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CHAPTER 2 NUISANCE CODES

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CHAPTER 2 NUISANCE CODES

SECTION 2.010 Chapter 2 Purpose

The purpose of Chapter 2 is to provide codes which will be used to regulate public health violations, including but not limited to the accumulation of solid waste, junk, tires, and inoperable or abandoned vehicles on public and private property as well as designated violations of the Wasco Land Use and Development Ordinances.

The remedies provided for failure to comply with any provision of this ordinance shall not be exclusive and shall be in addition to other remedies provided by law. The County expressly reserves the right to seek abatement, in addition to, and not in lieu, of administrative enforcement under Chapter 3.

Nothing contained herein shall preclude civil actions alleging failure to comply with the provisions of this chapter.

SECTION 2.020 Exemptions

Unless specifically provided otherwise, nuisances as defined by this ordinance do not include:

- A. Disposal sites operated in compliance with regulations promulgated by the Environmental Quality Commission, Department of Environmental Quality, or other ordinances or regulations of the County;
- B. Outdoor storage of inoperable or unregistered vehicles when the land has zoning approval which permits or conditionally permits outdoor storage of inoperable or used vehicles and the vehicles are stored in accordance with applicable provisions;
- C. Property located within the corporate limits of incorporated cities within Wasco County, unless intergovernmental agreements have transferred zoning implementation and/or code compliance authority to Wasco County; and
- D. Property located within the urban growth boundary of a city within Wasco County if an intergovernmental agreement has transferred zoning implementation and/or code compliance authority to that city.
- E. Pursuant to the Wasco County Farming & Forest Practices Protection & Complaint Mediation Ordinance a resource use complaint shall only be processed through Section 5 of that ordinance and not this ordinance.

NOTE: sub-sections C and D above do not apply to solid waste nuisances (Solid Waste as defined in section 1.120 Definitions)

SECTION 2.030 Failure to Comply

- A. A person who fails to comply with any provision of this Ordinance shall be subject to administrative enforcement pursuant to Chapter 3.
- B. An Order to Correct or Order to Abate may be signed, issued and mailed or posted on the property by any designated agent of the County.
- C. Persons who fail to comply with this Ordinance are subject to the administrative civil penalties and abatement actions set forth in this Ordinance.
- D. The imposition of a penalty does not relieve a responsible person of the duty to abate the nuisance.
- E. Any failure of the County to enforce a provision of this Ordinance does not constitute permission, acquiescence or a right to continue a use that constitutes a violation.

SECTION 2.040 Unenumerated Nuisances

The acts, conditions or objects specifically enumerated and defined in this Chapter are declared public nuisances and may be abated by the procedures set forth in Chapter 3. In addition to the nuisances specifically enumerated in this Ordinance, every other thing, substance or act that is determined by the Compliance Officer or Board of Commissioners to be injurious or detrimental to the public health, safety or welfare of the County is declared a nuisance and may be abated as provided for in this ordinance.

SECTION 2.050 Declared a Nuisance

The things, practices or conditions in Sections 2.060 through 2.100 constitute a nuisance and no person responsible shall cause or permit such a condition to exist.

SECTION 2.060 Solid Waste and Junk Nuisances

A. Accumulation, Collection or Storage of Solid Waste or Junk

All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage, so as not to breed insects and rodents, produce dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or create a fire hazard.

Any accumulation, collection or storage of solid waste or junk, shall constitute a nuisance, and no person responsible shall cause or permit such condition to exist unless the person responsible is licensed by lawful authority to operate a business specifically for those purposes.

A maintained compost area of a size and content consistent with home use is excluded.

B. Storage and Collection of Household Garbage

1. All household garbage shall be stored in receptacles which are free from holes and covered with tight fitting lids.
2. If a violation of Section 2.060 has been identified, where residential garbage service is available, the owner of the residential property shall provide, in a location accessible to all dwelling units on the property, at least one 30 gallon receptacle for each dwelling unit, or receptacles with a capacity sufficient to prevent the overflow of garbage and rubbish from occurring, and into which garbage and rubbish from the dwelling units may be emptied for storage between days of collection. Receptacles and lids shall be watertight and provided with handles. All receptacles shall be maintained free from holes and covered with tight-fitting lids at all times.

The owner of the unit(s) shall subscribe to and pay for regular garbage removal service from the receptacles required by this subsection, by a refuse collection licensee or franchisee as defined in the Wasco County Solid Waste Ordinance.

C. Storage of Non-Trash Items. All items listed below shall be removed and kept removed from properties, unless specifically authorized by ordinance to do otherwise:

1. Accumulations of wood pallets;
2. All firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property;

Wood piles that accumulate, on agriculturally zoned land, as a result of accepted farming practice are exempt from this section.

3. Accumulations of vehicle parts;
4. Construction materials, except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site;
5. Appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration as well as protect children from becoming trapped within them;

6. Indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property;
7. Recycling materials except for reasonable accumulations (amounts consistent with a practice of regular removal) that are stored in a well-maintained manner; and
8. Other non-trash items which:
 - a. Are of a type or quantity inconsistent with normal and usual use; or
 - b. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

D. Outdoor Nuisance Storage of Tires

1. The outdoor storage of 5 or more used tires on private or public property in those areas within urban growth areas or within areas zoned for non-resource use in the LUDO or NSA LUDO, is prohibited, unless the tires are used for DEQ permitted agricultural or landscaping purposes.
2. The outdoor storage of 10 or more used tires on private or public property in resource zoned lands is prohibited, unless the tires are used for DEQ permitted agricultural or landscaping purposes.
3. Any storage of tires that constitutes a health hazard on any property under the jurisdiction of the North Central Public Health Dept is prohibited.
4. Notwithstanding the above, the storage of tires on private property is permitted if the owner of record or person in charge of the property is conducting a legally operated business that normally deals in tires, or if the tires are completely enclosed within a building and do not constitute a fire hazard or health hazard.

SECTION 2.070 Vehicular Nuisances

A. Abandoned Vehicles

1. No person shall park, store, leave, or permit the parking, storing, or leaving of an abandoned, unregistered or inoperable vehicle upon public property, including a public right-of-way.
2. Removal of an abandoned vehicle from one tax lot to another tax lot, or removal of an abandoned vehicle from private property onto a public right-of-way, or removal of an abandoned vehicle from one location to another location on a public right-of-way, after the responsible party has received a Notice of Violation shall not prevent the County from proceeding with the process to have the

vehicle towed from a tax lot or the public right-of-way and impounded under the provisions of Chapter 3.

B. Nuisance Vehicle Storage

1. Storing or permitting to be stored two or more abandoned, unregistered or disabled vehicles, or portions thereof, or any vehicle leaking automotive fluids onto the ground or into a waterway, on any private property in non-resource zones, is prohibited, unless the vehicle is completely enclosed within a building, is covered with a fitted car cover specifically designed to protect vehicles from the elements, or is stored on the premises of a business enterprise dealing in used vehicles that is being lawfully conducted within the County.
2. Storing or permitting the storing of more than three abandoned, unregistered or inoperable vehicles, or portions thereof, or any vehicle leaking automotive fluids onto the ground or into a waterway, upon private property in resource zones, unless the vehicle is completely enclosed within a building, is covered with a fitted car cover specifically designed to protect vehicles from the elements, or is stored on the premises in connection with a business enterprise dealing in used vehicles which is being lawfully conducted within the County.

Farm-related equipment that is not required to be registered as a motor vehicle is excluded from this section if it meets the following criteria:

- a. Equipment function is clearly related to farming/ranching practices and/or the equipment is historically related to agricultural operations, such as combines;
- b. Equipment is not leaking automotive fluids onto the ground or into a waterway; and
- c. Multiple pieces of equipment are stored together, not spread out across the property

The owner of record or person in charge of the property must be able to demonstrate that non-registered farm equipment is either actively used as part of the agricultural operation or is of historical significance.

3. Removal of an unregistered or inoperable vehicle from one tax lot to another tax lot, or removal of an unregistered or inoperable vehicle from private property onto a public right-of-way, or removal of an unregistered or inoperable vehicle from one location to another location on a public right-of-way, after the responsible party has received a Notice of Violation shall not prevent the County from proceeding with the process to have the vehicle towed from a tax lot or the public right-of-way and impounded under the provisions of Chapter 3.

- C. Illegal Parking lot: Storing or permitting to be stored in excess of 30 days within any consecutive 12 month period, more than three operational and registered vehicles, not registered to the property address, unless they are completely enclosed within a building or are stored on the premises of a business enterprise dealing in new or used vehicles or the storage of vehicles lawfully conducted within the County.

SECTION 2.080 Land Use and Zoning Nuisances

- A. Development without Land Use Review & Approval (whether approvable or not): Any development within Wasco County conducted without having obtained the permits and approvals required by the LUDO or NSA LUDO regardless of whether or not it could comply with all applicable land use regulations.

- B. Non-Compliance with Approval: Development that does not comply with the specifications set out in the approval issued by the Wasco County Planning Department or built inconsistently with Approval. Including but not limited to: placing structures in different locations than approved; not meeting setback or buffer requirements; building structures taller or larger than approved; or increasing or altering the nature and intensity of the approved use.

C. Continuation of Use after Expiration of Approval

1. Failure to discontinue use granted via a Permit, Temporary Use or other, after the approval period has expired.

A Permit may be approved with limited time duration. Use continuing beyond the expiration of approval is prohibited.

2. Failure to remove additional dwelling within sixty (60) days of the expiration of a Temporary Use Permit granted due to family hardship or until a primary dwelling is built.

Temporary placement of an additional dwelling shall be granted for a specified time period, with the period not exceeding two (2) years. If the temporary placement is not renewed, the owner of record or person in charge of the property shall have sixty (60) days in which to remove the additional dwelling from the property, unless an extension is granted.

D. Nonconforming Uses: The following nonconforming uses shall be considered permitting violations

1. Any change, alteration, restoration or replacement of structures, uses or area related to the pre-existing nonconforming structure, use or area that fails to conform to the applicable nonconforming use standards or those of the current zoning designation; and

2. Use or employment of a structure, use or area that is discontinued or abandoned according to the applicable nonconforming use standards.
- E. Outdoor Lights: Outdoor lights shall be directed downward and sited, hooded, and shielded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, waterways or key viewing areas (National Scenic Area). Shielding and hooding materials shall be composed of non-reflective, opaque materials.

SECTION 2.090 Illegal Uses

No development may occur that conflicts with the requirements of the LUDO or NSA LUDO, or that require permits and approvals that were not obtained. These illegal uses include, but are not limited to the following:

A. Illegal Dwellings:

1. Structures designed for, or used in the capacity of a dwelling which did not receive all of the applicable approvals (local, state or federal) that were required at the time the structure was built or placed on the property.
2. Dwellings or parts thereof erected, moved, reconstructed, extended, enlarged or altered contrary to the provisions of the LUDO or NSA LUDO.

B. Illegal Structures

Structures or parts thereof erected, moved, reconstructed, extended, enlarged or altered contrary to the provisions of the LUDO or NSA LUDO.

C. Illegal Home Occupations:

Any for-profit activity conducted, without Planning Department approvals, within a dwelling or other building, normally associated with uses permitted in the zone, contrary to the provisions of the LUDO or NSA LUDO.

D. Illegal Businesses:

Any for-profit activity conducted, without Planning Department approvals, within a dwelling or other building or on any property normally not associated with uses permitted in the zone, contrary to the provisions of the LUDO or NSA LUDO.

E. Illegal Parking lot:

Storing or permitting to be stored, in excess of 30 days within any consecutive 12 month period, more than three operational and registered vehicles, not registered to the property address, unless they are completely enclosed within a building or are stored on the premises of a business enterprise dealing in new or used vehicles or the storage of vehicles that is lawfully conducted within the County.

F. Illegal Land Divisions/Property Line Adjustments:

Partitions, Replats, Property Line Adjustments or other land divisions that do not comply with LUDO or NSA LUDO requirements and/or ORS 92.

G. Other uses: Any other use of land that occurs in Wasco County that the Compliance Officer or Board of Commissioners determine is in conflict with LUDO or NSA LUDO requirements.

SECTION 2.100- National Scenic Area (NSA) Violations

To safeguard the special characteristics of the Columbia River Gorge, properties built within the National Scenic Area after November 17, 1986, are required to fulfill standards that do not apply to properties within the rest of Wasco County. These standards may include restrictions on property use and on the colors and materials that can be utilized in development or remodeling. Violation of these standards constitutes a violation of this Ordinance.

No structure or premises in the Columbia River Gorge National Scenic Area portion of Wasco County shall hereafter be used or occupied and no part or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance. Violations include, but are not limited to the following:

A. Violation of Scenic Standards:

Development that does not comply with the following scenic standards is a violation of this Ordinance:

1. The colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to certain additions, which may match the color of existing buildings;
2. Structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys; and
3. Structures topographically visible from a key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).

B. Violation of New Cultivation and Recultivation Restrictions

1. GMA: New cultivation is prohibited without review. Any operation that would cultivate land that has not been cultivated, has lain idle, for more than 5 years, or is cultivated beyond the depth of what has been previously cultivated shall be considered new cultivation. For this guideline, cultivation and vegetation removal may be allowed in conjunction with a home garden.

2. SMA: Agricultural uses within fields or areas that have not been previously disturbed and regularly worked are prohibited without review.

C. Violation of Structure Restrictions: No structures larger than 60 square feet in area or 10 feet in height are permitted without review.

D. Violation of Fence Restrictions:

1. Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses greater than 500 feet in length or 10 feet in height that are accessory to an existing dwelling are not permitted without review. Woven-wire fences must be brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.

In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.

2. Wire-strand fences greater than 48 inches in height that are outside deer and elk winter range as delineated in the Gorge Commission/USDA Forest Service natural resource inventories or determined by an appropriate federal or state agency are not permitted without review. Height is measured from the ground to the top wire. This category does not include fences associated with transportation facilities or utility facilities.