

1 BILL NO. 593

A BILL

ORDINANCE NO.

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2010- 614

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FOR

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AN ORDINANCE

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RELATING TO THE ABATEMENT OF NUISANCES CREATED
BY THE ACCUMULATION OF SOLID WASTE AND/OR
INOPERABLE VEHICLES: REPEALING ORDINANCE NO. 94-281

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The City of Keizer ordains as follows:

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Section 1. SHORT TITLE. This Ordinance shall be known as the “Keizer Solid

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Waste and Inoperable Vehicle Ordinance” and shall be so cited and pled.

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Section 2. PURPOSE, POLICY, AND SCOPE. It is the declared policy of the

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City of Keizer, in furtherance of the protection of the public health, safety and welfare

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of the people of the City of Keizer, to enact an ordinance regulating the accumulation of

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solid waste and inoperable vehicles on public and private property as a public nuisance

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and providing means for abatement of such accumulation of solid waste or inoperable

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vehicles. The City Council of Keizer, Oregon finds and declares that the accumulation

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and storage of solid waste or inoperable vehicles tends to create a condition reducing

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private property values, promotes blight and deterioration, creates fire hazards, creates a

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hazard to the health, safety and general welfare of the public, creates harborage for

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rodents and insects, and reduces the aesthetic value of the City as a whole. Such

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accumulations are hereby declared to be a public nuisance.

1 Section 3. DEFINITIONS.

2 (1) “City Council” means the City Council of the City of Keizer.

3 (2) “Composting and Compost Piles” means the process of biochemical
4 degradation of organic waste under controlled conditions. Compost piles
5 are permitted on residential property, provided each compost pile is
6 enclosed on all sides by a wood container, concrete block container,
7 container made of another opaque material, or wire mesh container,
8 designed for composting.

9 (3) “Construction Material” means an article or item which is being used for
10 the construction of a building or structure on the lot. It excludes materials
11 considered construction wastes, solid waste, or discarded material.

12 (4) “Construction waste” means items or materials including but not limited to
13 lumber, plumbing fixtures, roofing material and other material commonly
14 used during a construction project which is not occurring on the subject
15 property or any material in which exposure to the elements renders it
16 unusable for its intended purpose.

17 (5) “Dispose” or “disposal” means the accumulation, storage, collection, or
18 transportation of solid waste to a transfer facility, disposal site, sanitary
19 landfill, or resource recovery facility.

1 (6) “Disposal site” means land used for the disposal or handling of solid
2 waste, including but not limited to, dumps, landfills, sludge lagoons,
3 sludge treatment facilities, disposal sites for septic tank pumping or
4 cesspool cleaning service, composting plants, salvage sites, incinerators
5 for solid waste delivered by the public or by a franchise collector or
6 franchised transporter of solid waste; but the term does not include a
7 hazardous waste facility subject to the permit requirements of ORS
8 Chapter 466 or a landfill site which is used by the owner or person in
9 control of the premises to dispose of soil, rock, concrete or other similar
10 non-decomposable materials, unless the site is used by the public, either
11 directly or indirectly.

12 (7) “Fixture” means any item that is designed to be used indoors or otherwise
13 protected from the elements. This includes but is not limited to
14 upholstered furniture, heating, plumbing, and electrical fixtures.

15 (8) “Inoperable Vehicle” means a vehicle on public or private property which
16 meets one or more of the following conditions:

17 (a) “Wrecked vehicle” means a motor vehicle that is dismantled, or
18 partially dismantled; has broken or missing window(s); or broken or
19 missing windshield; or missing wheel(s); or missing tire(s);

1 (b) "Derelict vehicle" means any used motor vehicle without a valid
2 vehicle license or with an expired license but excludes any vehicle
3 defined in the Oregon Vehicle Code which is of a type that is not
4 required to have a license.

5 (c) "Neglected vehicle" means a motor vehicle that lacks an engine or the
6 engine will not run; or lacks a transmission or the transmission is
7 inoperable, but has all of its body parts intact, including fenders,
8 hood, trunk, glass, and tires.

9 (9) "Open Storage" means any bagged or loosely stored solid waste or
10 putrescible material which is not in an approved receptacle or container.
11 For the purpose of this definition a tarp shall not be considered an
12 approved container.

13 (10) "Person" means individuals, corporations, associations, firms, partnerships
14 and joint stock companies.

15 (11) "Putrescible material" means organic material that can decompose and
16 may give rise to foul or offensive byproducts.

17 (12) "Solid Waste" means all putrescible and nonputrescible material,
18 including but not limited to: garbage, rubbish, refuse, ashes, wastepaper
19 and cardboard, sewage sludge, septic tank and cesspool pumpings or other

1 sludge; residential, commercial, industrial, demolition and construction
2 wastes, discarded or abandoned vehicle parts, machinery and machinery
3 parts, home and industrial appliances and appliance parts, metal, glass,
4 paper, tires, lumber, wood, used “fixtures” or discarded material; manure,
5 vegetable or animal solid and semisolid wastes; dead animals, useless or
6 discarded material or infectious waste as defined in ORS 459.386 or other
7 wastes; but the term “solid waste” does not include hazardous wastes as
8 defined by ORS Chapter 466 or regulations adopted by the Department of
9 Environmental Quality or Environmental Quality Commission.

10 Section 4. ADMINISTRATION. The City Manager or his designee shall be
11 responsible for the administration of this Ordinance.

12 Section 5. SOLID WASTE ACCUMULATION PROHIBITED. No person shall
13 accumulate, store, collect, maintain, or display on private property inoperable vehicles or
14 solid waste that (a) is offensive or hazardous to the health and safety of the public; or (b)
15 creates odors that are offensive to the extent that a reasonable person is denied their right
16 to quiet enjoyment of their property; or (c) is not stored within an approved solid waste
17 receptacle.

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1 Section 6. STORAGE OF INOPERABLE VEHICLES OR CONSTRUCTION

2 MATERIALS ALLOWED. One “inoperable vehicle” and/or “construction materials”
3 covering no more than 200 square feet in area may be stored on private property, out of
4 doors if fully screened by a 100% sight obscuring fence, wall, or hedge.

5 Section 7. EXEMPTIONS. Unless specifically provided otherwise, this
6 Ordinance does not apply to:

- 7 (1) Disposal sites approved by the City of Keizer and operated in compliance
8 with regulations promulgated by the Environmental Quality Commission,
9 Department of Environmental Quality and other ordinances or regulations
10 of the City of Keizer.
- 11 (2) Agricultural operations (including the growing and harvesting of crops
12 and timber, the raising of fowl or animals, and the storage or use of
13 agricultural waste, sprays and fertilizer) provided that all operations
14 comply with all applicable laws and regulations. This exception does not
15 apply in those City of Keizer land use zones that do not permit such
16 activities.
- 17 (3) The operation of a wrecking yard as defined in the Keizer Development
18 Code and in an area zoned and/or permitted for use as a wrecking yard.

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1 (4) Compost piles used only for the decomposition of garden and yard
2 trimmings and located on the tax lot where the garden or yard trimmings
3 were generated.

4 Section 8. UNAUTHORIZED DUMPING. Except as provided in Section 7 of
5 this Ordinance, no person shall dispose of solid waste at any place within the city limits
6 of the City of Keizer. No person shall use or permit to be used any land within the City
7 of Keizer as a public or private disposal site without securing all necessary permits and
8 approvals.

9 Section 9. VEHICLE REPAIR OR RESTORATION EXCEPTIONS. This
10 Ordinance shall not apply to vehicles being repaired in a land use zone that allows such
11 use outright.

12 Section 10. OWNER OR TITLE HOLDER. The equitable or legal owner of land
13 upon which the nuisance exists is equally responsible for the abatement of the nuisance
14 as is the lessee, tenant, possessor or user of the land.

15 Section 11. DISPOSAL OF WASTE. It will be the responsibility of all persons
16 producing solid waste within the City of Keizer to dispose of their waste in an approved
17 method.

18 Section 12. PENALTIES. A violation of this Ordinance is an infraction under
19 the Civil Infraction Ordinance No. 86-063.

1 Section 13. ABATEMENT OF NUISANCE/CITATION FOR INFRACTION.

2 The City Manager or his/her designee may make an investigation to determine whether a
3 violation of this ordinance has occurred. If the City Manager or his/her designee
4 determines that there is a violation of this Ordinance, he or she may proceed to abate the
5 nuisance pursuant to the Keizer Uniform Abatement Procedure (Ordinance No. 94-282)
6 or may seek any other legal or equitable remedy provided by law for the abatement of the
7 nuisance or for the enforcement of the provisions of this Ordinance, including without
8 limitation issuing a citation for infraction.

9 Section 14. SAVINGS CLAUSE. Should any section or portion of this
10 Ordinance be held unlawful and unenforceable by any court of competent jurisdiction,
11 such decision shall apply only to the specific section, or portion thereof, directly
12 specified in the decision. All other sections or portions of this Ordinance shall remain in
13 full force and effect.

14 Section 15. REPEAL. Ordinance No. 94-281 (Keizer Nuisance Abatement
15 Ordinance) is hereby repealed, but such Ordinance shall remain in force for the purpose
16 of authorizing the citation, prosecution, conviction and judgment of a person who
17 violated that Ordinance, or for the purposes of abating a nuisance that occurred when
18 such Ordinance was in effect.

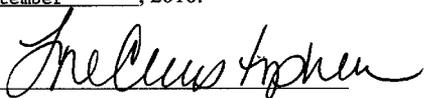
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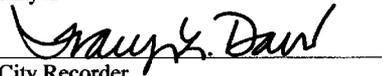
1 Section 16. EFFECTIVE DATE. This Ordinance shall be effective thirty (30)
2 days after its passage.

3 PASSED this 7th day of September, 2010.

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5 SIGNED this 7th day of September, 2010.

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Mayor


City Recorder