

## **NOTICE FOR THE EUGENE REGISTER-GUARD**

On Tuesday, February 19, 2019, at 7:30 p.m. in Harris Hall at the Lane County Public Service Building, 125 East 8th Avenue, Eugene, Oregon, the Eugene City Council will conduct a public hearing on the following ordinances:

**AN ORDINANCE CONCERNING NUISANCES, AMENDING SECTIONS 6.005 AND 6.010 OF THE EUGENE CODE, 1971, AND ADDING SECTION 6.116 TO THAT CODE. (Council Bill 5200)**

**AN ORDINANCE PROVIDING FOR WITHDRAWAL OF ANNEXED PROPERTIES FROM THE FOLLOWING SPECIAL DISTRICTS: THE SANTA CLARA RURAL FIRE PROTECTION DISTRICT; SANTA CLARA WATER DISTRICT; WILLAKENZIE RURAL FIRE PROTECTION DISTRICT; LANE FIRE AUTHORITY; RIVER ROAD PARK & RECREATION DISTRICT; AND RIVER ROAD WATER DISTRICT. (Council Bill 5201)**

**AN ORDINANCE CONCERNING IMPOSITION OF A CONSTRUCTION EXCISE TAX ON COMMERCIAL AND RESIDENTIAL IMPROVEMENTS AND ADDING SECTIONS 3.730, 3.732, 3.734, 3.736, 3.738, 3.740, 3.742, 3.744, 3.746 AND 3.748 TO THE EUGENE CODE, 1971. (Council Bill 5202)**

**AN ORDINANCE CONCERNING UNLAWFUL TRANSFER ON VEHICULAR PORTION OF RIGHT-OF-WAY, ADDING SECTION 5.170 TO THE EUGENE CODE, 1971, AND AMENDING SECTION 5.990 OF THAT CODE. (Council Bill 5203)**

These ordinances are also posted on the City of Eugene website at <http://www.eugene-or.gov>, and are available at the City Manager's Office, 125 East 8<sup>th</sup> Avenue, 2<sup>nd</sup> floor, Lane County Public Service Building, Eugene, Oregon.

For more information, call 541-682-5010.

*Notice posted on Sunday, February 3, 2019.*

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING NUISANCES, AMENDING SECTIONS 6.005 AND 6.010 OF THE EUGENE CODE, 1971, AND ADDING SECTION 6.116 TO THAT CODE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

**Section 1.** Section 6.005 of the Eugene Code, 1971, is amended by adding the following definitions to that Section:

**6.005** **Definitions.** For purposes of sections 6.005 to 6.845, the following words and phrases mean:

***Abandoned structure. A vacant structure that is an attractive nuisance.***

***Attractive nuisance. Buildings, structures, or premises that are in an unsecured, derelict or dangerous condition, including but not limited to:***

- (a) Unguarded machinery, equipment, or other devices which are attractive, dangerous, and accessible to children.***
- (b) Lumber, logs, or pilings placed or stored in a manner so as to be attractive, dangerous, and accessible to children.***
- (c) An open pit, quarry, cistern, or other excavation without safeguards or barriers to prevent such places from being used by children.***
- (d) An open, vacant structure which is attractive, dangerous and accessible to children or which is used for habitation by trespassers.***

***Attractive nuisance does not mean authorized construction projects with reasonable safeguards to prevent injury or death to playing children.***

***Derelict structure. A building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:***

- (a) Is unoccupied and unsecured;***
- (b) Is partially constructed;***
- (c) Is an abandoned structure or attractive nuisance;***
- (d) Is in condition of deterioration;***
- (e) Has an infestation of pests;***
- (f) Has doors or windows boarded over; or***
- (g) Other condition that in the opinion of the health officer is detrimental to public health, safety or welfare.***

***Unfit for human habitation. A building or structure that, as found by the enforcing officer, is unfit for human habitation due to unsanitary conditions, infestation, accumulation of filth or contamination; lack of required ventilation, illumination, or sanitary or heating facilities; or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.***

***Unoccupied. Not legally occupied.***

***Unsecured. Unlocked or otherwise open to entry.***

**Section 2.** Subsections (b) and (f) of Section 6.010 of the Eugene Code, 1971, are amended and subsections (q) and (r) are added to that Section to provide as follows:

**6.010 Nuisances Affecting the Public.** The following are nuisances which may be abated as provided in this code:

(b) Attractive nuisances. No owner or person in charge of property shall permit ***an attractive nuisance*** thereon.[:

- ~~1. Unguarded machinery, equipment, or other devices which are attractive, dangerous, and accessible to children.~~
- ~~2. Lumber, logs, or pilings placed or stored in a manner so as to be attractive, dangerous, and accessible to children.~~
- ~~3. An open pit, quarry, cistern, or other excavation without safeguards or barriers to prevent such places from being used by children.~~
- ~~4. An open, vacant structure which is attractive, dangerous and accessible to children or which is used for habitation by trespassers.~~

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

(f) Odors. [~~Premises which are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition.~~] ***Causing or permitting any persistent odors, which are offensive to individuals of normal sensitivity and which adversely impact or unreasonably interfere with the use and enjoyment of property, to emanate across any parcel or property line. In determining whether an odor is offensive to individuals of normal sensitivity, the enforcing officer may consider factors including, but not limited to, the following:***

- 1. Frequency of the odor;***
- 2. Duration of the odor;***
- 3. Strength or intensity of the odor;***
- 4. Number of people impacted;***
- 5. The suitability of each party's use to the character of the locality in which it is conducted;***
- 6. Extent and character of the harm to complainants;***
- 7. The source's ability to prevent or avoid harm.***

- (q) **Derelict structures.** *Causing or allowing a derelict structure to exist on any premises.*
- (r) **Building interiors.** *Failing to maintain the interior of a dwelling in a clean and sanitary condition and free from any accumulation of rubbish or garbage so as not to breed insects and rodents, produce dangerous or offensives gases, odors and bacteria, or other unsanitary conditions, or create a fire hazard.*

**Section 3.** Section 6.116 of the Eugene Code, 1971, is added to provide as follows:

**6.116** **Receivership authority.** *In addition to, and not in lieu of, any other provision in this chapter, when the enforcing officer finds residential property in violation of section 6.010(q) of this chapter or in violation of Eugene Code Chapter 8, and believes that the violation is a threat to the public's health, welfare and safety, and the owner has not acted in a timely manner to correct the violations, the enforcing officer may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement.*

**Section 4.** The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Passed by the City Council this**  
 \_\_\_ day of \_\_\_\_\_, 2019

**Approved by the Mayor this**  
 \_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**