



CITY OF BEAVERTON

CITY ORDINANCES

ORDINANCE #3872 Amending Chapter Five of BC

Sections 5.04.010-5.05.260; and Adding A NEW PROVISION 5.05.033

REMOVAL OF ANIMAL EXCREMENT

NUMBER OF PAGES 6

Michael Henry
524-8174

Reference
ORD 3515
for former
information
on dog control

CODE

ORDINANCE NO. 3872

**AN ORDINANCE AMENDING CHAPTER FIVE
OF THE BEAVERTON CODE
SECTIONS 5.04.010-5.05.260; AND ADDING A NEW PROVISION
5.05.033, REMOVAL OF ANIMAL EXCREMENT**

WHEREAS, in the course of a review of certain of the City's Code provisions certain amendments were proposed by the Code Enforcement officer; and

WHEREAS, these amendments are desirable to simplify administration and enforcement of the Code and to clarify and amplify the City's authority in certain areas; now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The INJURY TO LIBRARY MATERIALS section of Chapter Five of the Beaverton Code is hereby amended to read as follows:

"5.04.010 Injury to Library Materials. No person shall write upon, injure, deface, tear or destroy library materials belonging to the City Library."

Section 2. The NUISANCES section of Chapter Five of the Beaverton Code is amended at the definition of Discarded vehicle and shall read as follows:

"Discarded vehicle - A vehicle that is not operable on a public street, wrecked, dismantled, partially dismantled, abandoned or junked or major parts of discarded vehicles including, but not limited to, bodies, engines, transmissions and rear ends."

Section 3. The ANIMAL NUISANCES section of Chapter Five of the Beaverton Code is amended to read as follows:

"5.05.030 Animals at Large. Except for animals of the species Felis Catus (domestic cat), 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 the Code or other City ordinance for disposition of personal property or for the impoundment of dogs. BC 5.12.010-.015 shall govern dogs at large."

Section 4. The Beaverton Code is amended at Chapter Five, ANIMAL NUISANCES, to include the following new section as follows:

"5.05.033 Removal of Animal Excrement. Any person responsible for any animal, except for animals of the species Felis Catus (domestic cat), shall be in possession of tools for the removal of, and shall remove, excrement deposited by the animal in any public area not designed to receive those wastes, including but not limited to streets, sidewalks, parking strips and public parks."

Section 5. BC 5.05.037 Definitions is amended to read as follows:

"5.05.037 Definitions. As used in BC 5.05.040 and 5.05.043, the following definitions apply:"

Section 6. The NUISANCES AFFECTING PUBLIC SAFETY section of Chapter Five of the Beaverton Code is amended at the following sections to read as follows:

a. "5.05.080 Attractive Nuisances.

B. This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to children.

b. "5.05.090 Noxious Vegetation.

B. The term "noxious vegetation" includes:

1. weeds more than 12 inches high and/or that are going to seed;
2. grass more than 12 inches high and not within the exception stated in subsection A of this section;

C. No owner or person in charge of property shall allow noxious vegetation to be on the property or in the right of way of a public thoroughfare abutting the property.

Section "D" of this section is deleted.

c. "5.05.095 Rubbish.

A. No person shall cause to be placed upon public or private property any kind of rubbish, trash, debris, refuse, or other 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 cause injury to a person or property.

B. No person shall cause rubbish, trash, debris, or refuse to be placed in a dumpster, dropbox, garbage can, or other container unless the person either owns or has authority to use the container.

d. "5.05.115 Obstructing Public Right of Way.

E. Exemptions. This section shall not apply to:

11. Festivity decorations if a permit for them has been issued under BC 9.01.010-.060 and newspaper dispensing stands, sidewalk benches, transit shelters, and other similar facilities if a permit has been issued under BC 9.01.300-.330."

Section 7. The NUISANCES AFFECTING THE PUBLIC PEACE section of Chapter Five of the Beaverton Code is amended at the following sections to read as follows:

a. 5.05.130 Unnecessary Noise.

"B 6.

a. The erection, excavation, demolition, alteration, or repair of a building in residential districts, other than between the hours of 7:00 a.m. and 7:00 p.m., except in case of urgent necessity in the interest of the public welfare and safety, and then apply with the permit granted by the building official for a period not to exceed ten days. The permit may be renewed for periods of five days while the emergency continues to exist. If the Council 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 7:00 p.m. and 7:00 a.m., and if the Council further determines that loss or inconvenience would result to a person unless the work is permitted within these hours, the Council may grant permission for the work to be done within the hours of 7:00 p.m. and 7:00 a.m., on application being made at the time the permit for the work is awarded or during the progress of the work.

b. "5.05.136 Posting Notices or Soliciting.

C. No person shall affix, post, place, attach, secure, nail, staple, lay or otherwise deliver or cause to be delivered any placard, handbill, advertisement, product sample, leaflet, poster or printed material of any nature at a residence except between the hours of 8:00 a.m. and 9:00 p.m.

D. This section shall not be construed to limit the City regarding notices that are required by this Code or other City ordinances and shall not be construed as an amendment to or a repeal of any regulation nor or hereafter adopted by the City regulating the use and location of signs and advertising.

E. This section shall not be construed to limit delivery of items regularly received through the United States Postal service, nor the delivery of goods or services ordered by the owner, resident, or other person in charge of the property.

c. "5.05.140 Declaration of Nuisance.

The acts, conditions, or objects specifically enumerated and defined in BC 5.05.010-.136 are hereby declared to be public nuisances and may be abated by any of the procedures set forth in BC 5.05.200-.260.

d. "5.05.145 General Nuisance.

A. When, in the opinion of the City representative, a nuisance exists which is not specifically enumerated in this Code, a public hearing before the Council may be held for Council determination of whether a nuisance in fact exists. Every thing, substance, or act which is determined by the Council at a public hearing to be offensive, injurious or detrimental to the public health, safety or welfare of the City shall be declared to be a nuisance and may be abated as provided in this Code.

B. Prior to the public hearing the City representative shall cause a notice to be posted on the premises or at the site of the alleged nuisance and shall cause a notice to be forwarded to a person responsible at the person's last known address...(remainder continues unamended)

C. If corrective measures are not taken within ten days of the date of posting, the City representative shall cause a notice to be forwarded to a person responsible and shall cause a notice to be posted on the premises or at the site of the alleged nuisance giving notice of public

hearing before the City Council...(remainder continues unamended)"

Section 8. The VEHICLES AS A PUBLIC NUISANCE section of Chapter Five of the Beaverton Code is hereby amended at the following sections:

"5.05.150 Discarded Vehicles.

A. The open accumulation and storage of a discarded vehicle is hereby found to create a condition tending to reduce the value of private property, to promote blight, deterioration and unsightliness, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety, and general welfare of the public.

B. [Current paragraph B.]

C. [Current paragraph A.]

"5.05.155 Prohibited Action.

[Delete entire section]"

Section 9. The ABATEMENT PROCEDURES section of Chapter Five of the Beaverton Code is hereby amended at the following sections:

"5.05.200 Abatement Notice.

B. At the time of posting, a copy of the notice shall be forwarded to the person responsible at the person's last-known address.

C.

6. a statement that failure to abate a nuisance may result in abatement by the City and/or the issuance of a civil infraction citation;

"5.05.210 Abatement by the City.

A. If the nuisance has not been abated by a person responsible within the time allowed, the City may abate the nuisance or cause it to be abated.

"5.05.260 Separate Violations.

A. Each day's violation of a provision of this ordinance constitutes a separate offense.

B. The requirement to abate a nuisance is not a penalty for violating this ordinance, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance."

First reading this 25th day of October, 1993.

Adopted by the Council this 1st day of November, 1993.

Approved by the Mayor this 1 day of November, 1993.

ATTEST:

Sue Nelson
SUE NELSON, Deputy City Recorder

APPROVED:

Rob Drake
ROB DRAKE, Mayor