

AN ORDINANCE AMENDING ORDINANCE NO. 1321 RELATING TO THE CUTTING AND REMOVAL OF GRASS, WEEDS AND OTHER NOXIOUS VEGETATION AND SAWDUST AND DEBRIS FROM THE STREETS AND ABUTTING PROPERTY IN THE CITY OF ALBANY; TO DEFINE WHAT SHALL CONSTITUTE A NUISANCE REGARDING SUCH GRASS, WEEDS, VEGETATION, SAWDUST, AND OTHER DEBRIS; TO PROVIDE FOR THE ABATEMENT OF SUCH NUISANCE; TO MAKE THE COST OF REMOVAL OF SUCH NUISANCE A LIEN ON THE PROPERTY WHERE SUCH NUISANCE EXISTED; TO PROVIDE A PENALTY FOR VIOLATION OF THIS ORDINANCE AND DECLARING AN EMERGENCY.

The people of the City of Albany do ordain as follows:

That Ordinance 1321 of the City of Albany be and the same is hereby amended so as to read as follows:

Section 1. The owner or reputed owner of any lot, tract, or parcel of land, improved or unimproved, shall cut and remove and keep out and removed therefrom and from the half of the street or streets abutting such property all grass, weeds, and other noxious vegetation more than ten (10) inches in height, and shall remove all dead bushes, trees, sawdust, shavings and other debris of an inflammable character; the existence of any of the foregoing conditions upon any property within the City of Albany shall be and is hereby declared to constitute a nuisance, and any one whose duty it is to remove such nuisance, as provided by this ordinance, and who fails to do so, upon conviction thereof in the recorder's court shall be punished by a fine of not to exceed fifty dollars (\$50.00), or by imprisonment in the city jail for not more than twenty-five (25) days, or by both such fine and imprisonment.

Section 2. It is hereby made the duty of the fire department of the City of Albany to make such inspection as may be necessary for the enforcement of the provisions of this ordinance, and whenever such nuisance as is defined in Section 1 hereof shall be found to exist on any property in said city, it shall be the duty of the chief of the fire department to notify the owner or reputed owner of such property of the existence of such nuisance in writing, by mail, at his last known place of residence, and a copy of such notice on the same date shall be conspicuously posted on the premises where such nuisance exists; such notice shall require that such nuisance be removed and abated within five (5) days from the date thereof, and shall require that the failure to remove such nuisance within said time will constitute a violation of this ordinance, and thereupon the city of Albany will cause such nuisance to be removed, and will cause the cost thereof to be charged against and become a lien on said property.

Section 3. In the event the owner or reputed owner of such property shall fail to remove or cause such nuisance to be removed within the time specified within the notice provided for in Section 2 hereof, then and in such event the chief of the fire department, on behalf of the City of Albany, and with such labor and material as may be necessary, shall remove and abate such nuisance, and in so doing shall keep a strict itemized account of the cost of labor and materials used in connection with such removal, and report the same to the council at its next regular session, and in such report shall definitely describe the property on which such nuisance was so removed, together with the name or names of the owner or owners or reputed owner or owners thereof. The council shall inspect such report of the chief of the fire department as to the cost incurred in removing such nuisance and, if the same be reasonable, shall approve such report, and by ordinance assess upon each of the lots or parts thereof or parcels of land upon which such nuisance was so removed the amount of cost of removing such nuisance as approved by it. Such assessment shall then be entered in the docket of city liens and collected in the same manner as is provided for the collection of assessments of street improvements.

Section 4. Those things set forth and declared as nuisance under Section 1 of this act shall not be deemed to include the storage of sawdust for residential or commercial purposes, providing the same is stored in a manner provided in Ordinance No. 2275 relating to commercial establishments and in accordance with the fire code for residential purposes.

Section 5. Whereas, the existing conditions are such that the peace, health, and safety of the people of the City of Albany, Oregon, are involved, therefore an emergency is hereby declared to exist and this ordinance shall be in effect immediately upon its final passage and approval by the Mayor.

Passed by Council 7-11-'51

Approved by Mayor 7-12-'51

ATTEST:

E. J. Fout
Recorder

Paul Baird
Mayor