

ORDINANCE NO. 10

AN ORDINANCE DEFINING NUISANCES: PROVIDING FOR THEIR ABATEMENT: CREATING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE;

The City of Garibaldi does ordain as follows:

Section 1. If any owner or occupier of any house, market, meat shop or other place wherein any beeves, sheep, fowl, fish, or other animals are kept or sold, either in said house or on the premises of said owner or occupier, shall permit the same to remain unclean to the unnecessary annoyance of the citizens of this city, or any of them, or in any state or condition detrimental to the public health, the same shall be deemed a nuisance.

Section 2. If any person causes or permits within the city limits of this city any unclean, stinking, foul, defective or filthy drain, ditch, tank or gutter, or any leaking or broken slop, garbage, or manure box or receptable or similar character to remain on his premises, the same shall be deemed a nuisance.

Section 3. All vegetable waste, litter, garbage, filth, or refuse of any nature, kind, or description which shall be detrimental to the public health, found in or upon any private alley, yard, or area within the limits of this city, excepting the same is temporarily deposited for removal, shall be deemed a nuisance.

Section 4. Whenever any stable, stall, shed, or apartment or any yard or appurtenance thereof in which any horse, cow, or other animal shall be kept, or in any place within the limits of this city, in which manure or liquid discharge of such animal shall collect or accumulate, and when such stable, stall, shed, or apartment, or any yard or appurtenance thereof, is not kept in a cleanly and wholesome condition so that no offensive smell shall be allowed to escape therefrom, the same shall be deemed a nuisance.

Section 5. If any owner or occupier of any laundry within the limits of this city shall permit the same to remain unclean, or conduct his business to the annoyance of the citizens of this city, or any of them, the same shall be deemed a nuisance.

Section 6. Any horse, cow, dog, cat, or other animal that shall die within the limits of this city, and the carcass of which shall not be removed without the corporate limits of the city, within six hours after the death of such animal, shall be deemed a nuisance.

Section 7. If any person being the owner or occupier of any premises within the corporate limits of the city, shall put in or hand or allow any gate now put in or hung to swing into any public street or alley, the same shall be deemed a nuisance.

Section 8. Every act done or made, permitted, allowed, or continued on any property, public or private, by any person or corporation, their agents or servants, detrimental to health or to damage or injury of any of the inhabitants of this city, not hereinbefore specified, shall be deemed a nuisance.

Section 9. Every nuisance hereinbefore mentioned, declared, or defined, is hereby prohibited, and in case of neglect or refusal of any person to comply with the provisions of this ordinance after notice has been served as provided in section 12 of this ordinance,

it is hereby made the duty of the city marshal to abate or procure the abatement thereof, by filling up, draining, cleaning, purifying, or removing the same as the case may be, and the cost shall be collected from the authors thereof.

Section 10. Any person or persons who shall be convicted of being the author or keeper of a nuisance, or otherwise guilty of a violation of any of the provisions of this ordinance, shall be fined not less than five dollars nor more than twenty-five dollars for the first offense, and for the second and all subsequent offenses, not less than ten dollars nor more than fifty dollars, or by imprisonment not to exceed twenty-five days.

Section 11. Where a nuisance exists upon property, and is the outgrowth of the usual, natural, or necessary use of the property, the landlord thereof or his agent, and all other persons having control of the property on which such nuisance exists, shall be deemed to be the author thereof, and shall be deemed equally liable therefor, but where any such nuisance shall arise from the unusual or unnecessary use to which such property may be put, or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors thereof.

Section 12. In order to better carry out the provisions of this ordinance, the city marshal may serve a notice either verbally or in writing upon the owner, occupant, or agent of any lot, building or premises, in or upon which any nuisance may be found, or upon him who may be the cause of such nuisance, requiring him to abate the same in a reasonable time, and if such owner, occupant or agent, shall neglect or refuse to comply with the requirements of such notice within the time specified, he shall, upon conviction thereof, be fined in any sum not less than five dollars nor more than fifty dollars, or by imprisonment in the city jail not to exceed twenty-five days, or by both such fine and imprisonment. The failure to give the notice as provided herein shall not relieve the author of any nuisance of the penalties provided by section 10 of this ordinance.

Section 13. It shall be the duty of the city marshal and the committee of the common council on health to ascertain and cause all nuisances declared to be such by this ordinance to be abated, and they shall have authority in the daytime to enter any house, stable, barn, store, or any building, in order to make a thorough examination of cellars, sinks, vaults, or drains, to enter upon all lots and grounds, and cause all stagnant water to be drained off, cleaned, filled, or otherwise purified, and to cause all noisome substances to be abated or removed, and to have the costs of the same entered up as a lien against said property on the lien docket of the City of Garibaldi, Oregon.

Section 14. WHEREAS, the sanitary conditions within the corporate limits of the City of Garibaldi are such as to endanger the health of the citizens and must be corrected without further delay; and this Ordinance is necessary for the immediate preservation of the public peace, health and safety,

THEREFORE, and emergency is hereby declared to exist and it is hereby declared to be necessary for the immediate preservation of the peace, health and safety of the City of Garibaldi that this Ordinance shall take effect immediately upon its passage by the Common Council and approval by the Mayor.

Passed by the Common Council
this 24th day of February, 1947.

Approved by the Mayor this
24th day of February, 1947.

Attest:

B. J. Spurr
City Recorder

Ernest J. Tesler
Mayor