall be full authority for the Superintendent to postpone or deny such disinterment and removal.
(Ord. 85-44, passed 11-25-85)

§ 91.10 PLACEMENT OF MEMENTOS AND OTHER TEMPORARY ITEMS.

The placing of boxes, shells, toys, ornaments, vases, wood or iron cases, statues, and other similar articles upon plots, markers or headstones shall be permitted under the following parameters and conditions:

(A) No items shall be placed on or in the grass or turf area;

(B) Items will be placed so as to not affect normal grounds maintenance activities;

(C) Items must be firmly affixed via string or tape in a manner which provides their easy removal yet keeps them firmly attached while they are in place;

(D) Items will be left in place no longer than 30 days and removal will be performed by the party who placed the items;

(E) The City of Seaside and Evergreen Cemetery will not be responsible for any loss, theft, damage, or removal of these items by vandals, storms, etc.;

(F) Items which inhibit maintenance operations and/or surpass the 30-day time period will be removed by Public Works staff.

(G) Absolutely no glass objects or containers of any kind are allowed.
(Ord. 2005-01, passed 4-26-05)

§ 91.11 DRIVEWAYS AND WALKWAYS.

No right of interment is granted to any property owner in any road, drive, alley or walk within the cemetery.
(Ord. 85-44, passed 11-25-85) Penalty, see § 10.99

§ 91.12 MARKERS AND FITTINGS.

(A) All markers, gravestones and memorials must include a border, with a minimum width of four inches flush with ground.

(B) All fittings, adornments, urns, inscriptions and/or arrangements of the crypts, or niches shall be subject to the approval and control of and acceptance or rejection by the Public Works Director, or his designee.
(Ord. 85-44, passed 11-25-85; Am. Ord. 2005-01, passed 4-25-05) Penalty, see § 10.99

§ 91.13 PLOTS SOLD BACK TO CITY.

In the event the owner of a plot decides not to utilize a plot purchased after October 1, 1985, it may be sold back to the city at 90% of the purchase price. Such a request for city purchase must be in writing.
(Ord. 85-44, passed 11-25-85)

§ 91.14 PURCHASE PRICE.

The city shall charge $200 for each lot until changed by future ordinance of the City Council.
(Ord. 85-44, passed 11-25-85; Am. Ord. 89-09, passed 5-22-89)

§ 91.15 FLORAL REGULATIONS.

(A) No flower receptacles may be placed on any plots unless they are of metal and of approved size and design. Flower receptacles shall be of either galvanized stainless steel, or cast zinc, and a two section container shall consist of one outer container set firmly and permanently in the sod with the top of the container at lawn level, and one inside container of the reversible type.

(B) The Public Works Director, or his designee, shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind, from the cemetery as soon as, in the judgment of the Public Works Director, or his designee, they become unsightly, detrimental or diseased, or when they do not conform to the standard maintained.

(C) The city shall not be liable for floral pieces, baskets or frames in which or to which, such floral pieces are attached, beyond the acceptance of such floral pieces for funeral services held in the cemetery. The city shall not be responsible for frozen plants or herbage of any kind or for plantings damaged by the elements, theft, vandalism, wildlife, or by other causes beyond its control.

(D) The city reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained. The Public Works Director, or his designee, reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind, unless he gives his consent.

(E) No planting shall be made by anyone other than Public Works employees. Such planting as may be installed by Public Works employees will be limited to areas set aside for that purpose.

(F) Potted plants will be permitted to remain on lots five days before and five days after Easter Sunday and Memorial Day. If left after that time, they may be removed without notice. All winter decorations, including plastic or silk flowers, may be placed either in in-ground containers or monument vases between November 15 and February 15. Christmas items will be removed two weeks after Christmas.
(Ord. 2005-01, passed 4-25-05)

CHAPTER 92: ANIMALS

Section

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DOG CONTROL

§ 92.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL CONTROL OFFICER. The Community Service Officer of the Seaside Police Department or any other authorized law enforcement officer.

AT LARGE. Off or outside the premises from which the keeper of the dog may lawfully exclude others, or is not in the company of and under the control of its keeper.

DANGEROUS OR VICIOUS DOG. A dog that:

(1) Causes serious physical injury or death to any person;

(2) Causes the death of another animal while at large, off the property of the owner, not under the control of the "keeper";

(3) Having previously designated a potentially dangerous dog, it causes physical injury to any person; provided, however this subsection shall not include an animal which injures a person over 12 years of age trespassing on the keepers premises or a person tormenting or abusing the dog;

(4) Is a wild dog; or

(5) Is a dog trained for dog fighting or kept, harbored, or possessed primarily for the purpose of dog fighting.

DOG. Both male and female.

EUTHANIZED. Put to death in a humane manner by a licensed veterinarian or certified Oregon euthanasia technician.

HABITUALLY. Three or more of the same offenses in a 12-month time period.

KEEPER. A person who owns, possesses, control or otherwise has charge of a dog, other than:

(1) A licensed business primarily intended to obtain a profit from the kenneling of dogs;

(2) A humane society or other nonprofit animal shelter;

(3) A facility impounding dogs on behalf of the city or county; or

(4) A veterinary facility.

KENNEL. Any lot or premises on which four or more dogs more than six months old are kept.

OWNER. A person, firm, association or corporation owning, keeping or harboring a dog.

PHYSICAL INJURY. Impairment of physical condition or substantial pain.

SERIOUS PHYSICAL INJURY. Physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
(Ord. 83-2, passed 2-14-83; Am. Ord. 2011-01, passed 3-14-11)

§ 92.02 PRESUMPTION OF OWNERSHIP.

(A) It is presumed that the person shown on the application for the license of a dog, as the owner, is the owner of such dog.

(B) The adult occupants of a dwelling shall be presumed to be the co-owners of any dogs housed in such dwelling or on the premises thereof.
(Ord. 83-2, passed 2-14-83; Am. Ord. 2011-01, passed 3-14-11)

§ 92.03 DOGS NOT TO BE AT LARGE.

(A) It shall be unlawful for any person to allow a dog to run at large. A dog off or outside the premises of the keeper not restrained by a rope, line, leash, chain or other similar means, or not under the immediate control, restraint or command of the keeper thereof. If a dog is not restrained by a tether of some kind, is not at heel or not a working dog in the field that dog shall be deemed "at large".

(B) The following dogs shall not be considered subject to the definition of dog at large as defined under § 92.01, above:

(1) Dogs on the beach are limited only to voice or signal command. The owner is responsible for the animal's behavior and physical control while on the beach.

(2) Dogs under the complete control of a person and being on an eight feet or less adequate chain or leash.

(3) Dogs safely and securely confined or completely controlled while in or upon a motor vehicle.
(Ord. 83-2, passed 2-14-83; Am. Ord. 87-10, passed 5-27-87; Am. Ord. 95-04, passed 1-23-95; Am. Ord. 2011-01, passed 3-14-11) Penalty, see § 92.99

§ 92.04 DOGS IN PUBLIC PLACES.

No person shall permit a dog, including those on chains or leashes, to be in any bus, restaurant, theater, school building, or upon the public grounds of any such building in the city except guide dogs for the blind or deaf, police K-9 or service dogs.
(Ord. 83-2, passed 2-14-83; Am. Ord. 87-10, passed 5-27-87; Am. Ord. 2011-01, passed 3-14-11) Penalty, see § 92.99

§ 92.05 LOCATION OF DOGS THAT ARE TIED.

(A) No person shall tie a dog on the owner's property so that it would have access to any person approaching the main entry of that residence.

(B) No person shall tie a dog on property so that the dog has access to the sidewalk or to the city street.

(C) No person shall tie a dog to any object or leave it unattended on any city street or sidewalk or on the property of any business in the city.
(Ord. 83-2, passed 2-14-83; Am. Ord. 87-10, passed 5-27-87; Am. Ord. 2011-01, passed 3-14-11) Penalty, see § 92.99

§ 92.06 DANGEROUS OR VICIOUS DOGS AND DOGS THAT BITE.

(A) Any person owning or harboring a dangerous or vicious dog shall keep the dog securely leashed and muzzled or otherwise securely restrained when off its property.

(B) The dog must not be unconfined when on its own property. It must be restrained by a secure fence, other secure enclosure or any other security device which effectively prevents the dog from going beyond the premises or from coming in contact with any person legally on the premises.

(C) The dog must be so restrained within the house so that it does not have access to any person for which an entry door to the house is opened.
(Ord. 83-2, passed 2-14-83; Am. Ord. 2011-01, passed 3-14-11) Penalty, see § 92.99

§ 92.07 NUISANCE DOGS.

No person shall allow a dog to be a public nuisance. A dog is a public nuisance if it:

(A) Bites a person;

(B) Habitually chases vehicles or persons;

(C) Damages or destroys property of persons other than the owner of the dog;

(D) Scatters garbage;

(E) Habitually trespasses on private property of persons other than the owner of the dog;

(F) Disturbs any person by frequent or prolonged noises;

(G) Is a female in heat and running at large; or

(H) Drinks from a public fountain.
(Ord. 83-2, passed 2-14-83; Am. Ord. 87-10, passed 5-27-87) Penalty, see § 92.99

§ 92.08 DOG WASTE MATTER.

No person owning or in custody, possession or control of any dog shall cause or permit the dog to defecate on any property other than that of the person owning, or in custody, possession or control of the dog; but it shall be a defense to this charge to immediately remove and properly dispose of the feces from the property.
(Ord. 83-2, passed 2-14-83; Am. Ord. 2011-01, passed 3-14-11) Penalty, see § 92.99

§ 92.09 IMPOUNDING; SEIZING OF DOG BITING PERSON.

(A) A dog which is running at large, is a nuisance, or is unlicensed, is in violation of this ordinance and may be impounded by the Chief of Police, Community Service Officer, or any other authorized law enforcement officer.

(B) A dog found biting a person may be summarily seized by any person and promptly delivered to the Police Department, Community Service Officer, or any other authorized law enforcement officer for impounding.
(Ord. 83-2, passed 2-14-83; Am. Ord. 2011-01, passed 3-14-11)

§ 92.10 NOTICE OF IMPOUNDMENT.

(A) Whenever a dog is impounded pursuant to the provisions of this subchapter, and in a case where the owner or custodian of the dog is known to the impounding official, he shall forthwith give notice of the impounding by personal service or by mail upon the owner or custodian; and if the owner or custodian does not, within five days after the date of service of the notice, claim the dog and pay a redemption fee as established by the city, the dog may be humanely killed or disposed of to a person agreeing to provide it a suitable home.

(B) If the owner or custodian of the dog is not known to the Community Service Officer, a notice of impoundment shall be posted on the bulletin board at the police station and if at the expiration of five days after notice is posted, neither the owner nor custodian claims the dog and pays a redemption fee as established by the city, it may be humanely killed or disposed of to a person agreeing to provide a suitable home.
(Ord. 83-2, passed 2-14-83; Am. Ord. 2011-01, passed 3-14-11)

§ 92.11 RIGHT OF APPEAL.

A dog owner, believing himself aggrieved by the seizure and impounding of his dog, may apply to the municipal judge for the release of his dog; and the municipal judge shall thereupon set a time and place for hearing the application and notify the enforcing officer; and upon a summary hearing at such time and place the municipal judge shall have full power to determine whether the dog has been wrongfully impounded and whether he shall be returned to his owner and upon what terms.
(Ord. 83-2, passed 2-14-83)

POTENTIALLY DANGEROUS DOGS

§ 92.25 PURPOSE.

The purpose of §§ 92.26 through 92.29 is to establish a procedure whereby dogs that pose a reasonably significant threat of causing serious injury to humans, other animals or property are identified and subjected to precautionary restrictions before any such serious injury has occurred.
(Ord. 88-05, passed 4-11-88)

§ 92.26 CLASSIFICATION OF LEVELS OF DANGEROUSNESS.

A dog shall be classified as potentially dangerous based upon specific behaviors exhibited by the dog. For purposes of §§ 92.25 through 92.29, behaviors establishing various levels of potential dangerousness are as follows:

(A) Level 1 behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal.

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

(C) Level 3 behavior is established if a dog, while confined in accordance with § 92.06, aggressively bites any person.

(D) Level 4 behavior is established if a dog, while at large, aggressively bites or causes physical injury to any person or domestic animal.

(E) Level 5 behavior is established if:

(1) A dog, whether or not confined, causes the serious injury or death of any person;

(2) A dog, while at large, kills or causes a severe injury leading to the animals death;

(3) A dog engages in or is found to have been trained to engage in exhibitions of fighting; or

(4) A dog that has been classified as a Level 4 potentially dangerous dog repeats the behavior described in division (D) of this section after the owner receives notice of the Level 4 classification.

(F) Notwithstanding divisions (A) through (E) of this section, the Chief of Police or his designee shall have discretionary authority to refrain from classifying a dog as potentially dangerous, even if the dog has engaged in the behaviors specified in divisions (A) through (E) of this section, if the Chief of Police or his designee determines that the behavior was the result of the victim abusing or tormenting the dog or other extenuating circumstances. In any case, no dog shall be classified as potentially 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 trespass occurred.
(Ord. 88-05, passed 4-11-88; Am. Ord. 2011-01, passed 3-14-11)

§ 92.27 IDENTIFICATION OF POTENTIALLY DANGEROUS DOGS; NOTICE AND APPEAL.

(A) The Chief of Police or his designee shall have authority to determine whether any dog has engaged in the behaviors specified in § 92.26. This determination shall be based upon an investigation that includes observation of and testimony about the dog's behavior, including the dog's upbringing and the owner's control of the dog. These observations and testimony can be provided by the Community Service 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 dog's behavior if necessary.

(B) The Chief of Police or his designee shall give the dog's owner written notice by certified mail or personal service of the dog's classification as potentially dangerous dog and of the additional restrictions applicable to that dog by reason of its classification. If the owner denies that the behavior in question occurred, the owner may appeal the Chief of Police or his designee's decision to the Municipal Judge by filing a written request for a hearing with the Chief of Police within ten days of the date the notice was mailed to the owner by certified mail or the owner was personally served.

(C) The Municipal Judge shall hold a public hearing on any appeal from the Chief of Police's decision to classify a dog as potentially dangerous. The owner and any other persons having relevant evidence concerning the dog's behavior as specified in § 92.26 shall be allowed to present testimony. The Municipal Judge shall determine whether the behavior specified in § 92.26 was exhibited by the dog in question. The Municipal Judge shall issue an order containing his or her determination, which shall be final.

(D) Once the owner has received notice of the dog's classification as a Level 1, 2, 3, or 4 potentially dangerous dog pursuant to division (B) of this section, the owner shall comply with the restrictions specified

in the notice until such time as the Chief of Police or his 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 his designee shall have authority to impound the dog pending completion of all appeals.

(E) If the Chief of Police or his designee finds that a dog has engaged in Level 5 behavior, the dog shall be impounded pending the completion of an appeal. If the Chief of Police or his designee's decision is upheld on appeal, the dog's owner shall be liable for the cost of the dog's impoundment including any necessary medical care.

(F) The imposition of regulations pursuant to this section shall not prevent the issuance of a citation pursuant to §§ 92.01 through 92.11.
(Ord. 88-05, passed 4-11-88; Am. Ord. 2011-01, passed 3-14-11)

§ 92.28 REGULATION OF POTENTIALLY DANGEROUS DOGS; NOTICE AND APPEAL.

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

(A) If the dog has engaged in Level 1 behavior, the dog shall be restrained by a physical device or structure that prevents the dog from reaching any public sidewalk or adjoining property whenever that dog is outside the owner's home on a leash.

(B) If the dog has engaged in Level 2 behavior, the owner shall confine the dog within a secure enclosure whenever the dog is not on a leash or inside the home of the owner. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's property.

(C) If the dog has engaged in Level 3 behavior, the owner shall meet the requirements of division (B) of this section and shall also post warning signs on the property where the dog is kept.

(D) If the dog has engaged in Level 4 behavior, the owner shall meet the requirements of divisions (B) and (C) of this section and shall, additionally, not permit the dog to be off the owner's property unless the dog is muzzled and restrained by an adequate leash and under the control of a capable person.

(E) Any dog that has been found to have engaged in Level 5 behavior as described in § 92.26 shall be euthanized. In addition, the Chief of Police or his designee may suspend, for a period of up to five years that dog owner's right to be the owner of any dog within the city limits, including dogs currently owned by that person.
(Ord. 88-05, passed 4-11-88; Am. Ord. 2011-01, passed 3-14-11)

§ 92.29 BANNING OF DANGEROUS DOGS.

(A) At the discretion of the Chief of Police a dog with a documented history of exhibiting Level 3 or 4 behavior may be prohibited from entering or residing within the city limits except to be transported in a secure vehicle while passing through the city.

(B) In addition, the Chief of Police is empowered to ban a Level 3 or 4 dog from the city limits for a specified period of time or permanently, however, the dog owner shall have the right of appeal, specified in § 92.27 of any decision under this section.
(Ord. 88-05, passed 4-11-88) Penalty, see § 92.99

§ 92.30 SELLING OF DANGEROUS DOGS.

No person shall sell or otherwise transfer to another ownership of a potentially dangerous dog within the city limits. No person shall secrete or harbor a dangerous dog for another while the owner of that dog exercises the right of appeal.
(Ord. 88-05, passed 4-11-88) Penalty, see § 92.99

§ 92.31 RESTITUTION AND DAMAGE.

(A) The owner(s) of a dog that injures a human shall be liable for damages such as hospitalization, and

medical costs, compensation, and other consequential damages incurred by the victim.

(B) The owner(s) of a dog that bites or injures any domestic animal (including birds and husbandry animals) shall be liable for damages such as veterinary costs, compensation and other consequential damages incurred by the owner of the injured animal.
(Ord. 88-05, passed 4-11-88) Penalty, see § 92.99

§ 92.32 REPORTING OF POTENTIALLY DANGEROUS DOGS.

Any person who observes or has evidence of behavior as described in § 92.26 shall forthwith notify the Chief of Police.
(Ord. 88-05, passed 4-11-88)

LICENSING OF DOGS

§ 92.45 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOG. Both male and female.

KENNEL. Any lot or premises on which four or more dogs more than six months old are kept.

OWNER. A person, firm, association, or corporation owning, keeping, or harboring a dog.
(Ord. 82-30, passed 12-27-82; Am. Ord. 84-12, passed 5-14-84)

§ 92.46 LICENSE REQUIREMENT.

Every dog that resides within the city and that has developed permanent canine teeth or is six months old, whichever occurs first, shall be licensed according to the terms and requirements herein. The licensing year shall be the same as the calendar year. No license may be issued without proof of rabies inoculation as provided herein. Operation of a kennel shall require the license described above, along with a business license. A kennel shall only be operated in areas that comply with the zoning code.
(Ord. 82-30, passed 12-27-82; Am. Ord. 84-12, passed 5-14-84)

§ 92.47 LICENSE FEES.

(A) The following annual license fees shall be applicable and payable to the city on January, 1, of each year, and shall be paid no later than March 1 of each year.

(1) For each spayed female or neutered male for which a veterinarian's certificate of operation for the spaying or neutering of the dog is presented to the city, $15.

(2) For each dog kept primarily in a kennel and not permitted to run at large, $15, so long as the dog is not taxed as inventory pursuant to O.R.S. 310.608. In the event that the dog is so taxed, a fee shall not be charged for the issuance of a license for that dog.

(3) For the first dog owned by a resident of the city who is 65 years of age or older as of March 1 of each year, the license fee shall be $5 if the dog is shown to be spayed or neutered. For each additional dog, the regular applicable fee shall be charged. These fees are set pursuant to the minimum fee requirements of O.R.S. 609.100, as amended by 1977 O.L. Ch. 189, Sec. 10.

(4) For each dog owned by a resident of the city who is disabled, "disable" describing a person who has been classified as or determined to be totally disabled by any state or federal agency, and who presents verification thereof from the classifying agency, the license fee shall be $5 if the dog is shown to be spayed or neutered as provided herein, and $15 if the dog is not spayed or neutered. For each additional dog, the regular applicable fee shall be charged. These fees are set pursuant to the minimum fee requirements of O.R.S. 609.10. Provided,

however, that pursuant to O.R.S. 609.100(4), no license fee shall be required to be paid for any dog owned by a blind person who uses it as a guide. A license shall be issued for such dog upon filing with the city an affidavit by the blind person showing such dog to be within this exemption.

(5) For any other dog, $30.

(B) Where a person establishes residence in the city or obtains ownership of a dog after March 1 of each year, or where a person owns a dog who turns six months of age or develops permanent canine teeth after March 1 of each year, that person shall have 30 days to obtain a dog license as provided above. The license fee shall be prorated as follows:

(1) If the original license fee is $15, the fee for the license obtained on or after April 1 of each year shall be $14.

(2) If the original license fee is $10, the fee for the license obtained on or after April 1 of each licensing year shall be $9.
(Ord. 82-30, passed 12-27-82; Am. Ord. 84-12, passed 5-14-84; Am. Ord. 2011-01, passed 3-14-11)
Penalty, see § 92.99

§ 92.48 RABIES INOCULATION REQUIRED.

Prior to the issuance of a license, the city, pursuant to O.R.S. 433.375, shall require proof of rabies inoculation that is valid for the entire year for which the license is applied, and properly certified by a licensed veterinarian, unless the dog for which the license is applied is specifically exempted by the State Health Division or the State Department of Agriculture. The Community Service Officer shall keep on record such evidence of inoculation for future licensing years. Where the dog is too young or otherwise not able to receive his inoculation safely, a veterinarian's certificate as to this fact may be submitted in lieu of the rabies inoculation.
(Ord. 82-30, passed 12-27-82; Am. Ord. 2011-01, passed 3-14-11)

§ 92.99 PENALTY.

(A) (1) A violation of § 92.07 may be punishable by a fine of not more than $150 for the first violation, $250 for the second violation and not more than $350 for each additional violation occurring within six months of the first violation or imprisonment in the county jail for not more than five days or both.

(2) A violation of §§ 92.01 through 92.06 or §§ 92.08 through 92.11 may be punishable by a fine not to exceed $700 or imprisonment in the county jail for not more than five days or both.

(3) Each violation of a separate provision of §§ 92.01 through 92.11 shall constitute a separate offense. Each day that a violation is committed or permitted to continue shall constitute a separate offense.

(4) For each impound in violation of §§ 92.01 through 92.06 or §§ 92.08 through 92.11, the owner or keeper of the dog is required to pay an impound fee of $25 (licensed) or $40 (unlicensed) for the first offense; $55 for a second offense within one year and $75 for each subsequent offense within one year.

(5) In addition to any fines, if a dog has been repeatedly found to be a public nuisance as defined in § 92.07, the court may order such disposition of the dog as the court considers necessary for the safety or health of the public.
(Ord. 83-2, passed 2-14-83; Am. Ord. 95-04, passed 1-23-95)

(B) Violation of any provision of §§ 92.25 through 92.32 is punishable by a fine of not to exceed $500. (Ord. 88-05, passed 4-11-88)

(C) Any dog owner who fails to license his dog by the dates provided in §§ 92.45 through 92.48 shall be assessed a penalty of $15 per dog when no enforcement action is taken or $30 per dog when enforcement action is taken in addition to the applicable regular license fee. (Ord. 82-30, passed 12-27-82)
(Am. Ord. 2011-01, passed 3-14-11)

CHAPTER 93: BEACHES

Section

93.01 Area under jurisdiction of city; limited use and purposes
93.02 Windsailing restricted
93.03 Launching of boats and floating devices regulated

93.99 Penalty

Cross-reference:
Golf on beach, see § 131.20
Recreational beach fires, see § 95.21

§ 93.01 AREA UNDER JURISDICTION OF CITY; LIMITED USE AND PURPOSES.

(A) The ocean beaches located adjacent to the city on its westerly shore and from the Promenade westward to low water are hereby declared to be under the direct supervision and control of the city.

(B) The use and occupancy of the beaches herein described are hereby limited to recreational purposes, and no building or structure shall be built westerly of the Promenade without permission of the Council.

(C) It is further the intention of the Council, in passing this section, to restrict any use or occupancy of the beaches west of the Promenade to recreational purposes, and that any building or structure constructed west of the Promenade would have to be for that purpose for the public, in the event it were to be allowed.

(D) Camping on the ocean shore within the city limits of Seaside is prohibited. Camping includes, but is not limited to, erecting a tent or temporary shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle in such a manner as will permit remaining overnight, or for other extended periods.
(Ord. 67-18, passed 5-22-67; Am. Ord. 99-17, passed 11-8-99; Am. Ord. 2014-05, passed 6-23-14)

§ 93.02 WINDSAILING RESTRICTED.

No person shall windsail on any beach within the city limits except by permit from the city. A *WINDSAIL* is a sail-propelled three- or four-wheeled cart. (Ord. 67-18, passed 5-22-67; Am. Ord. 95-07, passed 1-23-95) Penalty, see § 93.99

§ 93.03 LAUNCHING OF BOATS AND FLOATING DEVICES REGULATED.

(A) No person may launch any rigid watercraft such as metal or fiberglass canoes and boats and jet skis on the ocean shore within the city limits of Seaside, except by authorization from the Chief of Police or his designee. Watercraft must meet all State Marine Board rules and regulations. This does not apply to inflatable rafts or boats, inner tubes or swimmer safety devices. The launching of surfboards from Avenue "U" north in Seaside is also prohibited.

(B) The provisions of this section shall not apply to emergency equipment used by a public agency in order to save life.
(Ord. 87-09, passed 5-27-87; Am. Ord. 95-05, passed 1-23-95; Am. Ord. 2002-12, passed 8-27-02) Penalty, see § 93.99

§ 93.99 PENALTY.

Any person who violates any provision of this chapter shall, upon conviction, be subjected to a fine in the amount not to exceed $700.
(Ord. 87-09, passed 5-27-87; Ord. 95-05, passed 1-23-95; Ord. 95-07, passed 1-23-95)

CHAPTER 94: FIRE PREVENTION

Section

Fire Code; Regulations Governing Hazardous Conditions

94.01 Adoption of Oregon Fire Code
94.02 Amendments to the Oregon Fire Code
94.03 Definitions
94.04 Establishment and duties of Bureau of Fire Prevention
94.05 Establishment of limits of districts in which storage of flammable or combustible liquids in outside above ground tanks is prohibited
94.06 Establishment of limits in which storage of liquefied petroleum gases is prohibited
94.07 Establishment of limits of districts in which storage of explosives and blasting agents is prohibited
94.08 Establishment of limits of district in which storage of compressed natural gas is prohibited
94.09 Establishment of limits of districts in which the storage of stationary tanks of flammable cryogenic fluids are prohibited
94.10 Establishment of limits of districts in which the storage of hazardous materials is prohibited or limited
94.11 New materials, processes or occupancies which may require permits
94.12 Appeals
94.13 Lockbox procedures

Outdoor Fires and Incinerators

94.20 Outdoor fires and use of incinerators restricted
94.21 Recreational beach fires
94.22 Administration; authority of Fire Chief as to permits

94.99 Penalty

FIRE CODE; REGULATIONS GOVERNING HAZARDOUS CONDITIONS

§ 94.01 ADOPTION OF OREGON FIRE CODE.

There is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as the *Oregon Fire Code*, *2010 Edition*, including appendices, as hereafter modified or amended, with the exception of those appendices used as references or guides, are now filed in the office of the City Auditor, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this subchapter shall take effect, the provision shall be controlling within the limits of the city.
(Ord. 96-31, passed 9-9-96; Am. Ord. 98-18, passed 12-14-98; Am. Ord. 2004-06, passed 8-23-04; Am. Ord. 2010-05, passed 6-28-10)

§ 94.02 AMENDMENTS TO THE OREGON FIRE CODE.

The Oregon Fire Code is amended and changed in the following respects:

(A) Section 105.1 is amended to require permits only for the following:

"Bonfires or Rubbish Fires. To kindle or authorize the kindling or maintenance of bonfires or rubbish fires. See Section 105.6"

(Ord. 96-31, passed 9-9-96; Am. Ord. 98-18, passed 12-14-98; Am. Ord. 2004-06, passed 8-23-04)

§ 94.03 DEFINITIONS.

(A) Wherever the word ***JURISDICTION*** is used in the Oregon Fire Code, it shall be held to mean the City of Seaside.

(B) Where the party responsible for the enforcement of the Oregon Fire Code is given the title of "Fire Marshal" add the following definition:

"Fire Marshal is the Chief of the Bureau of Fire Prevention."

(Ord. 96-31, passed 9-9-96; Am. Ord. 98-18, passed 12-14-98; Am. Ord. 2004-06, passed 8-23-04)

§ 94.04 ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

(A) The Oregon Fire Code as amended herein shall be enforced by the Bureau of Fire Prevention (or other designated agency) in the Fire Department of the city which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

(B) The Chief (or Fire Marshal) in charge of the Bureau of Fire Prevention (or other designated agency) shall be appointed by the City Manager on the basis of examination to determine his/her qualifications.

(C) The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be selected through examination to determine their fitness for the position. The examination shall be open to members and to nonmembers of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause.

(Ord. 96-31, passed 9-9-96; Am. Ord. 98-18, passed 12-14-98; Am. Ord. 2004-06, passed 8-23-04)

§ 94.05 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS IS PROHIBITED.

The geographic limits referred to in IFC Section 3404.2.9.6.1 of the Oregon Fire Code, in which the storage of flammable or combustible liquids is restricted, are hereby established as follows:

"From the center of the intersection of Broadway and Highway 101; thence northerly to the center of the intersection of Highway 101 and First Avenue; thence westerly along the centerline of First Avenue to the west boundary of the cement sidewalk described as North Prom; thence southerly along said sidewalk to the center of the intersection of Avenue "A" and the west boundary of South Prom; thence easterly along the center line of Avenue "A" to the center line of South Holladay; thence easterly along the center line of Avenue "B" to the center of the intersection of Avenue "B" and Highway 101 to the starting point, except by special permit issued by the Fire Chief or his representative where it appears that public interest is served by issuance of such special permit."

(Ord. 96-31, passed 9-9-96; Am. Ord. 98-18, passed 12-14-98; Am. Ord. 2004-06, passed 8-23-04; Am. Ord. 2010-05, passed 6-28-10)

§ 94.06 ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS PROHIBITED.

The limits referred to in Section 3804.2 of the Oregon Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows:

> "The aggregate capacity of any one installation of liquefied petroleum gas shall not exceed 500 gallons water capacity within the entire City of Seaside, except by special permit issued by the Fire Chief or his representative where it appears that public interest is served by issuance of such special permit."

(Ord. 96-31, passed 9-9-96; Am. Ord. 98-18, passed 12-14-98; Am. Ord. 2004-06, passed 8-23-04; Am. Ord. 2010-05, passed 6-28-10)

§ 94.07 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS PROHIBITED.

The geographic limits referred to in Section 3301.2.3 of the Oregon Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

> "The entire city of Seaside, except that area the Fire Chief or Fire Marshal may provide for the temporary storage of limited amounts of explosive and blasting agents for daily use."

(Ord. 96-31, passed 9-9-96; Am. Ord. 98-18, passed 12-14-98; Am. Ord. 2004-06, passed 8-23-04)

§ 94.08 ESTABLISHMENT OF LIMITS OF DISTRICT IN WHICH STORAGE OF COMPRESSED NATURAL GAS IS PROHIBITED.

The geographic limits in which the storage of compressed natural gas is prohibited, are hereby established as follows:

> "From the center of the intersection of Broadway and Highway 101; thence northerly to the center of the intersection of Highway 101 and First Avenue; thence westerly along the center line of First Avenue to the west boundary of the cement sidewalk described as North Prom; thence southerly along said sidewalk to the center of the intersection of Avenue "A" and the west boundary of South Prom; thence easterly along the center line of Avenue "A" to the center line of South Holladay; thence easterly along the center line of Avenue "B" to the center of the intersection of Avenue "B" and Highway 101; thence northerly along the center line of Highway 101 to the starting point."

(Ord. 96-31, passed 9-9-96; Am. Ord. 98-18, passed 12-14-98; Am. Ord. 2004-06, passed 8-23-04)

§ 94.09 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS ARE PROHIBITED.

The geographic limits referred in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows:

> "The entire city of Seaside, except by special permit issued by the Fire Chief or his representative where it appears that the public interest is served by issuance of such special permit."

(Ord. 96-31, passed 9-9-96; Am. Ord. 98-18, passed 12-14-98; Am. Ord. 2004-06, passed 8-23-04)

§ 94.10 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS PROHIBITED OR LIMITED.

The limits referred to in Section 2703 of the Oregon Fire Code, in which the storage of hazardous materials is prohibited or limited, are hereby established as follows:

"The entire City of Seaside except by special permit issued by the Fire Chief or his representative where it appears that public interest is served by issuance of such special permit."

(Ord. 96-31, passed 9-9-96; Am. Ord. 98-18, passed 12-14-98; Am. Ord. 2004-06, passed 8-23-04; Am. Ord. 2010-05, passed 6-28-10)

§ 94.11 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The City Manager, the Chief and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the Oregon Fire Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place at the Bureau of Fire Prevention and distribute copies thereof to interested persons.

(Ord. 96-31, passed 9-9-96; Am. Ord. 98-18, passed 12-14-98; Am. Ord. 2004-06, passed 8-23-04)

§ 94.12 APPEALS

Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to a regional appeal advisory board established by the State Fire Marshal within 30 days from the date of the decision appealed.

(Ord. 96-31, passed 9-9-96; Am. Ord. 98-18, passed 12-14-98; Am. Ord. 2004-06, passed 8-23-04)

§ 94.13 LOCKBOX PROCEDURES.

The limits referred to in IFC Section 506.1 of the Oregon Fire Code, in which access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, are hereby established as follows: The Fire Chief is authorized to require a key box to be installed in an accessible location. The key box shall be an approved type and shall contain keys to gain necessary access as required by the Fire Chief.

(A) *Applicant user.* The following buildings or occupancies shall meet one of the following criteria:

(1) Multi-family housing (R-1) with restricted access.

(2) Assisted living occupancy with restricted access.

(3) Any building at owners request and approved by authority having jurisdiction.

(4) Any building seen fit by the authority having jurisdiction.

(B) *Type lockbox used.* The lockbox shall be a brand selected and supplied by the building owner/management company, which will accommodate a mortise-type key cylinder. There will be only one mortise-type key cylinder code available to all lock boxes required within the city limits. The code information is available at the Fire Department.

(C) *Lockbox location.* The lockbox shall be mounted by the building owner/management company at a location approved by the Fire Chief or his or her designee.

(D) *Liability.* The city and their representatives shall not be liable for any loss resulting from the use of the lock box system.

(Ord. 2002-03, passed 5-14-02; Am. Ord. 2004-06, passed 8-23-04; Am. Ord. 2010-05, passed 6-28-10)

OUTDOOR FIRES AND INCINERATORS

§ 94.20 OUTDOOR FIRES AND USE OF INCINERATORS RESTRICTED.

(A) It shall be unlawful for any person, firm or corporation within the limits of that certain area within the city described as the core area, to burn garbage, refuse, leaves, trash, dirt, boxes, or paper between the hours of 8:00 a.m. and 6:00 p.m. in any outdoor fire or in any incinerator or any other structure or device; provided, that the provisions of this subchapter shall not apply to heating stoves, cooking stoves, fireplaces, or furnaces within buildings.

(B) The core area encompasses the area to include property abutting the north side of First Avenue, the south side of Avenue "A", the east side of Roosevelt and to the ocean on the west, and commonly called the main business district.

(C) In all other areas it shall be unlawful for any person, firm, or corporation within the city to burn any garbage, refuse, leaves, trash, dirt, boxes, or paper in any outdoor fire within the city unless there is first obtained from the Fire Chief or his or her representative of the city a permit for such burning.

(D) It shall be unlawful for any person, firm or corporation within the city limits to openly burn any construction and/or demolition waste. Open burning of demolition waste may be allowed for Fire Department training purposes only. For the purpose of this section, construction and demolition waste is defined as follows (reference OAR Chapter 340-023-0030):

(1) *CONSTRUCTION WASTE.* Any waste material actually resulting from or produced by a building or construction project. Examples of construction waste are wood, lumber, paper, crating and packing materials used during construction, materials left after completion of construction and materials collected during cleanup of a construction site.

(2) *DEMOLITION WASTE.* Any material actually resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site for land improvement or cleanup excluding yard debris (domestic waste) and agricultural waste.
(Ord. 93-15, passed 5-24-93; Am. Ord. 2000-06, passed 9-25-00; Am. Ord. 2004-06, passed 8-23-04)

§ 94.21 RECREATIONAL BEACH FIRES.

(A) Small recreational beach fires in the ocean shore recreation area are allowed, provided they are located in the open dry sands area, downwind of and below beach grass and the driftwood line; no fires are allowed in dunes or beach log accumulations. It shall be unlawful to burn any garbage, refuse, trash or household waste.

(B) No fire shall be placed in driftwood, left unattended or be permitted to cause damage to facilities or natural resources. Every fire shall be extinguished before its users leave the area.

(C) At the discretion of an Oregon State Park Manager, fires normally permitted in the ocean shore recreation area may be restricted or prohibited due to high fire hazard conditions.
(Ord. 93-15, passed 5-24-93; Am. Ord. 95-06, passed 1-23-95; Am. Ord. 2004-06, passed 8-23-04; Am. Ord. 2010-05, passed 6-28-10) Penalty, see § 94.99

§ 94.22 ADMINISTRATION; AUTHORITY OF FIRE CHIEF AS TO PERMITS.

(A) The Fire Chief of the city, or his or her representative, shall issue such permits without charge unless, in his or her judgment, such burning would be dangerous.

(B) If the Fire Chief, or his or representative, receives a confirmed complaint of a smoke problem, the Fire Chief, or his or her representative, may order the extinguishment of the fire.

(C) The Fire Chief may impose such regulations and restrictions in connection with the issuance of such permits and with such burning as in his or her judgment are required in the public interest.

(D) The Council may, upon recommendation of the Fire Chief, issue a special permit for burning material of the type specified in § 94.20, or any waste material, at other hours than those specified in § 94.20, where it appears to the Council that public interest is served by issuance of such special permit, and that unusual circumstances and conditions make a strict compliance with the provisions of § 94.20 unreasonable and not within the true intent of this subchapter.
(Ord. 93-15, passed 5-24-93; Am. Ord. 95-06, passed 1-23-95; Am. Ord. 2004-06, passed 8-23-04)

§ 94.99 PENALTY.

(A) Any person who shall violate any of the provisions of the Oregon Fire Code as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the appeal board or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than $1,000. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions.
(Ord. 96-31, passed 9-9-96; Am. Ord. 98-18, passed 12-14-98)

(B) Any person, firm, or corporation violating any of the provisions of §§ 94.20 through 94.22 shall, upon conviction, be punished by a fine of not more than $700, or imprisonment in the city jail for a period not exceeding 180 days, or by both such fine and imprisonment.
(Ord. 93-15, passed 5-24-93; Am. Ord. 95-06, passed 1-23-95; Am. Ord. 2004-06, passed 8-23-04)

CHAPTER 95: STREETS AND SIDEWALKS

Section

95.01 City jurisdiction over public rights-of-way
95.02 Construction of city sidewalks required
95.03 Permit required for cutting sidewalks and street pavement
95.04 Permit required for constructing driveways

95.99 Penalty

Cross-reference:
Numbering of buildings, see § 150.01

§ 95.01 CITY JURISDICTION OVER PUBLIC RIGHTS-OF-WAY.

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. Individual, corporation, association, firm, partnership, joint stock company, and similar entities.

PUBLIC RIGHTS-OF-WAY. Include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including subsurface and air space over these areas.

WITHIN THE CITY. Territory over which the city now has or acquires jurisdiction for the exercise of its powers.

(B) *Jurisdiction.* The city has jurisdiction and exercises regulatory control over all public rights-of-way within the city under the authority of the city charter and state law.

(C) *Scope of regulatory control.* The city has jurisdiction and exercises regulatory control over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

(D) *City permission requirement.* No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits.

(E) *Obligations of the city.* The exercise of jurisdiction and regulatory control over a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.
(Ord. 97-04, passed 2-24-97)

§ 95.02 CONSTRUCTION OF CITY SIDEWALKS REQUIRED.

(A) No building permit with a construction value of over $5,000 shall be granted for the construction, addition, or remodeling of any building unless the required building plans provide for the construction of cement sidewalks on all sides of the property that abut city streets.

(B) In residential areas, the sidewalk shall be from the right-of-way line to the curb or a minimum width of four feet, whichever is greater. The grade shall be that approved by the City Engineer.

(C) Deferment of sidewalk construction as required in division (A) can be deferred by the

Building Official if all of the following conditions are met:

(1) Less than one-half of the required sidewalk on the same side of the block is already constructed.

(2) Deferral of the sidewalk construction does not pose a threat to the welfare and safety of the public based upon a review of the pedestrian/vehicular traffic, the width and condition of the street, and the on-street parking.

(3) The area designated for sidewalk is graded and sloped for future sidewalk construction.

(4) The property owner agrees to avoid planting trees or building fences, retaining walls, steps, or other impediments to the future sidewalk. The area may be planted and maintained as a lawn.

(5) The plans note that a deferment has been requested and granted but that construction may be ordered by the Common Council at any time.

(D) Sidewalk construction, which has been deferred according to division (C) may be initiated by resolution of the City Council.

(E) The City Council may grant an exclusion from sidewalk construction in the case where the topography of the site will make the construction of sidewalks impractical.
(Ord. 86-09, passed 3-24-86; Am. Ord. 92-03, passed 1-28-91)

§ 95.03 PERMIT REQUIRED FOR CUTTING SIDEWALKS AND STREET PAVEMENT.

(A) It shall be unlawful for any person to cut any sidewalk or pavement of any street for any purpose without having first obtained a permit from the Superintendent of Streets of the city so to do.

(B) Any person desiring to cut any sidewalk or street pavement within the corporate limits of the city for any purpose whatever shall first procure from the Superintendent of Streets a written permit for such purpose; and no such permit shall be granted except upon the written application of the owner or owners of the property affected, conditioned upon the making of the necessary repairs to replace such sidewalk or street in as good condition as same was in when cut was made.
(Ord. 1154, passed 6-5-23) Penalty, see § 95.99

§ 95.04 PERMIT REQUIRED FOR CONSTRUCTING DRIVEWAYS.

(A) It shall be unlawful to construct and maintain any sidewalk, curb, and/or driveway in or upon any street and intended for use and used by the public, without first securing a permit therefor and paying the permit fee as required by division (D) of this section.

(B) Any property owner desiring to obtain a permit for the construction or maintenance of a sidewalk and/or curb or driveway to serve his property shall file an application therefor with the City Engineer. The application shall be in writing upon a form provided by the city and shall contain information showing type of construction, location, and any other information which may be required by the City Engineer. If the City Engineer finds that the construction of the sidewalk, curb, and/or driveway will not be a menace to the safety of the city, the City Engineer shall approve the application and set forth the fee required. Thereupon, the City Auditor shall collect said fee and issue the permit. When issued, a copy of the permit is to be delivered to the City Engineer, who will thereupon cause line and grade stakes to be set and inspect the work during its progress. All construction to be in accordance with plans and specifications on file in the City Engineer's office.

(C) The sidewalk and curb shall conform to specifications and shall be located as established for various streets. The driveway approaches, measured between the transition areas, shall have the following maximum lengths with due regard for interest and convenience of the public as well as use of the property served by such a driveway approach.

Lot Frontage	Maximum Driveway Approach Length
Up to 50 feet	20 feet
50 to 100 feet	25 feet
75 to 100 feet	35 feet

(1) *Minimum driveway approach length.* The minimum length of a driveway approach shall be 12 feet.

(2) *Driveway transition areas.*

(a) The minimum length of driveway transition areas shall be 30 inches.

(b) The maximum length of driveway transition areas shall be 54 inches.

(3) *Distance from curb returns.*

(a) *Intersecting streets.* The driveway transition shall normally be permitted no closer than ten feet from the tangent of the curb return.

(b) *Alley.* The driveway transition shall be no closer than six feet from the projected intersecting alley curb face or driving lane.

(4) *Distance from utility or safety devices.* Driveway approaches shall clear all public facilities such as lighting standards, traffic signal standards, utility poles, fire hydrants, and street trees, by a minimum of three feet. Any relocation of public facilities required to maintain such clearance shall be at the expense of the property owner who is installing the driveway approach.

(5) *Distance between driveways.*

(a) A full height of curb shall be maintained for a minimum distance of six feet between the transitions of adjoining driveways. No driveway shall be constructed which results in a curb length between driveways in excess of 12 feet unless the curb length is at least the length of one standard parking space of 22 feet.

(b) If more than one industrial or commercial service driveway approach is required for frontage up to 100 feet, the maximum length of the driveway approach shall be 20 feet and not more than two such driveway approaches shall be permitted; provided, however, that not less than 12 feet of straight curb must separate industrial or commercial service driveways under one ownership.

(6) *Common use driveways.* Joint use of driveways may be permitted in special cases.

(7) *Abandoned driveways.* Any abandoned driveway shall be completely removed and replaced with standard curbs and sidewalks.

(8) *Grade.* Driveway approach grades shall be designed to preclude any part of an automobile frame from dragging or "hanging up" on the street or driveway.

(9) *Modification.* The above standards may be modified by the City Engineer for unusual conditions, or where necessary to promote a smooth and safe flow of traffic.

(D) *Permit Fee.* The permit fee for the construction and maintenance of a sidewalk, curb, and/or a driveway approach shall be established by the City Engineer, and in no case shall be less than $2.50.
(Ord. 72-9, passed 3-27-72)

§ 95.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the penalty provisions of § 10.99.

(B) Any person violating any of the provisions of § 95.03 shall, upon conviction therefor, be fined not to exceed $500, or by imprisonment for a period not to exceed 180 days in the city jail, or by both fine and imprisonment. (Ord. 1154, passed 6-5-23; Am. Ord. 63-7, passed 2-25-63)

(C) Any person violating any of the provisions of § 95.04 shall, upon conviction thereof, be punished by a fine not to exceed $300, or imprisonment not to exceed 100 days, or by both such fine and imprisonment. (Ord. 72-9, passed 3-27-72)

CHAPTER 96: NUISANCES

Section

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GENERAL PROVISIONS

§ 96.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY MANAGER. Any designated person.

PERSON. A natural person, firm, partnership, association, or corporation, whether he is acting for himself or representative or agent of another.

PERSON IN CHARGE OF PROPERTY. An agent, 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 above in this section.

(3) The person who caused to come into or continue in existence a nuisance as defined in this chapter or another ordinance of this city.

PREMISES. Includes property, landscaping, plantings, trees, bushes, fences, buildings, fixtures and the exterior storage of personal property, equipment, supplies and vehicles.

PUBLIC PLACE. A building, way, place or accommodation, whether publicly or privately owned, open and available to the general public.
(Ord. 96-15, passed 6-10-96)

NUISANCES REGULATED

§ 96.10 NUISANCES CONCERNING ANIMALS.

(A) *Dangerous animals.* No owner or person in charge of an animal shall permit an animal which is dangerous to the public health or safety to be exposed in public. If the animal is exposed in public, it may be taken into custody by the city and disposed of in accordance with the procedures provided by ordinance for the impoundment of dogs, except that before the animal is released by the city, the municipal judge must find that proper precautions will be taken to ensure the public health and safety.

(B) *Keeping of animals.* Unless specifically authorized by the City Council for educational or entertainment purposes, no person shall keep or maintain livestock, bees, poultry or other animals, excluding household pets, inside the city limits. This section shall not apply to parade permits issued by the City Manager, or areas of the city specifically zoned to allow animals.

(C) *Animals at large.* Except for household pets, no owner or person in charge of an animal shall permit the animal to be at large. Animals at large may be taken into custody by the city and disposed of in accordance with the procedures provided by ordinance for the impoundment of dogs.

(D) *Removal of 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.
(Ord. 96-15, passed 6-10-96) Penalty, see § 96.99

§ 96.11 NUISANCES AFFECTING THE PUBLIC HEALTH.

No person shall cause, or permit on property owned or controlled by him, a nuisance affecting public health. The following are nuisances affecting the public health and may be abated as provided in this chapter:

(A) *Privies.* An open vault or privy constructed and maintained within the city, except those constructed or maintained in connection with construction projects in accordance with State Health Division regulations.

(B) *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.

(C) *Stagnant water.* Stagnant water which affords a breeding place for mosquitoes and other insect pests.

(D) *Water pollution.* Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes, or other substances placed in or near the water in a manner that will cause harmful material to pollute the water.

(E) *Food.* Decayed or unwholesome food which is offered for human consumption.

(F) *Odor.* Premises which are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition.

(G) *Surface drainage.* Drainage of liquid wastes from private premises.

(H) *Cesspools.* Cesspools or septic tanks which are in an unsanitary condition, or which cause an offensive odor.

(I) *Slaughterhouses and the like.* A slaughterhouse, tannery or pigsty.
(Ord. 96-15, passed 6-10-96) Penalty, see § 96.99

§ 96.12 ABANDONED REFRIGERATORS.

No person shall leave in a place accessible to children an abandoned or discarded icebox, refrigerator or similar container without first removing the door.
(Ord. 96-15, passed 6-10-96) Penalty, see § 96.99

§ 96.13 ATTRACTIVE NUISANCES.

(A) No owner or person in charge of property shall permit thereon:

(1) Unguarded machinery, equipment or other devices which are attractive, dangerous and accessible to children.

(2) Lumber, logs or pilings placed or stored in a manner so as to be attractive, dangerous and accessible to children.

(3) An open pit, quarry, cistern or other excavation without safeguards or barriers to prevent such places from being used by children.

(B) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, occupied or unoccupied lot. This includes but is not necessarily limited to any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, logs, pilings, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.

(C) This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.
(Ord. 96-15, passed 6-10-96) Penalty, see § 96.99

§ 96.14 RUBBISH.

No person shall deposit upon public or private property any kind of rubbish, 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, animal, or vehicle traveling upon a public way.
(Ord. 96-15, passed 6-10-96) Penalty, see § 96.99

§ 96.15 JUNK.

(A) No person shall keep any junk outdoors on any street, lot or premises, or in a building that is not wholly or entirely enclosed, except doors used for ingress and egress.

(B) The term "junk" as used in this section includes all motor vehicles not currently licensed, old or unusable motor vehicle parts, with a value of less than $200, vehicles rendered inoperable by the removal of parts required to self-propel same, old machinery and old machinery parts with a value of less than $200, old appliances or parts, old iron or other metal, glass, paper, lumber, wood or other waste or discarded material.

(C) This section shall not apply to junk kept in a duly licensed junk yard, automobile wrecking house, automobile sales lot, or automobile repair shop.
(Ord. 96-15, passed 6-10-96) Penalty, see § 96.99

§ 96.16 NOXIOUS VEGETATION.

(A) The term "noxious vegetation" does not include vegetation that constitutes a flower or vegetable garden, unless that vegetation is a health hazard or a fire or a traffic hazard within the meaning of division (B).

(B) The term "noxious vegetation" does include:

(1) Weeds more than six inches high.

(2) Grass more than six inches high.

(3) Poison oak.

(4) Poison ivy.

(5) Blackberry bushes that extend into a public thoroughfare or across a property line.

(6) Vegetation that is:

(a) A health hazard.

(b) A fire hazard because it is near other combustibles.

(c) A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.

(7) Noxious weeds identified in the 1995 Oregon Department of Transportation Noxious Weed Management Program and any future amendments or additions.
(Ord. 96-15, passed 6-10-96)
Cross-reference:
Conditions declared nuisances, see § 96.23

§ 96.17 TREES.

(A) No owner or person in charge of property that abuts upon a street or public sidewalk shall permit trees or bushes on this property to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of property that abuts upon a street or public sidewalk to keep all of the lowest branches of trees and bushes on his premises, including the adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk, and 13½ feet above the roadway.

(B) No owner or person in charge of property shall allow to stand a dead or decaying tree that is a hazard to the public or to persons or property on or near the property.
(Ord. 96-15, passed 6-10-96; Am. Ord. 2003-12, passed 11-24-03) Penalty, see § 96.99

§ 96.18 FENCES.

(A) No owner or person in charge of property shall construct or maintain a barbed-wire fence, or permit barbed-wire to remain as part of a fence along a sidewalk or public way; except such wire may be placed above the top of other fencing not less than six feet, six inches high.

(B) No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person.
(Ord. 96-15, passed 6-10-96) Penalty, see § 96.99

§ 96.19 SURFACE WATER AND DRAINAGE.

(A) 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, or to flow across the sidewalk.

(B) The owner or person in charge of property shall install and maintain in 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.

(C) No owner or person in charge of property shall allow overflow water from a building to drain onto the property of another.
(Ord. 96-15, passed 6-10-96) Penalty, see § 96.99

§ 96.20 RADIO AND TELEVISION INTERFERENCE.

(A) No person shall operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonable preventable interference with radio or television reception by a radio or television receiver of good engineering design.

(B) This section does not apply to devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.
(Ord. 96-15, passed 6-10-96) Penalty, see § 96.99

§ 96.21 UNNECESSARY NOISE.

(A) No person shall make, assist in making, continue or cause to be made any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others.

(B) Loud, disturbing and unnecessary noises in violation of this section include but are not limited to the following:

(1) The keeping of any bird or animal which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity.

(2) The attaching of a bell to an animal, or allowing a bell to remain on an animal.

(3) The use of a 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.

(4) The sounding of a horn or signaling device on a vehicle on a street, public place, or private place, except as a necessary warning of danger.

(5) The blowing of a steam whistle attached to a stationary boiler; except to give notice of the time to begin or stop work, as a warning of danger, or upon request of city authorities.

(6) The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise thereby created is effectively muffled.

(7) The erection, including excavation, demolition, alteration or repair of a building in residential districts other than between the hours of 7:00 a.m. and 6:00 p.m., except in case of urgent necessity in the interest of the public welfare and safety, and then only with a permit granted by the City Manager for a period not to exceed ten days. If the City Manager determines that the public health, safety and welfare will not be impaired by the erection, demolition, alteration, or repair of a building between the hours of 6:00 p.m. and 8:00 a.m., and if the City Manager shall further determine that loss or inconvenience would result to any person unless the work is permitted within those hours, the City Manager may grant permission for such work to be done within specified hours between 6:00 p.m. and 8:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work. The actual owner of property may do work on property actually occupied by him between the hours of 6:00 p.m. and 9:00 p.m. without obtaining a permit as required.

(8) The use of a gong or siren upon a vehicle, other than police, fire or other emergency vehicle.

(9) The creation of excessive noise on a street adjacent to a school, institution of learning, church or court of justice, while the same are in use; or on a street adjacent to a hospital, nursing home, or other institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution or disturbs or unduly annoys patients.

(10) The discharge in the open air of the exhaust of a 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.

(11) The use or operation of any device for producing or amplifying sound so loudly as to disturb persons in the vicinity, or in such a manner as renders the use a nuisance. However, upon application to the City Manager, permits may be granted to responsible persons or organizations for the broadcast or amplification or programs of music, news, speeches or general entertainment as a part of a national, state or city event, public festivals or outstanding events of a noncommercial nature. The broadcast or amplification shall not be audible for a distance of more than 1,000 feet from the instrument, speaker or amplifier; and in no event shall a permit be granted where any obstruction to the free and uninterrupted traffic, both vehicular and pedestrian, will result.

(12) The making of a noise by crying, calling or shouting or by means of a whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for the purpose of advertising goods, wares or merchandise, attracting attention, or inviting patronage of a person to a business.

(13) The conducting, operating or maintaining of a garage within 100 feet of a private residence, apartment, rooming house, or hotel in such manner as to cause loud or disturbing noises to be

emitted between the hours of 10:00 p.m. and 7:00 a.m.
(Ord. 96-15, passed 6-10-96) Penalty, see § 96.99

§ 96.22 NOTICES AND ADVERTISEMENTS.

(A) No person shall affix or cause to be affixed a placard, bill, advertisement, or poster upon real or personal property, public or private, without first securing permission from the owner or person in control of the 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.

(B) No person shall scatter, distribute or cause to be scattered or distributed on private property any placards, advertisements or other similar material without first securing permission from the owner or person in control of the property.

(C) This section does not prohibit the distribution of advertising material during a parade or approved public gathering.

(D) Any placard, bill, advertisement or poster found posted or otherwise affixed upon any property contrary to the provisions of this section may be removed by the City Manager or a designee. The person responsible for such illegal posting shall be liable for the cost incurred in its removal.
(Ord. 96-15, passed 6-10-96) Penalty, see § 96.99

§ 96.23 DECLARATION OF NUISANCE.

(A) The acts, conditions or objects specifically enumerated and defined in §§ 96.10 through 96.22 are declared public nuisances; and such acts, conditions, or objects may be abated by any of the procedures set forth in §§ 96.35 through 96.41 and 96.99 of this chapter.

(B) In addition to the nuisances specifically enumerated within this chapter, every other thing, substance, or act which is determined by the City Manager to be injurious or detrimental to the public health, safety or welfare of the city is declared a nuisance and may be abated as provided in this chapter.
(Ord. 96-15, passed 6-10-96)

ABATEMENT

§ 96.35 NOTICE TO ABATE.

(A) Upon determination that a nuisance exists, the City Manager or designee shall post a notice of abatement on the property, and serve a written notice of abatement by certified mail to the owner of record of the property.

(B) The notice to abate shall contain:

(1) A description of the real property, by street address or otherwise, on which the nuisance exists.

(2) A direction to abate the nuisance within a specified time frame.

(3) A description of the nuisance.

(4) A statement that, unless the nuisance is removed, the city may abate the nuisance and the cost of abatement will be charged to the owner.

(5) A statement that failure to abate a nuisance may warrant citation into municipal court with the imposition of a fine.

(6) A statement that the person responsible may protest the notice to abate by giving notice to the City Manager, ten days from the date or posting of the notice.

(C) The City Manager, or a designated representative, posting the notice shall execute and file with the city a certificate before a notary public, stating the date and place of the posting, required in division (A) of this section.

(D) An error in the name or address of the person responsible shall not make the notice void.
(Ord. 96-15, passed 6-10-96)

§ 96.36 TIME FRAME FOR ABATEMENT.

The nuisance shall be abated within a reasonable time, but not more than 30 days from the date of notice of abatement.
(Ord. 96-15, passed 6-10-96)

§ 96.37 ABATEMENT BY PERSON RESPONSIBLE.

(A) Within the time frame specified in the notice to abate, the person responsible shall remove the nuisance, or file a protest within ten days from the date of notice.

(B) The person responsible may request an extension of time from the City Manager, or a designee, who may grant a reasonable extension or accommodations to the specified time frame.

(C) The person responsible, protesting that no nuisance exists, shall file a written statement that specifies the basis for the protest with the City Manager.

(D) The statement shall be referred to the City Council as a part of its regular agenda at its next meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the Council. In all cases the Council shall determine whether a nuisance in fact exists, and set a time frame for the abatement of the nuisance. The determination shall be entered in the official minutes of the Council.

(E) If the Council determines that a nuisance in fact exists, the person responsible shall abate the nuisance within the time frame specified.
(Ord. 96-15, passed 6-10-96)

§ 96.38 JOINT RESPONSIBILITY.

If more than one person is responsible for the nuisance, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the city in abating the nuisance.
(Ord. 96-15, passed 6-10-96)

§ 96.39 ABATEMENT BY CITY.

(A) If the nuisance has not been abated by the person responsible within the time allowed, the Council may cause the nuisance to be abated.

(B) The officer charged with the abatement of the nuisance shall have the right to enter into or upon property at reasonable times to investigate or cause removal of a nuisance.

(C) The City Manager shall keep an accurate record of the expense incurred by the city in physically abating the nuisance and shall include a charge equal to 20% of those expenses for administrative costs.
(Ord. 96-15, passed 6-10-96)

§ 96.40 ASSESSMENT OF COSTS.

(A) The City Manager shall forward to the person responsible, by certified mail, a notice of assessment stating:

(1) The total cost of the abatement, including administrative costs.

(2) That the costs as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.

(3) That if the owner or the person responsible objects to the cost of the abatement as indicated, a notice of objection may be filed with the City Manager not more than five days from the date of the notice of assessment.

(B) No later than 30 days after the date of objection, the Council, in regular course of business, shall hear and make a decision on the objections to the costs assessed.

(C) If the costs of the abatement are not paid within 30 days from the date of the notice of assessment, an assessment of the costs, as stated or as decided by the Council, shall be made by resolution and it shall constitute a lien on the property from which the nuisance was removed or abated.

(D) The lien shall be enforced in the same manner as liens for street improvements, utility bills and other city liens and shall bear interest at an annual rate of 18%. The interest rate shall begin to run on the thirty-first day from the date of notice of abatement.

(E) An error in the name of the owner or the person responsible or a failure to receive the notice of assessment will not void the assessment, and it shall remain a valid lien against the property.
(Ord. 96-15, passed 6-10-96)

§ 96.41 SUMMARY ABATEMENT.

City officials may proceed to summarily abate a health or other nuisance which imminently endangers human life or property. The person responsible for such a nuisance shall reimburse the city for costs incurred in abating the nuisance.
(Ord. 96-15, passed 6-10-96)

§ 96.99 PENALTY.

(A) A violation of any provision of this chapter is a misdemeanor and shall, upon conviction, be punishable by a fine not to exceed $700.

(B) Each day a violation of a provision of this chapter constitutes a separate violation.

(C) The abatement of a nuisance is not a penalty for violation of this chapter, but is an additional remedy. The imposition of a fine does not relieve a person of the duty to abate the nuisance.
(Ord. 96-15, passed 6-10-96)

CHAPTER 97: (RESERVED)

CHAPTER 98: TREES

Section

98.01 Purpose
98.02 Definitions
98.03 Tree Board
98.04 Tree planting
98.05 Heritage trees
98.06 Public tree maintenance and care
98.07 Review by City Council

§ 98.01 PURPOSE.

The purpose of this chapter is to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees in the city.
(Ord. 97-14, passed 6-23-97)

§ 98.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS TREES. A tree that is classified as a dangerous tree by the Tree Board.

HERITAGE TREES. Trees of significant historical value so designated by the Tree Board.

PARK TREES. Trees in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

STREET TREES. Trees located in public rights-of-way within the city.
(Ord. 97-14, passed 6-23-97)

§ 98.03 TREE BOARD.

(A) *Creation and establishment.* There is hereby created and established a Tree Board for the city, which shall consist of five members. The members shall be nominated by and ratified with the City Council approval. At least one member of the Tree Board shall be a representative from the field of arboriculture, landscape architecture, or otherwise have a background and professional knowledge of trees and their care. Members shall be residents of the city, or business owner or an employee of a business located within the city.

(B) *Term of office and compensation.* Tree Board members shall each serve a three-year term with the exception of the original members. The term of office of the first member appointed shall expire on June 30, 1998; the terms of office of the second and third members appointed shall expire on June 30, 1999; and the terms of office for the fourth and fifth members appointed shall expire on June 30, 2000. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. Members shall serve without compensation.

(C) *Duties and responsibilities.* It shall be the responsibility of the Tree Board to:

(1) Study, investigate, and develop and/or update annually, a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees in parks, along streets, and in other public areas. Such plan will be presented annually to the City Manager and upon City Council acceptance and approval shall constitute the official comprehensive city tree plan for the city. The Tree Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question

coming within the scope of its duties and responsibilities,

(2) Develop criteria for city staff and/or contractors to apply in making decisions entrusted to staff and/or contractor discretion,

(3) Designate Heritage Trees on public and private lands within the city,

(4) Promote the planting and proper maintenance of trees through special events including an annual local celebration of Arbor Day, and

(5) Obtain the annual Tree City USA designation by the National Arbor Day Foundation.

(D) *Procedures*. The Tree Board shall elect a chairperson and a vice-chairperson and shall develop its own meeting schedule. A majority of the members shall constitute a quorum. The Tree Board shall keep a journal of its proceedings, which shall be kept on file in the office of the City Manager.

(E) *Review by City Council*. The City Council shall have the right to review the conduct, acts, and decisions of the Tree Board. Any person may appeal any ruling or decision of the Tree Board to the City Council who may hear the matter and make a final decision.
(Ord. 97-14, passed 6-23-97)

§ 98.04 TREE PLANTING.

(A) The Tree Board shall develop and maintain a list of approved trees for planting along streets. The trees will be listed in three size classes based on mature height: small trees (under 30 feet); medium (30 to 50 feet); and large (over 50 feet). A list of trees not suitable for planting will also be created by the Tree Board.

(B) The spacing of street trees will be in accordance with the three species size classes listed in division (A) of this section, and the Tree Board shall develop criteria on the spacing of street trees.

(C) The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in division (A) of this section. No tree may be planted in a planting strip with a width of less than the following: small trees, three feet; medium trees, five feet; and large trees, eight feet. The exception to this rule shall be when curb and sidewalk are protected by a chemical or mechanical barrier approved by the city.

(D) No street tree shall be planted within 25 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted within ten feet of any fireplug.

(E) No street trees other than those species listed as small trees in division (A) of this section may be planted under or within ten feet of any overhead utility wire.
(Ord. 97-14, passed 6-23-97) Penalty, see § 10.99

§ 98.05 HERITAGE TREES.

The Tree Board may designate certain trees as "Heritage Trees" within the city with the consent of the owner of record. The purpose of the Heritage Tree designation is to recognize, foster appreciation of, and protect trees having significance to the community. The Tree Board shall have the authority to determine, select, and identify such trees that qualify as Heritage Trees. Once a tree is designated as a Heritage Tree, it will remain so unless it becomes necessary to classify it as a dangerous tree and remove as such. Heritage Trees may not be removed without the express consent of the Tree Board.
(Ord. 97-14, passed 6-23-97) Penalty, see § 10.99

§ 98.06 PUBLIC TREE MAINTENANCE AND CARE.

The city shall have the right to plant, prune, maintain and remove trees within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of

its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with § 98.04.

(A) Every owner of any tree, located on private property, overhanging any street or right-of-way within the city shall prune the branches so the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, traffic sign, or traffic-control device. The city shall have the right to prune any tree or shrub on private property when it interferes with the light from any street lamp, or interferes with visibility of any traffic-control device or sign or vision clearance area at intersections or driveways.

(B) It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Tree Board.

(C) The Tree Board shall have the right to cause the pruning or removal of any dead or dangerous trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute an imminent threat to other trees within the city. The City Manager or his designee will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 30 days after the date of the written notice. The failure of the property owner to prune or remove said dead or dangerous trees within 30 days of the delivery of notices shall be deemed a violation of the City Code of Ordinances, and the City Manager or his designee may at any time thereafter prune or remove said dead or dangerous tree and assess the cost against the property as provided by the City Code.
(Ord. 97-14, passed 6-23-97)

§ 98.07 REVIEW BY CITY COUNCIL.

The City Council shall have the right to review the conduct, acts, and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the City Council who may hear the matter and make final decisions.
(Ord. 97-14, passed 6-23-97)

CHAPTER 99: ABANDONED VEHICLES

Section

99.01 Definitions
99.02 Declaration of public nuisance
99.03 Prohibited action
99.04 Investigation and notice
99.05 Entry onto private property
99.06 Hearing by City Council
99.07 Abatement by city and appraisal
99.08 Low value vehicle
99.09 Notice of public sale
99.10 Public sale
99.11 Redemption prior to sale
99.12 Assessment of costs
99.13 Summary abatement

99.99 Penalty

Cross-reference:
Disposition of unclaimed property, see § 34.02

§ 99.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COSTS. The expense of removing, storing or selling a junked vehicle.

CHIEF OF POLICE. Includes any authorized law enforcement off iter of the city.

DISCARDED.

(1) Any vehicle which does not have lawfully affixed thereto an unexpired license plate or is in one or more of the following conditions:

(a) Inoperative;

(b) Wrecked;

(c) Dismantled;

(d) Partially dismantled;

(e) Abandoned;

(f) Junked.

(2) Discarded vehicles may be deemed to include major parts thereof, including but not limited to bodies, engines, transmissions and rear ends.

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.

PERSON IN CHARGE OF PROPERTY. Any agent, occupant, lessee, contract purchaser, owner, or person having possession, control or title of property where a vehicle is located.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
(Ord. 81-30, passed 10-27-81)

§ 99.02 DECLARATION OF PUBLIC NUISANCE.

(A) The open accumulation and storage of a discarded vehicle is hereby found to create a condition tending to:

(1) Reduce the value of private property;

(2) Promote blight, deterioration, and unsightliness;

(3) Invite plundering;

(4) Create fire hazards;

(5) Constitute an attractive nuisance creating a hazard to the health and safety of minors;

(6) Create a harborage for rodents and insects; and

(7) Be injurious to the health, safety and general welfare.

(B) Therefore, the presence of a 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 chapter.
(Ord. 81-30, passed 10-27-81)

§ 99.03 PROHIBITED ACTION.

It shall be unlawful to store or permit the storing of a discarded vehicle 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 junked vehicles lawfully conducted within the city.
(Ord. 81-30, passed 10-27-81) Penalty, see § 99.99

§ 99.04 INVESTIGATION AND NOTICE.

(A) It shall be the duty of the Chief of Police, whenever a discarded vehicle is found upon private property to:

(1) Make an investigation to discover the owner of the vehicle and the person in charge of the property upon which such vehicle is located, and give written notice to them by personal service or by registered or certified mail that the vehicle is in violation of this chapter; and

(2) If the owner of the vehicle is not found, to place a notice upon the windshield, or some other part of the vehicle where it can be easily seen.

(B) The notice shall state that a certain discarded vehicle is in violation of this chapter and that within seven days of the day of the mailing or posting of the notice:

(1) The vehicle must be removed from the city or to the storage yard of a business enterprise dealing in junked vehicles lawfully conducted within the city; or

(2) Completely enclosed within a building.

(C) The notice shall also state that the alternative to compliance with division (B) of this section is to petition the City Manager and request, in writing, an appearance before the City Council within seven days of mailing or posting of the notice and show cause why such vehicle should not be immediately abated as provided in this ordinance.

(D) The notice shall also state that failure to comply with this chapter authorizes the city to remove the vehicle and charge the cost.
(Ord. 81-30, passed 10-27-81)

§ 99.05 ENTRY ONTO PRIVATE PROPERTY.

(A) The Chief of Police is authorized at all reasonable times to enter upon private property and examine any vehicle for the purpose of determining whether or not it is in a discarded condition. However, before entering upon private property, the Chief shall obtain the consent of an occupant thereof or a warrant of the municipal court authorizing entry for the purpose of inspection, except when an emergency exists.

(B) No search warrant shall be issued under the terms of this chapter until an affidavit has been filed with the Municipal Court, showing probable cause for such inspection by stating the purpose and extent of the proposed inspection, citing this chapter as the basis for such inspection, whether it is an inspection instituted by complaint or other specific or general information concerning the vehicle in question or the property on which it is situated.

(C) It is unlawful for any person to interfere with or attempt to prevent the Chief of Police from

entering upon private premises and inspecting any vehicle, when an emergency exists or the Chief of Police exhibits a warrant authorizing entry.
(Ord. 81-30, passed 10-27-81) Penalty, see § 99.99

§ 99.06 HEARING BY CITY COUNCIL.

(A) Pursuant to a request, the City Council shall fix a time for a hearing to show cause why a vehicle nuisance should not be immediately abated. It shall receive the evidence and testimony of the Chief of Police and other interested persons concerning the existence, location and condition of the vehicle.

(B) After the hearing, the City Council may authorize and order the vehicle removed by the city in accordance with the provisions of this chapter. The City Council shall make its order in the form of a resolution which declares the vehicle to be a public nuisance. The resolution may order the removal of more than one vehicle and may consolidate the hearings and orders relating to more than one vehicle. The persons receiving the notice specified in section four shall be sent copies of the resolution of the council.

(C) In addition, the City Council may impose conditions and take such other action as it deems appropriate under the circumstances in order to carry out the purposes of this chapter. It may delay the time for removal of said vehicle where, in its opinion, the circumstances justify it. It shall refuse to order the removal of the vehicle where the vehicle, in the opinion of the City Council, is not subject to the provisions of this chapter. The City Council shall not be bound by the technical rules of evidence in the conduct of the hearing.
(Ord. 81-30, passed 10-27-81)

§ 99.07 ABATEMENT BY CITY AND APPRAISAL.

(A) Seven days after the mailing of notice required in § 99.04, or three days after adoption of a resolution declaring a vehicle to be a public nuisance as set forth in § 99.06, the city shall be deemed to have acquired jurisdiction to abate the nuisance and may remove the vehicle by use of city employes or duly authorized independent contractors. It shall be unlawful for any person to interfere with, hinder or refuse to allow such persons to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

(B) After removing the vehicle, the city shall cause it to be appraised.
(Ord. 81-30, passed 10-27-81)

§ 99.08 LOW VALUE VEHICLE.

(A) If the vehicle is appraised at $300 or less, the Chief of Police shall file with the Motor Vehicles Division an affidavit describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle, and stating that the vehicle will be junked or dismantled. The Chief of Police may, without notice and public auction, dispose of the vehicle and execute a certificate of sale.

(B) The certificate of sale shall be substantially as follows:

"CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance No. 81-30 entitled 'An Ordinance for the Impounding and Disposition of Discarded vehicles,' I did on the ____day of _____, 19/20___, sell to_____ for the sum of $_____ cash,the following-described personal property, to wit:

and in consideration of the payment of the said sum of $_____, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.
Dated this _____ day of _____,19/20___

Note: The city of Seaside assumes no responsibility as to the condition of title of the above-described property. In case this sale shall for any reason be invalid, the liability of the city is limited to the return of the purchase price."
(Ord. 81-30, passed 10-27-81)

§ 99.09 NOTICE OF PUBLIC SALE.

(A) If the vehicle is appraised over $300, the Chief of Police shall cause to be published in a newspaper of general circulation within the city a notice of sale. The notice of sale shall state:

(1) The sale is of discarded property in possession of the city;

(2) A description of the vehicle, including the type, make, license number, I.D. number, and any other information which will aid in accurately identifying the vehicle;

(3) The terms of the sale;

(4) The date, time and place of the sale.

(B) The notice of sale shall be published two times. The first publication shall be made not less than 10 days prior to the date of the proposed sale, and the second shall be made not less than three days prior to the date of the proposed sale.
(Ord. 81-30, passed 10-27-81)

§ 99.10 PUBLIC SALE.

(A) If a vehicle is appraised over $300, the Chief of Police shall hold a sale at the time and the place appointed within the view of the vehicle to be sold.

(B) The vehicle shall be sold to the highest and best bidder, provided that if no bids are entered, or those bids which are entered are less than the costs incurred by the city, the Chief of Police may enter a bid on behalf of the city in an amount equal to such costs.

(C) At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser and the copy thereof filed with the auditor of the city.

(D) The certificate of sale shall be substantially as follows:

"CERTIFICATE 0F SALE

This is to certify that under the provisions of Ordinance No. 81-30 entitled 'An Ordinance for the Impounding and Disposition of Discarded Vehicles' and pursuant to due notice of the time and place of sale, I did on the _____ day of _____, 19/20___ sell at public auction to_____ for the sum of $_____ cash, he being the highest and best bidder, and that being the highest and best sum bid therefor, the following-described personal property, to wit:

and in consideration of the payment of the said sum of $_____, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.
Dated this ____ day of _____, 19/20___

Note: The city of Seaside assumes no responsibility as to the condition of title of the above-described property. In case this sale shall for any reason be invalid, the liability of the city is limited to the return of the purchase price."
(Ord. 81-30, passed 10-27-81)

§ 99.11 REDEMPTION PRIOR TO SALE.

(A) A vehicle impounded under the provisions of this chapter may be redeemed by its owner or by the person in charge of the property from which the vehicle was removed, before a sale or disposition has taken place, by applying to the police department, whereupon he or she shall:

(1) Submit evidence of his ownership or interest in the vehicle, satisfactory to the Chief of Police, that such claim is rightful; and

(2) Pay the costs due and owing at the time the application to redeem is made; and

(3) Give evidence that the nuisance character of the vehicle will not be allowed to be resumed.

(B) Upon compliance with division (A) of this section, the Chief of Police shall execute a receipt and

cause the vehicle to be returned.
(Ord. 81-30, passed 10-27-81)

§ 99.12 ASSESSMENT OF COSTS.

(A) After disposing of the discarded vehicle and deducting the money, if any, received from any sale of the vehicle from the costs, the City Manager shall give notice as specified in § 99.04 to the person in charge of the property from which the vehicle was removed:

(1) Of the unpaid costs of abatement;

(2) That the cost as indicated will be assessed to and become a lien against the real property unless paid within 30 days from the date of the notice;

(3) That if the person in charge of the property objects to the cost of the abatement indicated, he or she may file a written notice of objection with the City Manager within 20 days from the date of the notice.

(B) Within 40 days after the date of the notice, objections to the proposed assessment shall be heard and determined by the City Council.

(C) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs shall be made by resolution of the City Council and shall be entered in the docket of city liens, and upon such entry being made shall constitute a lien upon the real property from which the nuisance was removed or abated.

(D) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the current legal rate of interest. Such interest shall accrue from date of the entry of the lien in the lien docket.

(E) An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void. The assessment shall remain a valid lien against the property.
(Ord. 81-30, passed 10-27-81)

§ 99.13 SUMMARY ABATEMENT.

The procedure provided by this chapter is not exclusive, but is in addition to procedure provided by other ordinances, and the City Manager may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property.
(Ord. 81-30, passed 10-27-81)

§ 99.99 PENALTY.

(A) A person violating this chapter shall, upon conviction thereof, be punished by a fine not to exceed $500.

(B) Each day's violation of a provision of this chapter constitutes a separate offense.

(C) The abatement of a nuisance is not a penalty for violating this chapter, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within the specified time within the notice to abate, or if a written protest has been filed, then abatement within the time period specified by the City Council, if determined that a nuisance exists, will relieve the responsible person from the imposition of any fine or imprisonment under this section.
(Ord. 81-30, passed 10-27-81)

CHAPTER 100: TRAILER PARKS

Section

100.01 Incorporation of state regulations
100.02 Definitions
100.03 Prohibiting trailers outside trailer parks
100.04 License required
100.05 Application for license to operate a new trailer park or expand an existing park
100.06 Application for license to operate an existing trailer park
100.07 Enlargement of trailer parks
100.08 Revocation of license
100.09 License fee
100.10 Transfer of license
100.11 Site requirements for trailer parks
100.12 Space requirements
100.13 Trailer location requirements
100.14 Improvement requirements
100.15 Display of license
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§ 100.01 INCORPORATION OF STATE REGULATIONS.

Except as otherwise provided in this chapter, the regulations of the Oregon State Board of Health adopted November 20, 1953, and found on pages nine through 25 of Certification and Regulation of Travelers' and Tourist Facilities, as they relate to trailer parks, are hereby incorporated into and made a part of this ordinance, along with any amendments thereto.
(Ord. 68-7, passed 10-14-68)

§ 100.02 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSWAY. A drive or roadway which provides vehicular access within a trailer park.

CERTIFICATE OF SANITATION. A certificate as required by O.R.S. 446.006.

CITY. The city of Seaside.

PARK. Trailer park.

PERSON. Every natural person, firm, partnership, association, or corporation.

SIGHT-OBSCURING FENCE. A fence or evergreen planting arranged so as to obstruct vision.

SPACE. A plot of ground within a trailer park designed for the accommodation of one trailer.

STAND. That part of the trailer space which has been reserved for the placement of the trailer.

(B) As used in this chapter, the singular includes the plural and the masculine includes the feminine.
(Ord. 68-7, passed 10-14-68)

§ 100.03 PROHIBITING TRAILERS OUTSIDE TRAILER PARKS.

An occupied trailer is prohibited in the city unless it is in a licensed trailer park, as provided in

this chapter. The removal of the wheels or the setting of a trailer on posts or footings shall not remove the trailer from the provisions of this chapter. (Ord. 68-7, passed 10-14-68) Penalty, see § 100.99

§ 100.04 LICENSE REQUIRED.

No person shall maintain or operate a trailer park within the city without first obtaining a license from the city. All trailer parks existing at the time of passage of this chapter shall, within 90 days thereafter, obtain a license, and in all other respects comply with this chapter.
(Ord. 68-7, passed 10-14-68) Penalty, see § 100.99

§ 100.05 APPLICATION FOR LICENSE TO OPERATE A NEW TRAILER PARK OR EXPAND AN EXISTING PARK.

(A) Application for a license to operate a new trailer park or expand an existing park shall be filed with the city auditor. The application shall contain the information required to obtain a certificate of sanitation, but no building plans need be submitted until approval is received for use of the site for trailer park purposes, in conformance with the provisions of the zoning ordinance. In addition to the plot plan required to obtain the certificate of sanitation, the application shall include the following information:

(1) The location and proposed improvement of the recreation area;

(2) A general layout of the drainage system;

(3) Location and width of walkways;

(4) Location and type of fencing;

(5) Location and width of accessways;

(6) Enlarged plot plan of a typical space showing location of the stand, patio, storage space, parking, and location of utility connections.

(B) Upon approval of the park under the provisions of the zoning ordinance, the applicant shall submit six copies of the information required in division (A) of this section, together with building and improvement plans to the city building department. Upon approval of the plans by the building inspector and the issuance of a certificate of sanitation by the county sanitarian, the City Auditor shall issue a license to operate the trailer park.
(Ord. 68-7, passed 10-14-68)

§ 100.06 APPLICATION FOR LICENSE TO OPERATE AN EXISTING TRAILER PARK.

(A) An application to operate an existing trailer park shall be filed with the city building inspector. The application shall contain information required in the application for license of a new park in § 100.05 of this chapter. The city Building Inspector shall examine the park and identify the conditions or facilities which do not meet the standards provided for in division (C) of this section, and shall prepare an agreement setting forth the improvements required and the time limits to bring the trailer park up to the standards provided in this chapter. The owners of the trailer park shall enter into an agreement regarding installation of required improvements prior to the time the license is issued.

(B) If the park is a nonconforming use, as provided in the zoning ordinance, and cannot by the use of new material be brought up to the standards required for existing trailer parks, as provided in this chapter, without an expenditure in excess of 50% of the true cash value of the existing buildings and improvements, then the trailer park shall be discontinued within a period of five years from the date of passage of this chapter. For the purpose of determining the true cash value of the existing buildings and improvements, the records of the County Assessor shall be used. If the park is within the provisions of this division, no license shall be issued after the five-year period.

(C) Subject to the provisions of division (B) of this section, existing trailer parks shall conform to the following requirements:

(1) *Sewers*. Existing sewer lines within the park, which are less than the minimum requirements of this chapter, may remain as long as they function

properly and the park conforms to the regulations governing sewage and waste water of the city. Any replacement of sewage facilities shall be in conformance with the requirements for sewers in new trailer parks.

(2) *Water supply.* The water supply system shall be made to conform to the provisions of this chapter within a period of one year from the effective date of this chapter.

(3) *Garbage and refuse disposal.* The garbage and refuse disposal system shall be made to conform to the provisions of this chapter and the ordinances of the city within 30 days from the effective date of this chapter.

(4) *Lighting and wiring.* The electrical and lighting system shall be made to conform to the provisions of this chapter within one year from the effective date of this chapter.

(5) *Service buildings.* Service buildings shall be made to conform to the requirements of this chapter within one year from the effective date of this chapter.

(6) *Improvement requirements.* Improvement requirements for accessways, patios, and trailer stands shall be made to conform to the provisions of this chapter within three years from the effective date of this chapter.

(7) *Recreation space.* Recreation space within the trailer park of a minimum of 100 square feet for each trailer space shall be provided within four years from the effective date of this chapter.

(8) *Fencing.* Fencing shall be provided, as required in this chapter, within two years from the effective date of this chapter.

(9) *Trailer space.* Each trailer space shall have a minimum area of 1200 square feet and a minimum width of 25 feet within three years from the effective date of this chapter.

(10) *Outside storage.* All storage in a trailer space shall be in an enclosed building within one year from the effective date of this chapter.

(D) If a trailer park is located in an area subsequently annexed to the city, the effective date of the chapter shall be the effective date of the annexation.
(Ord. 68-7, passed 10-14-68) Penalty, see § 100.99

§ 100.07 ENLARGEMENT OF TRAILER PARKS.

An enlargement of a trailer park site or increase in the number of trailer spaces shall be subject to the requirements of this chapter for new trailer parks.
(Ord. 68-7, passed 10-14-68) Penalty, see § 100.99

§ 100.08 REVOCATION OF LICENSE.

(A) The City Council may revoke any license to maintain and operate a park if:

(1) The certificate of sanitation for the park is revoked by the State Board of Health.

(2) The park does not conform to the provision of this chapter, in the judgment of the City Manager. However, prior to revocation of a license, the licensee shall be given notice of a hearing and an opportunity to be heard before the City Council, at which time the revocation will be considered. The notice shall be in writing, sent at least 10 days before the hearing. For the purpose of notice, the name and address that appears on the application for license will be used.

(B) If the license is revoked, the City Council may authorize reissuance of the license if the park is made to conform to the provisions of this chapter.
(Ord. 68-7, passed 10-14-68)

§ 100.09 LICENSE FEE.

The annual license fee for each trailer park shall be two dollars for each trailer, with a maximum of $100.
(Ord. 68-7, passed 10-14-68)

§ 100.10 TRANSFER OF LICENSE.

A license issued to operate a trailer park may not be transferred.
(Ord. 68-7, passed 10-14-68) Penalty, see § 100.99

§ 100.11 SITE REQUIREMENTS FOR TRAILER PARKS.

(A) Accessways from a public street shall be provided to each trailer space and shall be a minimum of 36 feet in width.

(B) One off-street parking space shall be provided for each trailer space. An accessway shall not be considered fulfilling this requirement unless the surfaced area of the accessway is increased according to the provisions of § 100.14 of this chapter.

(C) Walkways not less than three feet in width shall be provided from each trailer space to the service buildings and from the patio to the surfaced part of the access drive.

(D) A sight-obscuring fence of not less than six nor more than seven feet in height, with no openings other than required entrances and exits, shall be provided so as to surround the trailer park, except that on sides abutting a street, the fence shall be not less than three nor more than four feet in height. Yards may be established between a required fence and a street provided the yard is developed and maintained in a residential character. The fence shall be continually maintained by the owner.

(E) A minimum of 100 square feet of recreation area shall be provided for each trailer space. The recreation area may be in one or more areas in the trailer park. Each recreation area shall have a minimum size of 2,500 square feet and minimum width of 25 feet.

(F) Sewage disposal for the trailer park shall be by connection to the city sanitary sewer.

(G) The minimum area for a trailer park is two acres.

(H) The public street used as access to the trailer park shall be not less than 40 feet in width.
(Ord. 68-7, passed 10-14-68) Penalty, see § 100.99

§ 100.12 SPACE REQUIREMENTS.

(A) Each trailer space shall be provided with a patio having a minimum area of 100 square feet.

(B) Each trailer space shall have a trailer stand of a minimum size of 10 feet by 45 feet.

(C) Permanent structures located in any trailer space shall be used for storage purposes only. The storage area shall be limited to a maximum of 25 feet of floor area for each trailer space. A storage structure shall be at least six feet from any trailer.

(D) No storage shall be permitted except within an enclosed structure.

(E) No permanent additions shall be built onto or become a part of any trailer.

(F) Each trailer space shall be provided with a water, sewer, and electrical connection. The electrical connection shall supply at least 220 volts.

(G) No trailer space shall be located in such a manner that a public street will be used to maneuver the trailer into a space.

(H) Under the provisions of the zoning ordinance trailer parks are divided into Type I and Type II parks. (Under the provisions of the zoning ordinance, trailer parks are allowed in the following zones: C-4 Commercial, and M-1 Light Industrial). The following provisions apply to a trailer park of the specified type:

(1) In a Type I trailer park not less than 80 per cent of the trailer spaces shall have an area of less than 1,400 square feet, and no trailer space shall have an area of less than 1,200 square feet, except that if automobile parking space on an accessway is provided within 50 feet of a trailer space, the trailer space may be reduced in area by not more than 200 square feet.

The minimum width of trailer space is 35 feet.
(Ord. 68-7, passed 10-14-68) Penalty, see § 100.99

Editor's note:

The ordinance enacting this section that was supplied for codification did not contain a subdivision (2) setting forth provisions for Type II trailer parks.

§ 100.13 TRAILER LOCATION REQUIREMENTS.

(A) Trailers shall be at least 15 feet apart.

(B) Trailers shall be set back at least five feet from accessways.

(C) No trailer shall be closer than 10 feet from a property line, and no trailer shall be closer than 25 feet to any public street, or so that any part of a trailer will obstruct any accessway or walkway.

(D) No trailer shall remain in a trailer park unless parked in a trailer space.
(Ord. 68-7, passed 10-14-68) Penalty, see § 100.99

§ 100.14 IMPROVEMENT REQUIREMENTS.

(A) Accessways, sidewalks, and patios shall be surfaced with concrete or asphalt or other equivalent material, according to standards of the City Engineer.

(B) Trailer stands shall be drained and surfaced with a minimum of six inches of crushed rock according to standards of the city engineer.

(C) The minimum surfaced width of the accessway is:

(1) With no parking - 20 feet.

(2) With parking on one side - 26 feet.

(3) With parking on both sides - 32 feet.

(4) The first 100 feet of any accessway from a street shall be surfaced to a minimum width of 36 feet, and shall be connected to the existing surface of the public street according to plans approved by the city engineer.

(D) Lighting shall be installed along the accessways of the trailer park and the recreation areas, with lights not over 100 feet apart. Wires for service to light poles and trailer spaces shall be underground.

(E) Recreation areas shall be improved with grass, plantings, surfacing, or buildings suitable for recreational use.

(F) The trailer park site shall be well drained, and provisions for drainage shall be made according to plans approved by the city engineer.
(Ord. 68-7, passed 10-14-68) Penalty, see § 100.99

§ 100.15 DISPLAY OF LICENSE.

A current license for trailer parks, required by the provisions of this chapter, shall be displayed in a conspicuous place on the trailer park premises.
(Ord. 68-7, passed 10-14-68) Penalty, see § 100.99

§ 100.16 CONFORMANCE WITH CHAPTER.

(A) The provisions of this chapter notwithstanding, it is hereby declared that trailer parks, as regulated by this chapter and now in existence, shall be required to conform to this chapter in all respects, except that existing trailer parks shall not be required to conform to any requirement that would eliminate more than one existing trailer space.

(B) It is the purpose of this section to allow existing facilities to operate without elimination of existing spaces, except as herein provided; however, all existing trailer parks must conform as nearly as possible to the regulations of this chapter and shall be required to conform to them when any major relocation of spaces is undertaken.

(C) This section is applicable only to existing facilities, and any new facility or expansion of

existing facilities shall conform to the regulations of this chapter.
(Ord. 68-7, passed 10-14-68)

§ 100.99 PENALTY.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed $500. Each day's violation of the provisions of this chapter shall constitute a separate offense.
(Ord. 68-7, passed 10-14-68)

CHAPTER 101: OUTDOOR LIGHTING

Section

101.01 Purpose, finding, and intent
101.02 Requirements for installation
101.03 Shielding and glare elimination
101.04 Prohibitions
101.05 Exemptions

§ 101.01 PURPOSE, FINDING, AND INTENT.

(A) The City Council finds that the installation of outdoor lighting can cause unwanted impacts within the City of Seaside and adversely affect the value, utility, and habitability of the property within the city as a whole.

(B) The purpose of this supplementary provision is to make the lighting used for residential, commercial, and public areas appropriate to the need and to keep light from shining offsite onto adjacent public rights of way or private properties. Further, it is to encourage, through regulation of type, kinds, construction, installation, and uses of outdoor illuminating devices, lighting practices, and systems to conserve energy without decreasing safety, utility, security, and productivity while enhancing nighttime enjoyment of property within the city.

(C) These lighting provisions contained herein are intended to achieve the following:

(1) Develop regulations that will promote the installation of outdoor lighting that will enhance the livability of our community and minimize the impacts exterior lighting can have on surrounding properties or our environment;

(2) Establish guidelines for the installation of lighting that is controlled in such a way that it illuminates the subject property and avoids the inefficient illumination of the surrounding environment; and

(3) Supplement city nuisance ordinance Chapter 96 and further define lighting classified as a public nuisances.
(Ord. 2013-05, passed 8-13-13)

§ 101.02 REQUIREMENTS FOR INSTALLATION.

Except as exempted by provisions of this chapter, as of the date of adoption, the installation of outdoor lighting fixtures shall be subject to the shielding and glare elimination provisions of this chapter. Outdoor lighting installed on or adjacent to residentially developed property must not be more than 20 feet above the ground level immediately below the fixture.
(Ord. 2013-05, passed 8-13-13)

§ 101.03 SHIELDING AND GLARE ELIMINATION.

All nonexempt outdoor lighting fixtures shall have translucent covers that eliminate glare or directed shielding so as to prevent direct light from the fixture to shine beyond the property limits where the fixture is installed. This means that a person standing at the adjacent property line would not see the light emitting source (See Figure 1, attached to the ordinance codified herein).
(Ord. 2013-05, passed 8-13-13)

§ 101.04 PROHIBITIONS.

(A) *Laser source light.* The use of laser source light or any similar high intensity light when projected beyond property lines is prohibited.

(B) *Searchlights.* The operation of searchlights for purposes other than public safety or emergencies is prohibited.
(Ord. 2013-05, passed 8-13-13) Penalty, see § 10.99

§ 101.05 EXEMPTIONS.

(A) Outdoor light fixtures lawfully installed prior to the effective date of this chapter are exempt from all such requirements except as follows:

(1) A light fixture directed onto a neighboring property such that the glare is declared a nuisance in accordance with § 96.23 (B).

(B) Site lighting along the common property lines of non-residentially developed property where continuous illumination is intended. Likewise, lighting along the common property lines of all parking lots where continuous illumination is desired.

(C) Airport operations lighting and aircraft navigational beacons as established by the Federal Aviation Administration (FAA) are exempt from these provisions. All other airport outdoor lighting must conform to this chapter.

(D) Tower or antenna safety lighting required by FAA.

(E) Lights of less than 15 watts used for holiday decorations for no more than 45 days are exempt from the requirements of this chapter.

(F) Carnivals, fairs, or other special events that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this chapter.

(G) Lighting for U.S. flags intended to be properly displayed at night.

(H) Temporary exemptions to the requirements of this chapter for up to five days per calendar year.

(I) Construction lighting necessary for an allowed use are exempt except that permanent installations at dedicated sites must conform to the requirements of this chapter.

(J) Lights installed on public property or in the public right of way; however, all lighting must aspire to use dark sky compliant fixtures and use recessed lighting elements or indirect light sources wherever practical.

(K) Individual light fixtures with lamps of less than 450 lumens. The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage; check manufacturer's specifications. Examples of lamp types of 450 lumens and less are:

(1) Forty watt standard incandescent;

(2) Eleven watt cool white fluorescent;

(3) Eleven watt compact fluorescent; and

(4) Eight watt high efficiency LED accent light.
(Ord. 2013-05, passed 8-13-13)