

ORDINANCE NO. 2160

11-104

AN ORDINANCE MAKING IT MANDATORY FOR THE OWNERS OR PERSONS IN CONTROL OF, OR AGENTS FOR, PROPERTY IN THE CITY OF ALBANY, OREGON, TO MAINTAIN THE SAID PROPERTY IN A SANITARY MANNER; PRESCRIBING A PENALTY FOR VIOLATION THEREOF, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Any person who is the owner or in control of, or the agent for any lot, parcel of land or premises in the City of Albany, Oregon, shall be required to maintain said premises in a fashion conducive to good sanitation such that no menace to the public health or well-being shall be created nor made likely to be created by any conditions which may exist or come to exist upon such premises.

Section 2. (a) The Health Officer or the City Engineer shall be empowered to determine the extent to which any particular situation is a menace to the public health or well-being, and shall be further authorized to determine the appropriate measures to be taken and the time allowed for the removal of such menace, and the person who is the owner of, or the agent for the affected property, shall be required to take the prescribed measures in the time allowed.

(b) Should the ruling of the enforcing officer, City Engineer or Health Officer appear to be overly harsh or unjust, the affected party may appeal to the city council in writing and within seven days from the ruling by the enforcing officer, City Engineer or Health Officer. At the first regular meeting following receipt of said appeal, the Mayor shall appoint a committee of at least three disinterested persons, including at least one doctor of medicine who shall investigate the particular situation and ruling and make recommendations concerning the same. The enforcing officer, City Engineer or Health Officer shall then be bound to comply with such recommendations.

Section 3. (a) Minimum requirements for good sanitation shall include at least the following:

1. No privy, nor water closet not connected to a lateral sewer of the said City shall be constructed, maintained or used, except that where there is no lateral within one hundred fifty (150) feet, measured horizontally from the portion of the premises or property nearest the sewer, a privy or water closet with cesspool or septic tank may be constructed, maintained or used.

2. No human excreta, kitchen wastes, laundry water, sink water, or toilet wastes shall be allowed to discharge or flow upon the surface of the ground or into any ditch, gutter, street, roadway or public place, nor shall such wastes discharge onto any private property so as to create a nuisance or health hazard.

3. No abandoned or deep well shall be used for the disposal of sewage or household or industrial wastes. No privy vault, cesspool or septic tank, unless it is water-tight, shall be located in any water-bearing stratum which is, or may be, used as a source of domestic water supply, or shall be so otherwise located that pollution from the same can enter any domestic water supply.

(b) Any situation or circumstance which is conducive to the breeding or feeding or maintenance of disease carriers or nuisance pests shall constitute a menace to public health or well-being under the terms of this ordinance.

(c) Failure to comply with the rules and regulations governing sanitation issued by the Oregon State Board of Health shall be prima facie evidence of a violation of this ordinance.

Section 4. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof before the Recorder's Court, be fined not less than \$5.00 nor more than \$50.00 for the first conviction, not less than \$10.00 nor more than \$100.00 for subsequent convictions. Should the violation be continued for a period of seven days or more after the first violation, each period of seven days of such continuance shall constitute a separate and distinct offense.

Section 5. The Mayor, the City Manager or any city officer working under the direction of either the Mayor or the City Manager shall have authority to enforce the provisions of this ordinance.

Section 6. Whereas it is necessary for the immediate preservation of the public health and safety of the inhabitants of the City of Albany that this ordinance shall become immediately effective, an emergency is hereby declared to exist and this ordinance shall take effect immediately from and after its passage by the council and its approval by the Mayor.

Passed by council Feb. 10, 1950  
Approved by Mayor Feb. 10, 1950

Jesse W. Savage  
Mayor

Attest:

E. J. Fortmiller  
Recorder

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