

Title 3 [Public Protection]

ORDINANCE NO. 893

An ordinance of the City of Vernonia codifying Title 3, Public Protection, of the Vernonia Municipal Code and repealing Ordinances 313, 520, 544, 558, 582, 598, 599, 601, 605, 644, 690, 756, 809, and 813 resolutions that amended these ordinances.

WHEREAS, in 2005 the City began the process of codifying its ordinances into a single municipal code in order to improve administrative efficiency but has not completed the codification;

WHEREAS, Title 3, Public Protection, is proposed to include the public protection regulations incorporating all such regulations found in existing Ordinances No. 313, 520, 544, 558, 598, 599, 582, 601, 605, 644, 690, 756, 809 and 813, as they may have been amended by ordinance or resolution; and

WHEREAS, City Council desires to codify Title 3, Public Protection, of the Vernonia Municipal Code.

NOW, THEREFORE, THE CITY OF VERNONIA ORDAINS AS FOLLOWS:

Section 1. Title 3, Public Protection, is added to the Vernonia Municipal Code, incorporating Ordinances 313, 520, 544, 558, 598, 599, 582, 601, 605, 644, 690, 756, 809 and 813, as they may have been amended by ordinance or resolution. Upon publication of Title 3 of the Vernonia Municipal Code, all ordinances and resolutions codified in Title 3 are repealed.

Section 3. The City Recorder is authorized to prepare Title 3, Public Protection, as specified in Section 1, including any final numbering, pagination, corrections, cross-references and minor clarifications as determined to be needed by City staff.

Read for the first time: April 21, 2014

Read for the second time and passed: May 5, 2014, to become Effective thirty (30) days hence.

Signed this 5 day of May, 2014

Jolette M Mitchell
Jolette M Mitchell, Mayor

Attest, Joann M Glass
Joann M Glass, City Recorder

Title 3 [Public Protection]	i
Chapter 3-01 [General Offenses]	1
3-01.01 [Introductory Provisions].....	3
3-01.02 [Disorderly Conduct and Related Offenses].....	3
3-01.03 [Weapons and Fireworks].....	4
3-01.04 [Offenses Relating to Property].....	4
3-01.05 [Sexual and Related Offenses].....	5
3-01.06 [Offenses Relating to Minors].....	5
3-01.07 [Offenses Relating to Animals].....	7
3-01.08 [Obstructing Governmental Administration].....	8
3-01.09 [Street and Sidewalk Offenses].....	9
3-01.10 [Miscellaneous].....	10
3-01.11 [General].....	11
Chapter 3-02 [Nuisance Control]	12
3-02.01 [Introductory Provisions].....	14
3-02.02 [Abatement Procedure].....	19
3-02.03 [Additional Provisions].....	24
Chapter 3-03 [Property Maintenance Code]	25
3-03.01 [Introductory Provisions].....	27
3-03.02 [Administrative Provisions].....	29
3-03.03 [Maintenance Provisions].....	32
3-03.04 [Derelict Structures].....	34
3-03.05 [General Provisions].....	35
Chapter 3-04 [Property Defacement]	37
3-04.01 [Introductory Provisions].....	39
3-04.02 [Regulatory Provisions].....	39
Chapter 3-05 [Curfew for Minors]	41
3-05.01 [Regulatory Provisions].....	43
Chapter 3-06 [Animal Control Code]	44
3-06.01 [Introductory Provisions].....	46
3-06.02 [Regulatory Provisions].....	47
Chapter 3-07 [Permit for Food Handlers]	50
3-07.01 [Introductory Provisions].....	52
3-07.02 [Permit Provisions].....	53
3-07.03 [Additional Provisions].....	54
Chapter 3-08 [Prohibiting Discrimination]	55
3-08.01 [Declaration of Policy].....	56
3-08.02 [Definitions].....	56
3-08.03 [Unlawful Practices].....	57
3-08.04 [Exemptions to this Ordinance].....	57
3-08.05 [Procedure].....	57
3-08.06 [Other Remedies].....	57
3-08.07 [Penalties].....	57

Chapter 3-01 [General Offenses]

Chapter 3-01 [General Offenses]	1
3-01.01 [Introductory Provisions].....	3
3-01.01-10 [Oregon Criminal Code Adopted].....	3
3-01.01-20 [Definitions].....	3
3-01.02 [Disorderly Conduct and Related Offenses]	3
3-01.02-10 [Disorderly Conduct at Fires].....	3
3-01.02-20 [Drinking in Public Places].....	3
3-01.02-30 [Unnecessary Noise].....	3
3-01.03 [Weapons and Fireworks]	4
3-01.03-10 [Concealed Weapons].....	4
3-01.03-20 [Discharge of Weapons].....	4
3-01.03-30 [Fireworks].....	4
3-01.04 [Offenses Relating to Property]	4
3-01.04-10 [Violating Privacy of Another].....	4
3-01.05 [Sexual and Related Offenses]	5
3-01.05-10 [Public Indecency].....	5
3-01.06 [Offenses Relating to Minors]	5
3-01.06-10 [Endangering Welfare of Minor].....	5
3-01.06-20 [Places of Amusement].....	5
3-01.06-30 [Providing Liquor to Minors].....	5
3-01.06-40 [Purchase or Possession of Liquor by Minor].....	5
3-01.06-50 [Lawful Consumption of Liquor by Minor].....	6
3-01.06-60 [Purchase of Property from Minors].....	6
3-01.07 [Offenses Relating to Animals]	7
3-01.07-10 [Cruelty to Animals].....	7
3-01.07-20 [Poisoning Animals].....	7
3-01.08 [Obstructing Governmental Administration]	8
3-01.08-10 [False Reports].....	8
3-01.08-20 [Resisting or Refusing to Aid Officer].....	8
3-01.08-30 [Police and Fire Communications].....	8
3-01.08-40 [Deliveries to Prisoners].....	8
3-01.09 [Street and Sidewalk Offenses]	9
3-01.09-10 [Obstruction of Building Entrances].....	9
3-01.09-20 [Open Cellar Doors or Grates].....	9
3-01.09-30 [Obstruction of Fire Hydrants].....	9
3-01.09-40 [Vending Goods on Streets or Sidewalks].....	9
3-01.10 [Miscellaneous]	10
3-01.10-10 [Gambling].....	10
3-01.10-20 [Lodging].....	10
3-01.10-30 [Notices and Advertisements].....	10
3-01.10-40 [Hauling].....	10
3-01.11 [General]	11
3-01.11-10 [Penalties].....	11
3-01.11-20 [Nuisance Abatement].....	11
3-01.11-30 [Application of State Statutes].....	11

3-01.01 [Introductory Provisions]

3-01.01-10 [Oregon Criminal Code Adopted]

Violation of a provision of ORS Chapters 162, 163, 164, 165, 166 and 167, except ORS 167.122, as now constituted, is an offense against this City.

3-01.01-20 [Definitions]

The definitions contained in the Oregon Criminal Code of 1971, as now constituted, are adopted by reference and made a part of this chapter. Except where the context clearly indicates a different meaning, the definitions appearing in the general definition and other sections of particular articles of the Code are applicable throughout this chapter.

3-01.02 [Disorderly Conduct and Related Offenses]

3-01.02-10 [Disorderly Conduct at Fires]

No person at or near a fire shall obstruct or impede the fighting of the fire, interfere with Fire Department personnel or Fire Department apparatus, behave in a disorderly manner, or refuse to observe promptly an order of a member of the Fire or Police Department.

3-01.02-20 [Drinking in Public Places]

No person shall drink or consume alcoholic liquor in or on a street, alley, mall, parking lot or structure, motor vehicle, public grounds or other public place unless the place has been licensed for that purpose by the Oregon Liquor Control Commission. Provided, however, consumption of alcoholic liquor is permitted in a park when a permit has been obtained from the City.

3-01.02-30 [Unnecessary Noise]

No person shall create or assist in creating or permit the continuance of unreasonable noise in the city. The following enumeration of violations of this section is not exclusive but is illustrative of some unreasonable noises.

- A. Keeping an animal including, dogs, ducks, and geese that would create, by loud and frequent or continued noise, a disturbance in the comfort and repose of a person in the vicinity.
- B. Using an engine, thing or device that is so loaded, out of repair or operated in such a manner as to create a loud or unnecessary grating, grinding, rattling or other noise.
- C. Using a mechanical device operated by compressed air, steam or otherwise, unless the noise created by it is effectively muffled.
- D. Construction, excavation, demolition, alteration or repair of a building between the hours of 6:00 PM and 7:00 AM, except by special permit granted by the City extending operation from 6:00 PM to 9:00 PM during summer months.
- E. Using or operating an automatic or electric piano, phonograph, loudspeaker or sound-amplifying device so loudly that it disturbs persons in its vicinity, or in a manner that makes it a public nuisance. However, on application to the Council, permits may be granted to responsible persons or organizations to broadcast music, news, speeches or general entertainment.

3-01.03 [Weapons and Fireworks]

3-01.03-10 [Concealed Weapons]

Except as provided in ORS 166.260 and 166.291, no person shall carry concealed on his person or conceal in a vehicle a revolver, pistol or other firearm; a knife other than an ordinary pocket knife; a dirk, dagger or stiletto; metal knuckles; or any weapon that could be used to inflict injury on a person or the property of another. For purposes of this section, an ordinary pocket knife is one with a maximum blade length of three and one half (3½) inches that is not a switchblade or spring-blade knife.

3-01.03-20 [Discharge of Weapons]

Except at firing ranges approved by the Chief of Police and City Council, no person other than a police officer shall fire or discharge a gun, including a spring or air actuated pellet gun, BB gun, crossbow, or any other weapon which propels a projectile by use of gunpowder or other explosive, jet or rocket propulsion.

3-01.03-30 [Fireworks]

The following sections of the Oregon Fireworks Law are adopted by reference and made a part of this chapter: ORS 481.110, 480.120, 480.130, 480.140(1), and 480.150.

3-01.04 [Offenses Relating to Property]

3-01.04-10 [Violating Privacy of Another]

- A. No person other than a peace officer performing a lawful duty shall enter on land or into a building used in whole or in part as a dwelling that is not the person's own without permission of the owner or person entitled to possession and while so trespassing look through or attempt to look through a window, door or transom of the dwelling, or that part of the building used as a dwelling, with the intent to violate the privacy of another person.

3-01.05 [Sexual and Related Offenses]

3-01.05-10 [Public Indecency]

No person shall, while in or in view of a public place, perform:

- A. An act of sexual intercourse;
- B. An act of deviant sexual intercourse;
- C. An act of exposing his/her genitals with the intent of arousing the sexual desire of himself/herself or another person; or
- D. An act of urination or defecation except in toilets provided for that purpose.

3-01.06 [Offenses Relating to Minors]

3-01.06-10 [Endangering Welfare of Minor]

- A. No person shall employ a person under eighteen (18) years of age in or about a card room, poolroom, billiard parlor or dance hall, unless the establishment is a “recreational facility” as defined in 3-01.06-20.C.
- B. No person shall solicit, aid, abet or cause a person under eighteen (18) years of age to:
 1. Violate a law of the United States or a State, or to violate a City or County regulation; or
 2. Run away or conceal himself from a person or institution having lawful custody of the minor.

3-01.06-20 [Places of Amusement]

- A. No person under eighteen (18) years of age shall enter, visit or loiter in or about a public card room, poolroom or billiard parlor.
- B. No person operating or assisting in the operation of a public card room, poolroom or billiard parlor shall permit a person under eighteen (18) years of age to engage in a game of cards, pool, billiards, dice or games of chance, for amusement or otherwise.
- C. This section shall not apply to playing billiards or pool in a recreational facility. As used in this section, “recreational facility” means an area, enclosure or room in which facilities are offered to the public to play billiards or pool for amusement only and:
 1. Is clean, adequately supervised, adequately lighted and ventilated;
 2. No alcoholic liquor is sold or consumed; and
 3. Where access does not require passing through a room where alcoholic liquor is sold or consumed.

3-01.06-30 [Providing Liquor to Minors]

No person shall sell, give, furnish, serve or otherwise make available any alcoholic liquor to a minor except as provided in 3-01.06-50.

3-01.06-40 [Purchase or Possession of Liquor by Minor]

- A. Except as provided 3-01.06-50 no minor shall attempt to purchase, purchase or acquire, or have in his/her possession alcoholic liquor.
- B. For the purposes of this section, possession of alcoholic liquor includes the acceptance or consumption of a bottle of such liquor, or any portion of it, or a drink of such liquor.

3-01.06-50 [Lawful Consumption of Liquor by Minor]

Nothing in this chapter shall be construed as prohibiting the following:

- A. A parent or guardian of a minor giving the minor alcoholic liquor and permitting the minor to consume it within the home of the parent or guardian as provided in ORS 471.410 (2); or
- B. Sacramental wine given or provided as part of a religious rite or service.

3-01.06-60 [Purchase of Property from Minors]

No person shall purchase any property or article of value from a minor, or have dealings respecting the title of property in the possession of a minor without the written consent of the parent or guardian of the minor.

3-01.07 [Offenses Relating to Animals]

3-01.07-10 [Cruelty to Animals]

- A. Except as otherwise authorized by law, no person shall intentionally or recklessly:
 - 1. Subject any animal under human custody or control to cruel mistreatment;
 - 2. Subject any animal under his custody or control to cruel neglect;
 - 3. Kill without legal privilege any animal under the custody or control of another, or any wild bird.

- B. As used in this article, "animal" includes birds.

3-01.07-20 [Poisoning Animals]

No person shall place or distribute any poison or other substance⁴ with the intent of poisoning any animal, except those animals commonly recognized as pests or rodents.

3-01.08 [Obstructing Governmental Administration]

3-01.08-10 [False Reports]

No person shall knowingly make or file a false, misleading or unfounded statement or report concerning the violation or alleged violation of a City regulation or the commission or alleged commission of a crime with the Police Department, the City Attorney or a police officer engaged in his/her official duties.

3-01.08-20 [Resisting or Refusing to Aid Officer]

- A. No person shall resist a peace officer acting in the performance of official duties; or, when requested to do so, refuse to assist such officer in the performance of official duties; or hinder, delay or obstruct the officer acting in the performance of official duties.
- B. As used in this section, "resist" refers to the ordinary meaning of the term.
- C. It is no defense to a prosecution under this section that the peace officer lacked legal authority to make an arrest if the officer was acting under color of official authority.

3-01.08-30 [Police and Fire Communications]

No person shall operate any generator or electromagnetic wave or cause a disturbance of a magnitude that interferes with the proper functioning of a Police or Fire Department radio communication system.

3-01.08-40 [Deliveries to Prisoners]

No person shall deliver, by any means, intoxicating liquor, dangerous drugs or narcotic drugs, as defined by State law, to a person confined in the City detention facility or attempt to convey or deliver any article to a person without the consent of the officer in charge.

3-01.09 [Street and Sidewalk Offenses]

3-01.09-10 [Obstruction of Building Entrances]

No person shall obstruct an entrance to a building or loiter unnecessarily about or near an entrance, stairway or hall leading to a building.

3-01.09-20 [Open Cellar Doors or Grates]

No owner or person in charge of property shall permit a cellar door or grate located in or on a sidewalk or public pathway to remain open unless the entrance is being used and, when being used, there are adequate safeguards for pedestrians using the sidewalk.

3-01.09-30 [Obstruction of Fire Hydrants]

No owner of property adjacent to a street upon which a fire hydrant is located shall place or maintain a bush, shrub or tree or other obstruction within eight (8) feet of the fire hydrant.

3-01.09-40 [Vending Goods on Streets or Sidewalks]

No person shall use or occupy a portion of a street or sidewalk for the purpose of vending goods, wares or merchandise by public outcry unless a license has been obtained.

3-01.10 [Miscellaneous]

3-01.10-10 [Gambling]

- A. Except as provided by 3-01.10-10.B, no person shall engage in social games or gambling within the city.
- B. Gambling does not include Bingo or Lotto when operated by a charitable, fraternal or religious organization when no person other than the organization or a player profits in any manner from the operation of the lottery and when the organization has complied with the provisions of Chapter 464 of the Oregon Revised Statutes.
- C. For the purposes of this section, “gambling,” “social games,” and “Bingo and Lotto” are defined as provided by ORS 167.117.

3-01.10-20 [Lodging]

No person shall lodge in a car, outbuilding or other place not intended for that purpose without permission of the owner or person entitled to possession.

3-01.10-30 [Notices and Advertisements]

- A. No person shall attach or cause to be attached a placard, bill, advertisement or poster upon real or personal property, whether 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 City regulation of the use and location of signs.
- B. This section does not prohibit the distribution of noncommercial material.

3-01.10-40 [Hauling]

No person shall haul sand, gravel, rock, wood or other substance in a vehicle or conveyance that is so constructed or in such condition as to allow the sand, gravel, rock, wood or other substance to fall on and litter the public streets.

3-01.11 [General]

3-01.11-10 [Penalties]

Violation of a provision of this chapter is punishable by a fine not to exceed five hundred dollars (\$500). However, if a violation of a provision is identical to a State statute with a lesser penalty, punishment shall be limited to the lesser penalty prescribed in State law.

3-01.11-20 [Nuisance Abatement]

No provision in this chapter shall preclude abatement of a nuisance as provided in Chapter 3-02 of this Code.

3-01.11-30 [Application of State Statutes]

Provisions of the Oregon Criminal Code of 1971, as now constituted, relating to defenses, burden of proof, general principles of criminal liability, parties, and general principles of justification apply to offenses defined and made punishable by this chapter.

Chapter 3-02 [Nuisance Control]

Chapter 3-02 [Nuisance Control].....12

3.02.01 [Introductory Provisions].....14

3-02.01-10 [Purpose]..... 14

3-02.01-20 [Declaration of Nuisance].....14

3-02.01-30 [Definitions].....14

3-02.02 [Abatement Procedure].....19

3-02.02-10 [Voluntary Correction].....19

3-02.02-20 [Notice of Civil Violation].....20

3-02.02-30 [Hearing before the Court].....21

3-02.02.40 [Abatement by the City].....23

3-02.03 [Additional Provisions].....24

3-02.03-10 [Additional Enforcement Procedures].....24

3-02.03-20 [Conflicts].....24

3-02 [Nuisance Control]

3-02.01 [Introductory Provisions]

3-02.01-10 [Purpose]

The purpose of this chapter is to establish an efficient system to enforce the development, land use, and public health regulations of the City, to provide an opportunity for a prompt hearing and decision on alleged violations of these regulations, and to establish penalties for violations, including abatement of any affected properties.

3-02.01-20 [Declaration of Nuisance]

- A. All violations of development, land use, and public health regulations are found and declared to be nuisances. Nuisances create a public harm. Prevention and correction of nuisances are necessary to prevent harm.
- B. In addition to the enforcement provisions of this chapter, failure to comply with the provisions of this chapter creates a public harm, and may subject the person responsible to liability. The person responsible shall hold the City of Vernonia harmless and indemnify the City if any claim results from failure to fulfill the duties of this chapter.

3-02.01-30 [Definitions]

As used in this chapter, unless a different meaning is plainly required:

- A. "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner, and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.
- B. "Act" means doing or performing something.
- C. "Applicable Department Directors" means the City Administrator or his/her designee, including any department director or other designee, empowered by this code or by the City Administrator to enforce a City ordinance or regulation.
- D. "Civil Violation" means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs or exists is a separate violation.
- E. "Development" means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, and all acts authorized by a City regulation.
- F. "Emergency" means a situation which in the opinion of the applicable department director requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.
- G. "Nuisance" (also referred to herein as "violation" or "nuisance violation") means:
 - 1. A violation of any City of Vernonia development, land use, or public health regulation;
 - 2. Committing an act, omitting to perform any act or duty, or permitting or allowing any act or omission, which injures, endangers, or interferes with the comfort, repose, health or safety of others, is unreasonably offensive to the senses, or

which obstructs or interferes with the free use of property so as to interfere with or disrupt the free use of that property by any lawful owner or occupant; or

3. The existence, without limitation, of any of the following conditions:

a. Trash Covered Premises- Any premises containing trash or abandoned materials, including, but not limited to boxes, animal matter or waste, glass, scrap metal, plastic, rags, wire, packing materials, or any other matter that would mar the appearance, create a stench, or detract from the cleanliness or safety of the property, except that kept in garbage cans or containers maintained for regular collection;

b. Dangerous Structures- Any dangerous, decaying, unkempt, falling or damaged dwelling, fence or other structure;

c. Potential Vermin Habitat or Fire Hazard-Any accumulation of material or debris on a property including, but not limited to building materials which are not properly stored or neatly piled, crates, empty barrels, mattresses or bedding, old appliances or equipment or any parts thereof, furniture, or other objects which endanger property or public safety, or constitute a fire hazard or vermin habitat; provided, that nothing herein shall prevent the temporary retention of waste in approved, covered receptacles;

d. Stagnant Water- An accumulation of stagnant or dirty water in an open container, barrel, pool or other man-made vessel that affords a breeding place for mosquitoes and other insect pests. This section does not apply to wetlands, ponds, streams, springs, creeks, rivers or natural drainage;

e. Junk Vehicles- Any wrecked, inoperable, abandoned, immobile or disassembled trailer, recreational vehicle, boat, tractor, automobile or other vehicle, or any parts thereof. Evidence of inoperability and damage includes, but is not limited to, a buildup of debris that obstructs use, a broken window or windshield, a missing wheel, a flat tire, a nonfunctional motor or transmission, missing bumpers, or missing or expired license plates; provided nothing herein shall prevent the keeping and storage of any vehicle on private property which is screened from view, nor prevent the storage on private property of up to two (2) well-maintained, unlicensed collector or antique vehicles, as defined by ORS 801.605 (Vehicle of special interest) or ORS 801.125 (antique vehicles);

f. Attractive Nuisances- Any attractive nuisance which may prove detrimental to children whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children. This includes unused or abandoned refrigerators, freezers, or other large appliances or equipment or any parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; and any lumber, trash, debris or vegetation which may prove a hazard for minors;

g. Obstructions to the Public Right-of-Way- Use of property abutting a public street, alley, or sidewalk or use of a public street, alley, or sidewalk which causes any physical or visual obstruction or safety hazard to traffic or

to open access to the streets, alleys or sidewalks; provided, that this subsection shall not apply to events, parades, or the use of streets or public rights-of-way when authorized by the City. This section includes the existence of drainage onto or over any sidewalk, public path or alley;

h. Noxious Vegetation- Any noxious, or toxic weed or uncultivated plant, weeds or tall grass which may be a health, safety, fire or traffic hazard, including but not limited to:

1. Grass or weeds more than twelve (12) inches high;
2. Poison ivy;
3. Poison oak;
4. Blackberry bushes that extend into a public thoroughfare or right-of-way or across a property line;
5. Plant growth on sidewalks adjacent to any property.

This paragraph does not apply to vegetation that constitutes an agricultural crop, unless that vegetation is a health, safety, fire or traffic hazard. An owner or person in charge of property shall cut down or destroy grass, shrubbery, brush, bushes, weeds or other noxious vegetation as often as needed to prevent them from becoming unsightly; from becoming a health, safety, fire, or traffic hazard; or in the case of weeds or other noxious vegetation, from maturing or going to seed;

i. Trees- On any property, including the abutting parking strip, public street, alley, or sidewalk:

1. Any tree which is in danger of falling and creates a substantial risk of damage or injury. Before removing any tree located in a parking strip, public right-of-way, or alley, the applicable department director shall be notified, unless it is impractical to do so because of imminent threat of harm to persons or property; or
2. Any trees not maintained or trimmed to a height of not less than eight (8) feet above the sidewalk and not less than thirteen (13) feet, six (6) inches above any roadway or alley which has been opened for access;

j. Illegal Dumping- Dumping of any type by any person on public or private property not registered as a legal dump site;

k. Dumping in Waterways- Dumping, depositing, placing or leaving of any garbage, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any navigable water, or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable watercourse, or the casting, placing, depositing or leaving of any logs, roots, snags, stumps or brush upon the banks or in the bed or channel of any navigable watercourse;

l. Ditches- Drainage and irrigation ditches adjacent to or crossing private property, that are not maintained by the adjacent property owner in a condition free from debris, brush, or vegetation that would impede the flow of storm water and/or reduce the capacity of the ditch or drainage. Drainage or irrigation ditch, as used in this section does not include any perennial or intermittent stream, channelized stream or any other channel that contains fish;

m. Culverts- Any pipes and culverts used for driveway or walkway purposes adjacent to or crossing private property, that are not maintained by the adjacent property owner; except that any such pipe or culvert installed in the public right-of-way to City standards shall be maintained by the City;

n. Nuisance Animals- The following are nuisance animals, and may be taken into custody by the City and dealt with in accordance with the procedures provided by ordinance for the impoundment of dogs:

1. Animals at large, except for a domestic cat of species felis catus;

2. Dangerous Animals- Any animal exposed in public that has, due to the lack of proper and adequate supervision and control by its owner, demonstrated a propensity to do an act harmful in its character to human beings or animals, regardless of whether done in a playful or hostile manner; or

3. Dog(s) not on a leash except when on owner's own property or private property. Length of leash cannot be more than 8 feet in length.

o. Radio Interference- The use or operation of an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design;

p. Barbed Wire or Electric Fences- Any barbed wire or electric fence along a sidewalk, public way or along the adjoining property line of another person. Nothing herein prohibits barbed wire being placed above the top of other fencing not less than six (6) feet, six (6) inches high, where such fence height is permitted;

q. Commercial Zone- The following are nuisances in the General Commercial Zone, except on property used solely for residential purposes:

1. Recreational vehicles and trailers, unless parked for less than twelve (12) hours or kept in a business licensed for the sale of such goods;

2. Temporary storage structures for which a building permit was not obtained;

3. Portable storage bins or containers, except for trash receptacles; or

4. Windows covered with plywood, particleboard, plastic, tape or other temporary covering, except while the window is being repaired, provided such time period for repairing the window does not exceed thirty (30) days past the date of damage. If the owner does not want to replace window with window material that conforms with the Uniform Building Code, owner shall fill in window with permanent exterior structural materials consistent with the rest of the structure.

For this paragraph, a person may request temporary permission from the Building Department, or Code Enforcement Officer, not to exceed three (3) months at a time, to deviate from the standards of this paragraph.

H. "Omission" means a failure to act.

- I. "Person" means any individual, firm, association, partnership, corporation or any entity, public or private.
- J. "Person Responsible for the Violation" means any person who has an interest in or resides on the property, whether as owner, tenant, occupant, or otherwise.
- K. "Repeat Violation" means a violation of a provision of this chapter in any location by the same person, for which voluntary compliance previously has been sought or a notice of civil violation has been issued, within the immediately preceding twelve (12) consecutive month period.

3-02.02 [Abatement Procedure]

3-02.02-10 [Voluntary Correction]

- A. Applicability- This section applies whenever the applicable department director determines that a nuisance has occurred or is occurring.
- B. General- The applicable department director shall attempt to secure voluntary correction by contacting the person responsible for the nuisance and, where possible, explaining the violation and requesting correction.
- C. Issuance of Voluntary Correction Agreement- A voluntary correction agreement may be entered into between the person responsible for the violation and the City, acting through the applicable department director.
1. Content- The voluntary correction agreement is a contract between the City and the person responsible for the violation under which such person agrees to abate the violation within 30 days of the specified time according to specified conditions. The voluntary correction agreement shall include the following:
 - a. The name and address of the person responsible for the violation;
 - b. The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
 - c. A description of the violation and a reference to the regulation which has been violated; and
 - d. The necessary corrective action to be taken, and a date or time by which correction must be completed;
 - e. An agreement by the person responsible for the violation that the City may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement;
 - f. An agreement by the person responsible for the violation that the City may abate the violation and recover its costs and expenses (including attorney fees, expert witness fees, and court costs) and/or a monetary penalty pursuant to this chapter from the person responsible for the violation if the terms of the voluntary correction agreement are not satisfied;
 - g. An agreement that by entering into the voluntary correction agreement, the person responsible for the violation waives the right to a hearing before the court under this chapter or otherwise, regarding the matter of the violation and/or the required corrective action.
 2. Right to a Hearing Waived- Upon entering into a voluntary correction agreement, the person responsible for the violation shall have no right to a hearing before the court under this chapter or otherwise, regarding the matter of the violation and/or the required corrective action.
 3. Extension and Modification- An extension of the time limit for correction or a modification of the required corrective action may be granted by the applicable department director if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances delay correction under the original conditions.
 4. Abatement by the City- The City may abate the violation in accordance with 3-02.02-40 if the terms of the voluntary correction agreement are not met.

5. Collection of Costs- If the terms of the voluntary correction agreement are not met, the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with 3-02.02-20.E, plus all costs and expenses of abatement, as set forth in 3-02.02-40.D.

3-02.02-20 [Notice of Civil Violation]

A. Issuance-

1. When the applicable department director determines that a violation has occurred or is occurring, and is unable to secure voluntary correction, pursuant to 3-02.02-10 the applicable department director may issue a notice of civil violation to the person responsible for the violation.

2. The applicable department director may issue a notice of civil violation without having attempted to secure voluntary correction as provided in 3-02.02-10 under the following circumstances:

a. When an emergency exists;

b. When a repeat violation occurs;

c. When the violation creates a situation or condition which cannot be corrected;

d. When the person knows or reasonably should have known that the action is in violation of a City regulation; or

e. The person cannot be contacted or refuses to communicate or cooperate with the City in correcting the violation.

B. Content- The notice of civil violation shall include the following:

1. The name and address of the person responsible for that violation;

2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;

3. A description of the violation and a reference to the provision(s) of the City regulation(s) which has been violated;

4. The required corrective action and a date and time by which the correction must be completed after which the City may abate the unlawful condition in accordance with 3-02.02-40;

5. The date, time and location of a hearing before a judge or judge pro tem;

6. A statement indicating that the hearing will be canceled and no monetary penalty will be assessed, other than the court filing fee, if the Applicable Department Director approves the completed, required corrective action prior to the hearing; and

7. A statement that the costs and expenses of abatement incurred by the City pursuant to 3-02.02-40.D, and a monetary penalty in an amount per day for each violation as specified in 3-02.02-20.E, may be assessed against the person to whom the notice of civil violation is directed as specified and ordered by the court.

C. Service of Notice- The applicable department director shall serve the notice of civil violation upon the person responsible for the violation, either personally or by mailing a copy of the notice of civil violation by certified or registered mail, return receipt requested, to such person at their last known address. If the person responsible for the violation cannot be personally served within Columbia County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the notice of civil violation

conspicuously on the affected property or structure. Proof of service shall be made by a written statement, signed by the person affecting the service, declaring the time and date of service, the manner by which the service was made and, if by posting, the facts showing the attempts to serve the person personally or by mail.

D. Extension- Extensions of the time specified in the notice of civil violation for correction of the violation may be granted at the discretion of the Applicable Department Director or by order of the court.

E. Monetary Penalty- The monetary penalty for each violation per day or portion thereof shall be five hundred dollars (\$500.00). A mandatory City administrative fee of twenty-five dollars (\$25) shall be added to the total penalty amount.

F. Continued Duty to Correct- Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice of civil violation was issued of the duty to correct the violation.

G. Collection of Monetary Penalty-

1. The monetary penalty constitutes a personal obligation of the person to whom the notice of civil violation is directed. Any monetary penalty assessed must be paid to the City within ten (10) calendar days from the date of mailing of the court's decision or a notice from the City that penalties are due. Any such monetary penalty shall further constitute a lien against the affected real property, in the manner as set forth in 3-02.02-40.E.

2. The City Attorney is authorized to take appropriate action to collect the monetary penalty.

3-02.02-30 [Hearing before the Court]

A. Notice- A person to whom a notice of civil violation is issued will be scheduled to appear before the court. Continuances may be granted at the discretion of the Applicable Department Director, or by the court for good cause shown.

B. Prior Correction of Violation- The hearing will be canceled and no monetary penalty will be assessed, other than the court filing fee, if the Applicable Department Director approves the completed required corrective action prior to the scheduled hearing.

C. Procedure- The court shall conduct a hearing on the civil violation pursuant to the current applicable Oregon Rules of Civil Procedure. The Applicable Department Director and the person to whom the notice of civil violation was directed may participate as parties in the hearing preponderance of the evidence that a violation has occurred and that the required corrective action is reasonable under the circumstances. The determination of the Applicable Department Director as to the need for the required corrective action shall be accorded substantial weight by the court in determining the reasonableness of the required corrective action.

D. Decision of the Court-

1. The court shall determine whether the City has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable under the circumstances, and shall affirm, vacate, or modify the City's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.

2. The court shall issue an order to the person responsible for the violation which contains the following information:

a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;

- b. The required corrective action;
 - c. The date and time by which the correction must be completed;
 - d. The monetary penalties assessed based on the criteria in 3-02.02-30.D.3; and
 - e. The date and time after which the City may proceed with abatement of the unlawful condition if the required correction is not completed.
3. Assessment of Monetary Penalty- Monetary penalties assessed by the court shall be in accordance with the monetary penalty in 3-02.02-20.E.
- a. The court shall have the following options in assessing monetary penalties:
 - 1. Assess monetary penalties beginning on the date the notice of civil violation was issued and thereafter; or
 - 2. Assess monetary penalties beginning on the correction date set by the applicable department director or an alternate correction date set by the court and thereafter; or
 - 3. Assess less than the established monetary penalty set forth in 3-02.02-20.E, based on the criteria of 3-02.02-30.D.3.b; or
 - 4. Assess no monetary penalties.
 - b. In determining the monetary penalty assessment, the court may consider the following factors:
 - 1. Whether the person responded to staff attempts to contact the person, and cooperated to correct the violation;
 - 2. Whether the person failed to appear at the hearing;
 - 3. Whether the violation was a repeat violation;
 - 4. Whether the person showed due diligence and/or substantial progress in correcting the violation;
 - 5. Whether a genuine, “close call” code interpretation issue exists; and
 - 6. Any other relevant factors.
 - c. The court may double the monetary penalty schedule if the violation was a repeat violation. In determining the amount of the monetary penalty for repeat violations the court may consider the factors set forth in 3-02.02-30.D.3.b.

E. Failure to Appear- If the person to whom the notice of civil violation was issued fails to appear without lawful excuse at the scheduled hearing, the court will enter an order with findings pursuant to 3-02.02-30.D.2 and assess the appropriate monetary penalty pursuant to 3-02.02-30.D.3. The City may enforce the court’s order and recover all related expenses, including attorney fees, plus the costs of the hearing and any monetary penalty from that person.

3-02.02-40 [Abatement by the City]

- A.** The City may abate a condition which was caused by or continues to be a civil violation when:
- 1.** The terms of voluntary correction agreement pursuant to 3-02.02-10 have not been met;
 - 2.** A notice of civil violation has been issued pursuant to 3-02.02-20 and a hearing has been held pursuant to 3-02.02-30 and the required correction has not been completed by the date specified in the court's order; or
 - 3.** The condition is subject to summary abatement as provided for in 3-02.02-40.B.
- B.** Summary Abatement- Whenever any nuisance causes a condition, the continued existence of which constitutes an immediate threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the City or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the City be entitled to recover any costs incurred for summary abatement, prior to the time that actual notice of same is provided to the person responsible for the violation.
- C.** Authorized Action by the City- Using any lawful means, the City may enter upon the subject property and may remove or correct the condition that is subject to abatement. The City may seek such judicial process as it deems necessary to effect the removal or correction of such condition.
- D.** Recovery of Costs and Expenses- The costs, including incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and/or the owner, lessor, tenant or other person entitled to control, use and/or control of the property and shall become due and payable to the City within ten (10) calendar days. The term "incidental expenses" includes but is not limited to personnel costs, both direct and indirect and including attorney's fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual expenses and costs of the City in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and the costs of any required printing and mailing. All such costs and expenses shall constitute a lien against the affected property, as set forth in 3-02.02-40.E.
- E.** Lien-Authorized- The City of Vernonia shall have a lien for any monetary penalty imposed, the cost of any abatement proceedings under this chapter, and all other related costs including attorney and expert witness fees, against the real property on which the monetary penalty was imposed or any of the work of abatement was performed. The lien shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for State and County taxes, with which it shall be on a parity.
- 1.** The Applicable Department Director shall cause a claim for lien to be filed for record within ninety (90) days from the later of the date that the monetary penalty is due, the date the work is completed or the nuisance abated.
 - 2.** The claim of lien shall contain sufficient information regarding the notice of civil violation, as determined by the Applicable Department Director, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.
 - 3.** Any such claim of lien shall be verified by the Applicable Department Director, and may be mended from time to time to reflect changed conditions.

3-02.03 [Additional Provisions]

3-02.03-10 [Additional Enforcement Procedures]

The provisions of this chapter are not exclusive, and may be used in addition to other enforcement provisions authorized by the Vernonia Municipal Code, or Oregon Revised Statutes, except as precluded by law.

3-02.03-20 [Conflicts]

In the event of a conflict between this chapter and any other provision of the Vernonia Municipal Code or other City ordinance providing for a civil penalty, this chapter shall control.

Chapter 3-03 [Property Maintenance Code]

Chapter 3-03 [Property Maintenance Code]	25	
3-03.01 [Introductory Provisions]		27
3-03.01-10 [Short Title].....	27	
3-03.01-20 [Purpose].....	27	
3-03.01-30 [Scope].....	27	
3-03.01-40 [Intent].....	27	
3-03.01-50 [Definitions].....	27	
3-03.02 [Administrative Provisions]		29
3-03.02-10 [Responsibility].....	29	
3-03.02-20 [Complaint Process and Action].....	29	
3-03.02-30 [Notice to Legal Owner].....	29	
3-03.02-40 [Option to Correct the Condition; Administrator's Flexibility].....	30	
3-03.02-50 [Failure to Respond to Notice of Complaint and Violation].....	30	
3-03.02-60 [Modifications].....	30	
3-03.02-70 [Temporary Waivers of Enforcement Action].....	30	
3-03.02-80 [Hardship Waivers of Enforcement Action].....	30	
3-03.02-90 [Coordination of Enforcement].....	31	
3-03.03 [Maintenance Provisions]		32
3-03.03-10 [Exterior Surfaces].....	32	
3-03.03-20 [Street Numbers].....	32	
3-03.03-30 [Foundation Walls].....	32	
3-03.03-40 [Exterior Walls].....	32	
3-03.03-50 [Roofs and Drainage].....	32	
3-03.03-60 [Decorative Features].....	32	
3-03.03-70 [Windows and Doors].....	33	
3-03.03-80 [Glazing].....	33	
3-03.03-90 [Accessory Structures].....	33	
3-03.04 [Derelict Structures]		34
3-03.04-10 [Derelict Structures Prohibited].....	34	
3-03.04-20 [Closing and Securing of Derelict Structures].....	34	
3-03.04-30 [Derelict Structure Registration].....	34	
3-03.05 [General Provisions]		35
3-03.05-10 [General].....	35	
3-03.05-20 [Required Maintenance].....	35	
3-03.05-30 [Skilled Work Required].....	35	
3-03.05-40 [Violations].....	35	
3-03.05-50 [Administrative Enforcement Fees].....	35	
3-03.05-60 [Receivership Authority].....	35	
3-03.05-70 [Lien].....	36	

3-03 [Property Maintenance Code]

3-03.01 [Introductory Provisions]

3-03.01-10 [Short Title]

This chapter shall be known and may be cited as the Property Maintenance Code.

3-03.01-20 [Purpose]

The Council finds and declares that conditions that promote blight and deterioration or that create a hazard to the health and safety of any person, are injurious to the health, safety and general welfare of the public.

3-03.01-30 [Scope]

This chapter is to:

- A. Protect the public health, safety and general welfare by regulating the exterior conditions of existing structures and existing premises by establishing minimum requirements and standards for exterior conditions of structures and premises for the protection from the elements, life safety, other hazards, and for safe and sanitary maintenance;
- B. Establish the responsibility of property owners; and
- C. Provide for administration, enforcement and penalties.

3-03.01-40 [Intent]

This chapter shall be construed to secure and ensure the health, safety and general welfare of the public insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance as required herein.

3-03.01-50 [Definitions]

Words stated in the present tense include the future; the singular number includes the plural and the plural the singular. Where terms are not defined in this chapter or other Code sections and are defined in the State Building, Plumbing or Mechanical Codes, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words "premises," "building" or other similar words are stated in this chapter, they shall be construed as though they were followed by the words "or any part thereof." Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the following meanings:

- A. "Abandoned Structure" means a vacant structure, or portion thereof, that is an attractive nuisance to children at play, or that is used for unlawful activity or that is otherwise unoccupied and untended.
- B. "Attractive Nuisance" means any attractive nuisance which may prove detrimental to children whether in or on a building, on the premises of a building, or upon an un-occupied lot, which is left in any place exposed or accessible to children. This includes unused or abandoned refrigerators, freezers, or other large appliances or equipment or any parts thereof, abandoned motor vehicles; any structurally unsound or unsafe fence or edifice, any unsecured or abandoned excavation, pit, well, cistern, storage or shaft; or any lumber, trash, debris or vegetation which may prove a hazard for minors.

- C. "Boarded Building" means an unoccupied or derelict building that has been secured against entry by material such as plywood, boards or other similar material placed over openings that are designed for and/or are required for windows and doors, and which is visible off the premises and is not both lawful and customary to install on an occupied structure.
- D. "Building" means any structure occupied or intended for any occupancy.
- E. "Building Code" means Building Codes adopted by Columbia County and the City of Vernonia.
- F. "Building Official" means the building official of Columbia County or the building official's designee.
- G. "Deterioration" means a lowering in quality of the condition or appearance of a building, structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, neglect, excessive use, or lack of maintenance.
- H. "Imminent Hazard" means a condition that places a person's life, health, or property in high risk of peril when such condition is immediate or impending.
- I. "Legal Owner" means any person recorded in the official records of the State, County or municipality as holding title to the premises.
- J. "Administrator" means the City Administrator or the Administrator's designee.
- K. "Owner" means any legal owner or any person having charge, care or control of a premises.
- L. "Partially Constructed" means an occupied or vacant structure, or portion thereof, that has been left in a state of partial construction for more than six (6) months or after the expiration of any building permit, or that has not had a required permit inspection within any six (6) month period.
- M. "Person" means an individual, corporation, partnership or any other group or entity.
- N. "Premises" means a lot, plot or parcel of land including any structure thereon.
- O. "Skilled Manner" means executed in a skilled manner; i.e., generally plumb, level, square, in line, undamaged, without marring adjacent work and completed in conformance with generally accepted construction and maintenance practices.
- P. "Structure" means that which is built or constructed or a portion thereof.
- Q. "Unoccupied" means not being used for a lawful occupancy.

3-03.02 [Administrative Provisions]

3-03.02-10 [Responsibility]

- A. Unless otherwise provided for, the Administrator shall be responsible for the ultimate enforcement of all of the provisions of this chapter. The Administrator may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this chapter. The Administrator is authorized to designate an employee who shall exercise all the powers of the Administrator during the temporary absence or disability of the Administrator.
- B. Where work is required to be done under this code to correct violations, any permits required for such work by the Building Codes and/or the City of Vernonia shall be obtained.

3-03.02-20 [Complaint Process and Action]

- A. Complaints for violations of this chapter are to be directed to the Administrator. The Administrator shall make and maintain a list of complaints and take the necessary steps to verify the existence of any violations.
- B. If the complaint is not verified, the Administrator will provide notice to the complainant and identify the reasons the complaint was not substantiated.
- C. If the Administrator determines that the complaint is verified, a notice of complaint and violation shall be sent to the property owner.

3-03.02-30 [Notice to Legal Owner]

- A. The notice of complaint and violation sent by the Administrator to the legal owner shall include:
1. The location of the property that is the subject of the complaint by commonly used street address;
 2. Citation of the specific provisions of this chapter giving rise to the alleged violation;
 3. A clear description of the conditions on the property that violate this chapter;
 4. A clear description of the actions required to correct the violation(s);
 5. A statement of the time allowed to correct the violation(s) (not more than thirty (30) days);
 6. A statement of the penalties, fines, costs, and administrative fee that may be imposed under this article for failure to correct the violation(s);
 7. A statement that the imposition of certain costs and administrative fees will constitute a lien on the property;
 8. A statement of the way to contact the Administrator with any questions regarding the notice; and
 9. The ability to request a temporary or hardship waiver, and that if neither of these options is exercised, enforcement action will be taken;
 10. The notice of complaint and violation may also be sent by the Administrator to the person in charge of the property, if it appears to be someone other than the legal owner, and to the holder of any recorded or other known interest in the property, including mortgage or lien holders and insurance companies.

3-03.02-40 [Option to Correct the Condition; Administrator's Flexibility]

If the legal owner of the property responds that they wish to correct the condition, the Administrator may allow the legal owner to accomplish correction of the violations and will monitor completion of the correction(s). The Administrator will then verify that the correction(s) has been accomplished and will send notice to the complainant that the complaint has been resolved. The Administrator shall note the resolution of the complaint on the complaint list.

3-03.02-50 [Failure to Respond to Notice of Complaint and Violation]

If the legal owner takes no action to correct the violation within the time specified, enforcement action will be taken.

3-03.02-60 [Modifications]

Where there are extreme hardships involved in carrying out provisions of this chapter, the Administrator shall have the right to vary or modify the provisions of this chapter upon application of an owner, provided that the spirit and intent of the law is observed and that the health, safety and general welfare of the public is assured.

3-03.02-70 [Temporary Waivers of Enforcement Action]

A. The Administrator may issue a temporary waiver of enforcement action, which will give a period of time that the Administrator determines is reasonable, but no longer than six (6) months, to correct the violations found. The length of time given will depend on several factors, such as the extent and cost of the repairs, seriousness of the conditions, financial capacity of the owner, and the time of year. During the waiver period, the owner or an occupant may continue to live on the property, and the owner may rent it if it becomes vacant and the property complies with Oregon laws regarding tenancy, which may include the Oregon Residential Landlord and Tenant Act.

B. The Administrator may revoke the waiver if there is any change in the conditions constituting the basis for the waiver. Because the waiver is granted to a specific property owner, the waiver automatically terminates upon change in ownership. The Administrator may, assist the owner in obtaining information regarding financial or other assistance to make the necessary repairs.

3-03.02-80 [Hardship Waivers of Enforcement Action]

A. The Administrator may issue a hardship waiver of enforcement action only if the owner currently legally resides on the property. A hardship waiver may be issued only in those instances when the owner is found by the Administrator to be over sixty-five (65) years of age, disabled, or classified as "very low income" under the US Department of Housing and Urban Development (HUD) standards. Hardship waivers shall not exceed three (3) years. The income level of the owner will be reevaluated before the end of the three year waiver period. An application for a hardship waiver must be filed with the Administrator in writing. The Administrator may require the owner to supply all information necessary to demonstrate the owner's eligibility for the waiver. The owner must submit a separate application for waiver for each notice of complaint and violation.

B. The Administrator may revoke the waiver if there is a change in the conditions constituting the basis for the waiver. Because the waiver is granted to a specific property owner, the waiver automatically terminates upon change in ownership or tenure of the property.

C. The owner may reapply for new hardship waivers to become effective at the expiration of the term of any hardship waiver previously granted.

D. The Administrator may assist the owner in obtaining information concerning financial or other assistance to make the necessary repairs.

3-03.02-90 [Coordination of Enforcement]

The Administrator shall make reasonable effort to arrange for the coordination of enforcement efforts and any necessary inspections in an effort to minimize conflicts between the activities of affected City departments.

3-03.03 [Maintenance Provisions]

3-03.03-10 [Exterior Surfaces]

All exterior surfaces, including but not limited to, window frames, doors, door frames, cornices, porches, siding and trim shall be maintained in good condition.

- A. Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.
- B. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Wood used in construction of permanent structures and located closer than six (6) inches to earth shall be treated wood or wood having a natural resistance to decay as required by the building and development codes.
- C. Exterior metal surfaces shall be protected from rust and corrosion.
- D. Every section of exterior brick, stone, masonry, or other veneer shall be maintained in a sound condition adequately supported and tied back to its supporting structure as determined by visual observation.

3-03.03-20 [Street Numbers]

Each structure to which a street number has been assigned shall have such number displayed in a position easily observable and readable from the public right-of-way as required by the Oregon Fire Code. Such numbers must be repaired, placed or replaced if missing, deteriorated or broken.

3-03.03-30 [Foundation Walls]

All foundation walls shall be maintained free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of pests or trespassers.

3-03.03-40 [Exterior Walls]

- A. All exterior walls shall be free from holes, breaks, loose or rotting materials.
- B. The use of tarps or similar material for emergency repair, or temporarily in place of a customary building component such as siding or a door shall not exceed ninety (90) days in any consecutive twelve (12) month period; provided, however, that this subsection is subject to, and does not supersede, the requirements of the Building and Fire Code. The use of tarps or similar material in place of a customary building component is not permitted under the Building Code.

3-03.03-50 [Roofs and Drainage]

The roof and flashing shall be sound, tight and not have defects. Roof drainage shall be adequate. Roof drains, gutters and down spouts shall be maintained in good repair. The use of tarps or similar material for emergency repair shall not exceed ninety (90) days in any consecutive twelve (12) month period.

3-03.03-60 [Decorative Features]

All cornices, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

3-03.03-70 [Windows and Doors]

Windows, doors and all frames shall be kept in sound conditions, good repair and weather tight. Where windows and doors have been sealed by plastic or other materials for weather proofing, said materials shall be maintained in a skilled manner. Window and door screens, while not required by this article, shall be maintained in a skilled manner.

3-03.03-80 [Glazing]

All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) days of the incident that caused the defect.

3-03.03-90 [Accessory Structures]

All accessory sheds, fences, walls and other similar structures shall be maintained in a sound condition and in good repair.

3-03.04 [Derelict Structures]

3-03.04-10 [Derelict Structures Prohibited]

No structure shall be left unoccupied and unsecured, partially constructed, abandoned, maintained in a condition that is unfit for human habitation or for its otherwise intended purposes, or maintained in a condition that is an imminent hazard.

3-03.04-20 [Closing and Securing of Derelict Structures]

Whenever, in the opinion of the Administrator, a structure is a derelict structure, the Administrator may order the boarding-up of openings or other appropriate measures to render the structure secure from entry. The securing of the structure shall be by methods calculated to render entry very difficult, including, but not limited to, the use of lag bolts in the boarding of entry points, instead of nailing.

3-03.04-30 [Derelict Structure Registration]

In the event the Administrator determines that a structure violates 3-03.04-10 the legal owner of the structure shall be required to register the structure with the Administrator within ten (10) days of the Administrator's written order to register. Registration under the terms of this chapter shall be completed on forms to be provided by the Administrator, and shall include information relating to the location and ownership of the structure, the expected period of its vacancy, a plan for regular maintenance during the period of vacancy, and a plan for its re-occupancy and use, or its demolition. If corrective action will not be completed within thirty (30) days, a hardship or temporary waiver of enforcement action must be obtained by the City Administrator, and status of progress shall be reported by the owner at a minimum of every thirty (30) days, or sooner. Any change in the information provided pursuant to this section shall be given to the Administrator within thirty (30) days. The Administrator shall maintain a list of derelict structures. When the owner believes the structure is no longer derelict the owner shall contact the Administrator and request an inspection to determine that the structure is no longer derelict.

3-03.05 [General Provisions]

3-03.05-10 [General]

The exterior of a structure shall be maintained in good repair and in a sanitary condition so as not to pose a threat or danger to the health, safety or general welfare of the public.

3-03.05-20 [Required Maintenance]

All systems, devices and safeguards required by this chapter shall be maintained in good working order, thus ensuring the health, safety and general welfare of all inhabitants.

3-03.05-30 [Skilled Work Required]

All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a skilled manner.

3-03.05-40 [Violations]

- A. Violation of any section of this chapter is subject to a fine that shall be set and adjusted by council resolution. A violation is considered a separate violation for each day it continues.
- B. In addition to any other penalty provided by law, a person determined to be responsible for violation of any provision of this chapter may be ordered by the court to correct the violation.
- C. In addition to 3-03.05-40.A and B, violation of any provision of this chapter shall also constitute a nuisance and may be abated under Chapter 3-02 of the Vernonia Municipal Code.

3-03.05-50 [Administrative Enforcement Fees]

- A. In addition to, and not in lieu of, any cost, fee, fine or penalty provided for in this chapter, if a violation is not abated within thirty (30) days of the initial written notice for abatement as provided by 3-03.02-30, the Administrator shall impose administrative enforcement fees on the property and/or its owner in accordance with the fee schedule adopted by Vernonia City Council resolution for such fees.
- B. Interest at a rate set and adjusted by Council resolution, or at such other legal rate of interest as may be specified in ORS 82.010, shall be added to any fees, charges, costs, and administrative enforcement fees that are not paid within thirty (30) days of imposition.

3-03.05-60 [Receivership Authority]

In addition to, and not in lieu of any other provisions of this chapter, when the Administrator finds residential property in violation of this chapter, and believes that the violation is a threat to the health, safety, and general welfare of the public and the legal owner has not acted in a timely manner to correct the violation(s), the Administrator may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

3-03.05-70 [Lien]

Administrative enforcements fee(s), abatement costs, interests, or other fees or charges imposed under this chapter, shall, constitute a valid lien against the property in favor of the City of Vernonia, if not paid within thirty (30) days of imposition the lien shall remain valid against the property until fully paid. The City shall file the lien in its lien docket, which said notices of such liens then shall be posted in the appropriate manner for public disclosure, whether with the Columbia County Clerk Recorder's office or online through Net Assets Corporation. The City may collect an administrative fee, which shall be set and adjusted by Vernonia City Council resolution, for the release of any lien issued by the City.

3-03.05-80 [Application of Other Codes]

Nothing in this chapter shall be construed to relieve a person from complying with any federal, State or local law, including any other provisions of the Vernonia Municipal Code, or the requirement to obtain all necessary permits and approvals.

Chapter 3-04 [Property Defacement]

Chapter 3-04 [Property Defacement].....38
3-04 [Property Defacement].....39
3-04.01 [Introductory Provisions].....39
3-04.01-10 [Definitions].....39
3-04.02 [Regulatory Provisions].....39
3-04.02-10 [Unlawfully Possessing Graffiti Implement].....39
3-04.02-20 [Seizure].....39
3-04.02-30 [Minimum Fine].....39
3-04.02-40 [Community Service].....40
3-04.02-50 [Parental Responsibility].....40
3-04.02-60 [Parental Civil Liability].....40

3-04 [Property Defacement]

3-04.01 [Introductory Provisions]

3-04.01-10 [Definitions]

As used in this chapter the following words and phrases shall mean:

- A. "Aerosol Paint Container" means any aerosol container adapted or made for spraying paint.
- B. "Etching Device" means a glass cutter, awl, or any device capable of scratching or etching the surface of any structure or personal property.
- C. "Felt Tip Marker" means any indelible marker or similar implement with a tip which, at its broadest width, is greater than one-fourth ($\frac{1}{4}$) inch.
- D. "Graffiti" means any inscription, word, figure, or design that is marked, etched, scratched, drawn, or painted on any surface that is not authorized by the owner or person in charge of the property.
- E. "Graffiti Implement" means an Aerosol Paint Container, a Felt Tip Marker, an Etching Device, or a Graffiti Stick.
- F. "Graffiti Stick" means a device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-fourth ($\frac{1}{4}$) of an inch in width.

3-04.02 [Regulatory Provisions]

3-04.02-10 [Unlawfully Possessing Graffiti Implement]

- A. No person may possess, with the intent to unlawfully apply Graffiti on any real or personal property of another, any Graffiti Implement.
- B. Unlawfully possessing a Graffiti Implement is a Class A infraction.

3-04.02-20 [Seizure]

In addition to any citation issued, a Graffiti Implement possessed in violation of this chapter may be immediately seized and impounded by the police department. The court, upon disposition of the issued citation, shall determine whether the instrument shall be returned to the defendant or deemed contraband and returned to the City.

3-04.02-30 [Minimum Fine]

Upon conviction for Unlawfully Possessing Graffiti Implement, the Court shall impose a minimum fine of one hundred dollars (\$100).

3-04.02-40 [Community Service]

In lieu of any fine that may be imposed for violation of this chapter, the court may order community service as follows:

- A. Upon conviction for Unlawfully Possessing a Graffiti Implement, the person shall perform at least twenty (20) hours of community service;
- B. The entire period of community service shall be performed under the supervision of a community service provider approved by the Court; and
- C. Reasonable effort shall be made to assign the subject person to a type of community service that is reasonably expected to have the most rehabilitative effect on the person. To the extent that the offense giving rise to the offer of community service constitutes a violation of this chapter, reasonable effort shall be made by the Court to assign the person to community service which constitutes, in significant part, the removal of the Graffiti.

3-04.02-50 [Parental Responsibility]

- A. No parent, guardian, or other person having the legal custody of a minor person under the age of eighteen (18) years may allow or permit the minor to be in violation of this chapter.
- B. Upon a subsequent violation by a minor, the parent, guardian or person having legal custody shall be served with a subpoena to appear before the court with the minor and show cause why this chapter has been violated a second (2nd) time.
- C. Violating parental responsibility under this section is a Class A infraction.

3-04.02-60 [Parental Civil Liability]

In addition to any other remedy provided by law, the parent or parents of an un-emancipated minor child shall be liable for actual damages to person or property in connection with the removal of Graffiti caused by said child in accordance with the provisions of ORS 30.765.

Chapter 3-05 [Curfew for Minors]

Chapter 3-05 [Curfew for Minors].....43
3-05.01 [Regulatory Provisions].....43
3-05.01-10 [When Children May be on Streets].....43
3-05.01-20 [Officer’s Duty].....43
3-05.01-30 [Parent’s Duty].....43
3-05.01-40 [Delinquency].....43

3-05 [Curfew for Minors]

3-05.01 [Regulatory Provisions]

3-05.01-10 [When Children May be on Streets]

It shall be unlawful for any child under the age of eighteen (18) years to be in or upon any street, highway, park, alley, or other public place as set forth in the following schedule unless such child is accompanied by a parent, guardian, or other person twenty-one (21) years of age or older and authorized by the parent or by law to have the care and custody of the minor:

- A. Sunday through Thursday, from 10:00 PM to 5:00 AM the following day; and
- B. Friday and Saturday; from 11:00 PM to 5:00AM the following day, provided, however, that nothing contained herein shall be deemed to apply to any such child while actually engaged in traveling to and from a place of employment, school, class or religious meeting; or while on an errand of mercy or emergency; or under the direction of the child's parent, guardian or other adult person having the immediate care, custody or control of such child; or going to and from any legally established place of recreation or amusement with the consent of a parent, guardian, or other adult person having the usual care, custody and control of said child.

3-05.01-20 [Officer's Duty]

If any child is found to be in or upon any street, highway, park, alley, or other public place in violation of this chapter, any police officer is authorized to take that child into custody as provided in ORS 419C.080, 419C.085, and 419C.088. The officer shall use due diligence to find the parent(s), guardian, or other authorized custodian, or school officials, and take, or cause the child to be taken, to the responsible adult located by the officer.

3-05.01-30 [Parent's Duty]

A parent, guardian, or other authorized custodian having custody of a child has the duty to ensure the child's compliance with this chapter, and such parent's, guardian's, or other authorized custodian's failure to do so shall constitute a violation of this chapter. The parent, guardian, or other authorized custodian shall be subject to a fine under

ORS 163.577.

- B. In any prosecution under 3-05.01-30.A, it is an affirmative defense that the parent, guardian or other authorized custodian reported the child's violation of this chapter to the appropriate authorities.

3-05.01-40 [Delinquency]

Whenever a police officer learns that a child has violated this chapter under circumstances which tend to render the child delinquent, the officer shall place an appropriate complaint with the Juvenile Court of Columbia County for such further proceedings as the Court deems appropriate.

Chapter 3-06 [Animal Control Code]

Chapter 3-06 [Animal Control Code]	44
3-06.01 [Introductory Provisions].....	46
3-06.01-10 [Provisions].....	46
3-06.01-10 [Definitions].....	46
3-06.02 [Regulatory Provisions].....	47
3-06.02-10 [Responsibility and Authority].....	47
3-06.02-20 [Prohibited Activities].....	47
3-06.02-30 [Licensing of Dogs].....	48
3-06.02-40 [Impoundment and Disposition of Impounded Dogs].....	48
3-06.02-60 [State Law].....	49
3-06.02-70 [Lost Dogs].....	49
3-06.02-90 [Penalties].....	49

3-06 [Animal Control Code]

3-06.01 [Introductory Provisions]

3-06.01-10 [Purpose]

In order to protect the health, safety and welfare of the residents and citizens of Vernonia, Oregon, and to provide for control and the protection of dogs therein, the City of Vernonia does hereby enact the following provisions which may be referred to as the "Dog Control Code."

3-06.01-20 [Definitions]

As used in this chapter, unless the context requires otherwise:

- A. "Dog" means any mammal of the canine family.
- B. "Dog License" means that license required to be issued annually for each individual dog pursuant to the provisions of this chapter;
- C. "Dangerous Dog" means any dog that has, due to the lack of the exercise of proper and adequate supervision and control by its owner, demonstrated a propensity to do an act harmful in its character, to human beings or animals, regardless of whether done in a playful or hostile manner.
- D. "Vicious Dog" means any dog that has, due to its size, nature or other characteristics, demonstrated a disposition or propensity to do an unreasonable act harmful in its character to human beings or animals, done in a hostile manner.
- E. "Owner" means a person having a possessory property right in a dog or who harbors, cares for, exercises control over, or knowingly permits a dog to remain on premises occupied by him or her.
- F. "Person" means an individual, a partnership, company, association, corporation, or any other legal entity.
- G. "Pet Shop" means any person regularly engaged in the business of breeding, buying or selling animals of any species.
- H. "Dog Running at Large" means a dog not confined to the premises of its owner unless restrained by a leash, tether, or other physical control devices, not to exceed eight (8) feet in length, and under the physical control of a person, whether or not the owner of the dog; or a dog which enters upon land of another person without authorization of that person or lawful occupant.
- I. "Kennel" means the operation of any business or the participation in any activity in which four (4) or more dogs are kept on the premises.

3-06.02 [Regulatory Provisions]

3-06.02-10 [Responsibility and Authority]

The powers and duties of the Vernonia Police Department in connection with this chapter shall be as follows:

- A. To have police power in the enforcement of all provisions of this chapter relating to the control of dogs and the citation of persons for violation of this chapter.
- B. To transfer impounded dogs to Columbia County authorities as soon after impoundment as possible.
- C. To investigate reports of “prohibited activities” as defined under 3-06.02-20.

3-06.02-20 [Prohibited Activities]

- A. It shall be unlawful for any person:
 - 1. To interfere with, hinder, molest or verbally abuse a Vernonia Police Officer while in the exercise of his or her duties;
 - 2. To be the owner of a dog which he or she fails to prevent from running at large;
 - 3. To be the owner of a dangerous or vicious dog;
 - 4. To be the owner of a dog which he or she fails to prevent from being a public nuisance by:
 - a. Molesting passersby;
 - b. Biting a person or animal(s);
 - c. Habitually chasing vehicles or persons;
 - d. Habitually attacking other animals;
 - e. Traveling upon school grounds, public parks, public game refuges and public watershed areas;
 - f. Damaging or destroying property of persons other than the owner of the dog;
 - g. Scattering garbage;
 - h. Habitually running at large;
 - i. Disturbing the peace, comfort, health or repose of any person of reasonable sensitivity by making loud, long, unnecessary and continuous noises; or
 - j. Not being on a leash or being on a leash which exceeds 8 feet in length;
 - 5. To be the owner of a dog affected with a contagious disease who runs at large or is exposed in any public place whereby the health of man or beast may be affected, except that such dog may be removed from the premises of the owner or other person by a veterinarian, Vernonia Police officer or by any person supervised by the Department of Health of Columbia County;
 - 6. To be the owner of any dog for which he or she has failed to procure a dog license;
 - 7. To be the owner of any dog for which he or she has failed to display a dog license upon such dog when it is off the owner’s property when required by Columbia County Animal control;

8. To knowingly or negligently commit acts of cruelty to animals. General acts of cruelty include but are not limited to:
 - a. To subject any animal under a person's ownership, custody or control to cruel mistreatment;
 - b. To subject any animal under a person's ownership, custody or control to cruel neglect; or
 - c. To kill without legal privilege any animal under the ownership, custody or control of another person.
 9. To permit a dog to trespass upon the property of another.
 10. To permit a dog in season (estrus) to be accessible to a male dog not in his ownership except for intentional breeding purposes.
 11. To leave an animal unattended for more than twenty-four (24) consecutive hours without adequate care.
- B. Livestock or poultry within the City is limited to not more than two (2) small animals and five (5) chickens. Roosters are prohibited in City Limits.

3-06.02-30 [Licensing of Dogs]

Any person owning or keeping any dog which has a set of permanent canine teeth or is six (6) months old, whichever comes first, shall obtain a license through Columbia County. Dogs found within the City of Vernonia without a license or with an expired license shall be apprehended and transferred to Columbia County Dog Control personnel.

3-06.02-40 [Impoundment and Disposition of Impounded Dogs]

- A. The City of Vernonia shall not maintain an impoundment facility. Instead, all dogs taken into custody for violation of this chapter by Columbia County Animal Control personnel as soon as practicable.
- B. Whenever any dog is found performing any of the activities enumerated in 3-06.02-20, or has bitten any person or animal, it shall be subject to impoundment.
- C. Unless a dog is redeemed by his owner within the number of days specified by Columbia County Dog Control personnel, the dog may be destroyed or sold. If such dog has been impounded because of biting a person, Columbia County Dog Control personnel may require vaccination or proof thereof prior to release.
- D. Once possession of the subject animal has been transferred to Columbia County Dog Control personnel all future correspondence relating to the animal should be with that department. The policies and procedure of that department will govern release, sale or adoption, or destruction of the animal.

3-06.02-60 [State Law]

In addition to provisions of this chapter, the following statutes shall apply in the City of Vernonia and shall be enforced by the City of Vernonia Police Department in the same manner as though set forth fully herein, and by this reference are incorporated within this chapter:

- A. ORS. 433.340 to 433.390, relating to rabies control;
- B. ORS Chapter 609 –Dogs: Exotic Animals: Dealers:

3-06.02-70 [Lost Dogs]

Any person who finds and harbors a dog, without knowing the dog's owner's identity, shall notify the Vernonia Police Department and furnish a description of the dog. The finder may surrender the animal to the Vernonia Police Department or retain possession of it subject to surrender on demand by the Vernonia Police Department.

3-06.02-80 [Animal Waste Removal]

Any person in physical possession and control of any animal in a public place shall remove excrement or other solid waste deposited by the animal in a public area not designed to receive such waste, including by not limited to, streets, sidewalks, parking strips and public parks.

3-06.02-90 [Penalties]

- A. Violation of a provision of this chapter, is punishable by a fine of not more than one hundred dollars (\$100.00).
- B. Each day any person is in violation of this chapter shall be deemed a separate offense.
- C. In addition to any penalty imposed as provided by 3-06.02-90.A a court may order the impoundment and destruction of any dog found to be dangerous.
- D. A person who has been convicted of a violation of this chapter and who is found by a court to have been formally convicted of any violation of this chapter within two (2) years preceding the date of the alleged violation may be punished by a fine of not more than two hundred dollars (\$200.00).

Chapter 3-07 [Permit for Food Handlers]

Chapter 3-07 [Permit for Food Handlers]	52
3-07.01 [Introductory Provisions].....	52
3-07.01-10 [Purpose].....	52
3-07.01-20 [Definitions].....	52
3-07.02 [Permit Provisions]	53
3-07.02-10 [Permits Required].....	53
3-07.02-20 [Class and Examination].....	53
3-07.02-30 [Fee].....	53
3-07.02-40 [Time to Obtain Permit].....	54
3-07.02-50 [Renewal of Permit].....	54
3-07.02-60 [Revocation of Permit].....	54
3-07.03 [Additional Provisions]	54
3-07.03-10 [Communicable Diseases].....	54
3-07.03-20 [Enforcement and Administration].....	54
3-07.03-30 [Non-Liability].....	54

3-07 [Permit for Food Handlers]

3-07.01 [Introductory Provisions]

3-07.01-10 [Purpose]

The purpose of this chapter is to help prevent the spread of communicable diseases in the City of Vernonia (City) by requiring food handlers to have a basic knowledge of sanitary principles and the proper procedures and practices involved in the preparation, handling and service of food.

3-07.01-20 [Definitions]

As used in this chapter, the following definitions apply:

- A. “Communicable Disease” means any disease that may be transferred from person to person or from food to person under the conditions encountered in a food service facility.
- B. “Department” means the Columbia County Health Department or other entity specifically designated by the City to provide public health or community health services to the citizens of Vernonia.
- C. “Employer” means any individual, sole proprietor, firm, partnership, corporation, company, joint stock association, fraternal, social or religious organization, or other legal entity, that owns, operates or manages a food service facility, that utilizes, employs or supervises food handlers.
- D. “Food” means any raw, cooked or processed edible substance, beverage or ingredient used or intended for use in whole, or in part, for human consumption.
- E. “Food Handler” means any person employed or working in, or applying for employment or work in, a food service facility, and any employer or imminent employer of such person, who prepares, handles or serves food. This definition includes temporary employees, part-time employees and volunteers who work in food service facilities.
- F. “Food Handler’s Permit” means a permit issued by the Oregon Health Authority indicating that the recipient has taken a class and passed an examination in the safe and sanitary preparation, handling and service of food.
- G. “Food Service Facility” means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare food intended for individual portion service. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles.
 - 1. The term includes “restaurants”, “temporary restaurants”, “limited service restaurants” and “bed and breakfast facilities” as those defined in ORS 624, Food Service Facilities.

2. Notwithstanding the exclusion stated in ORS 624.038(2), the term also includes school lunch rooms where food is prepared, handled or served for school and/or community activities.
3. The term does not apply to the following:
 - a. An establishment where food is prepared and served by a fraternal, social or religious organization only to its own members and guests;
 - b. A food product promotion where only a sample of a food or foods is offered to demonstrate the characteristics of the food product. For the purposes of this paragraph, a sample shall not include a meal, an individual hot dish or a whole sandwich;
 - c. A private residence, or part thereof, including the grounds, areas and facilities held out for the use of the occupants generally, for which a special retail beer or special retail wine license is issued under ORS 471.190 for a period not exceeding one (1) day.

3-07.02 [Permit Provisions]

3-07.02-10 [Permits Required]

- A. Except as otherwise specifically permitted by this chapter, no person shall prepare, handle or serve food in food service facilities within the city without having first applied for and received a food handler's permit under this chapter. All food handlers must have the permit on their person or on the premises while preparing, handling or serving food in food service facilities in the city.
- B. In order to be eligible for a food handler's permit, a food handler must:
 1. Attend a class of food handling practices;
 2. Pass an examination in the safe and sanitary preparation, handling and service of food; and
 3. Pay the fees as provided for by this chapter.
- C. A food handler's permit is exclusive to the permittee and may not be transferred to another individual. A food handler holding a valid permit may work in any food service facility in the city.
- D. Notwithstanding 3-07.02-10.A, any valid current food handler's permit obtained from any jurisdiction in the State of Oregon shall be valid in the city until its date of expiration.
- E. Notwithstanding 3-07.02-10.A, fraternal, religious or social organizations serving the general public may utilize volunteers who do not have a food handler's permit as long as a ratio of one (1) food handler with a permit for every ten (10) food handlers without a permit is present at the time of service to train and/or supervise such volunteers.

3-07.02-20 [Class and Examination]

- A. The Department shall conduct, on a monthly basis, a class designed to educate food handlers in the safe and sanitary preparation, handling and service of food. Such classes shall be offered at various locations in the county to facilitate accessibility.
- B. The Department shall present at the end of each class, or as needed, examinations in which food handlers may demonstrate their knowledge of the safe and sanitary preparation, handling and service of food.

3-07.02-30 [Fee]

A fee for the food handler's permit shall be set by Oregon Health Authority Public Health Division.

3-07.02-40 [Time to Obtain Permit]

- A. All food handlers working or employed on the effective date of this chapter in a food service facility shall obtain a food handler's permit no more than sixty (60) consecutive calendar days after the effective date of this chapter.
- B. Food handlers who obtain employment or begin working in a food service facility after the effective date of this chapter who do not already have a valid food handler's permit shall obtain a permit no more than sixty (60) consecutive calendar days after the date of first beginning work or employment.
- C. No employer shall employ or allow any person to work as a food handler in a food service facility at any time after sixty (60) consecutive calendar days from the date of first beginning work or employment unless the food handler has obtained a food handler's permit as required by this chapter.
- D. Notwithstanding 3-07.02-40.B and C, fraternal, social or religious organizations must meet the ratio requirements of 3-07.02-10.E for any event involving the service of food to the general public which occurs more than sixty (60) consecutive calendar days after the effective date of this chapter.

3-07.02-50 [Renewal of Permit]

A food handler's permit shall expire three (3) years from the date of issuance. In order to continue employment or work without interruption, the food handler must apply for a renewal of the permit prior to its expiration date. In order to qualify for renewal, the food handler must attend another class, pass an examination and pay a fee as provided by this chapter.

3-07.02-60 [Revocation of Permit]

A food handler's permit may be revoked by the City after a hearing if substantial evidence exists indicting repeated or continuous violations of accepted practices and procedures of food preparation, handling or service.

3-07.03 [Additional Provisions]

3-07.03-10 [Communicable Diseases]

No person with a communicable disease shall prepare, handle or serve food for public consumption nor shall any employer knowingly allow any person so afflicted to prepare, handle or serve food.

3-07.03-20 [Enforcement and Administration]

The City delegates the administration and enforcement of this chapter to Oregon Health Authority. The Oregon Health Authority or the City may enforce the terms of this chapter as provided for by ORS 30.315 and 203.065. Any person who violates this chapter shall be subject to the penalties provided for by ORS 203.065. This chapter is not exclusive, but in addition to any other remedy as provided by the law.

3-07.03-30 [Non-Liability]

Except as provided in 3-07.02-60 and 3-07.03-20, there shall be no additional liability imposed or implied by this chapter against any employer or food handler for violation of this chapter. No person except the City or Columbia County, its officers, agents and employees shall have standing to assert a violation of this chapter before any court of law except the City or Board of County Commissioners or Columbia County, Oregon.

Title 3-08 [Prohibiting Discrimination]

Chapter 3-08 [Prohibiting Discrimination]

3-08.01 [Declaration of Policy].....	56
3-08.01-10 [Definitions].....	56
3-08.01-20 [Unlawful Practices].....	57
3-08.01-30 [Exemptions to this Ordinance].....	57
3-08.01-40 [Procedure].....	57
3-08.01-50 [Other Remedies].....	57
3-08.01-60 [Penalties].....	57

3-08 [Prohibiting Discrimination]

3-08.01-10 [Declaration of Policy]

It is hereby declared to be the policy of the City for the safety, public health, and general welfare of its citizens to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex, sexual orientation, national origin, marital status, age, or disability and, to that end, to prohibit discrimination in housing by any persons. ORS Chapter 659A Unlawful Discrimination in Employment, Public Accommodations and Real Property Transactions; Administrative and Civil Enforcement.

3-08.01-20 [Definitions]

- A. "Real property" includes buildings, structures, lands, tenements leaseholds, cooperatives and condominiums.
- B. "Discrimination" or "discriminatory housing practice" means any difference in treatment based upon race, color, religion, sex, sexual orientation, national origin; marital status, age, or disability or any act that is unlawful under this Ordinance or Oregon State Law.
- C. "Person" includes one or more individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
- D. "Owner" includes a lessee, sub-lessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
- E. "Financial Institution" includes any person, as defined herein, engaged in the business of lending money or guaranteeing losses.
- F. "Real Estate Broker" "Real Estate Salesman" includes any individual, qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging and advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.
- G. "Housing accommodation" or "Dwelling" means any building, manufactured home, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy, as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, manufactured home, mobile home or trailer, structure, or portion thereof or any real property, as defined herein, used or intended to be used for any of the purposes set forth in this subsection.
- H. "Open Market" means the market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof.

3-08.01-30 [Unlawful Practices]

In connection with any of the transactions set for in this section which affect any housing accommodations on the open market, or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be unlawful within the City for any person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

1. Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his/her race, color, religion, national origin, sex, sexual orientation, marital status or age; or
2. To discriminate against a person in the terms, conditions or privileges of the sale, purchase rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or
3. To refuse to negotiate for the sale, purchase, rental or lease, of any housing accommodation to a person because of his/her race, color, religion, national origin, sex, sexual orientation, marital status or age; or
4. Otherwise to deny to, or withhold any housing accommodation from a person because of his/her race, color, religion, national origin, sex, sexual orientation, marital status or age.

3-08.01-40 [Exemptions to this Ordinance]

1. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently or with each other, if the owner actually maintains and occupies one of such living quarters as his/her residence.

3-08.01-50 [Procedure]

Any person aggrieved by an unlawful practice prohibited by this Ordinance may file a complaint with the City Recorder within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice. The City Recorder or his/her duly authorized representative shall investigate each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this Ordinance shall cause the City Recorder to forward the complaint and his /her findings to appropriate state and federal officials.

3-08.01-60 [Other Remedies]

Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing his complaint with any appropriate governmental agency.

3-08.01-70 [Penalties]

Any person violating any provision of this Ordinance shall, upon conviction thereof, be punished as provided by ORS 659A Oregon State Law.