

1 Any situation or occurrence deemed to be a hazard as defined herein shall be abated by
2 cessation, repair, rehabilitation or removal in accordance with the procedures specified in 1.400
3 of this Ordinance
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5 **1.400 Abatement Notice.**

6 Upon determination by the City Councilors or Lake County's duly authorized agents that
7 a hazard exists as defined in this or any other ordinance of the City the City Councilors or Lake
8 County's duly authorized agent shall cause a "notice of abatement" to be mailed to the alleged
9 offender, property owner, and to the person occupying the property, if that person is not the
10 property owner, both by certified mail and first class mail directing the cessation or abatement of
11 such hazard.

12 The notice shall contain:

- 13 a) A description of the hazard.
- 14 b) A street address sufficient for identification of premises upon which the hazard is
15 occurring.
- 16 c) A statement specifying the action required to be taken as determined by the City or Lake
17 County's duly authorized agent and directing that the hazard be fully removed or abated
18 within 30 days after receipt of such notice.
- 19 d) A statement that unless the hazard is abated or removed within 30 days after receipt of
20 the notice of abatement that the City will remove or abate the hazard with the cost
21 thereof being assessed as a lien against the property.
- 22 e) A statement advising any person who receives a notice of abatement of their right to
23 appeal from the notice provided the appeal is made in writing and received by the City
24 within 10 days after receipt of the notice.
- 25 f) A statement that any failure to appeal the notice of abatement will constitute a waiver of
26 rights to a hearing and the right to contest the action required to be taken in the notice of
27 abatement.
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29 **1.500 Abatement by Owner.**

- 30 a) Within 30 days after receipt of the notice provided in Section 1.400 above the alleged
31 offender, property owner or person occupying the property who receives the notice of
32 abatement shall remove or abate the hazard, unless the matter is appealed pursuant to
33 Section 1.800 below.
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35 **1.600 Abatement by City.**

36 If the hazard has not been removed or abated within 30 days and the matter has not
37 otherwise been appealed by the alleged offender, property owner or person occupying the
38 property, then the City shall abate the hazard, In such case, the City shall maintain an accurate
39 record of the expense incurred by the City in abating and removing the hazard and shall include
40 therein an overhead charge of 10% of the total cost for administration. The total cost, including
41 the administrative overhead, shall thereafter be assessed pursuant to Section 1.900 below.
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43 **1.700 Summary of Abatement.**

44 Irrespective of the provisions herein contained, in the event a hazard exists which
45 reasonably appears to constitute an imminent endangerment to human life, human welfare or
46 property rights. such hazard may be summarily abated by a City official without notice or other
47 procedural rights. In the case of summary abatement, the costs of the same shall be established an
48 assessed pursuant to Sections 1.600 and 1.900 hereof.
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1 **1.800 Appeal.**

- 2 a) Any person who receives a notice of abatement under Section 4 above may appeal from
3 the notice and the action required to be taken by such notice by personally delivering or
4 mailing by certified mail to the City Councilors a written request for an appeal. The
5 appeal shall be received by the City Councilors within 10 days after receipt of the notice
6 of abatement. The written request for an appeal shall contain a brief statement setting
7 forth the fact that an appeal is requested and in concise language the relief sought and the
8 reasons why the relief is being sought.
9 b) As soon as practical after receiving the written appeal the City Councilors shall fix a date,
10 time and place for the hearing of the appeal. Such date shall not be less than 10 days nor
11 more than 60 days from date the appeal was received by the City. Written notice of the
12 time and place of the hearing shall be given at least 10 days prior to the date such
13 hearing to the person filing the appeal either by personal delivery or by mailing a copy
14 thereof, postage prepaid, addressed to the person filing the appeal at the address shown
15 on the appeal.
16 c) Failure of any person to file an appeal in accordance with the provisions herein contained
17 shall constitute a waiver of the right to a hearing and adjudication of the notice or any
18 portion thereof.
19 d) All hearings shall be heard by the City Councilors and conducted in such a manner as to
20 allow all interested persons full opportunity to be heard. Hearings need not be conducted
21 according to technical rules relating to evidence and witnesses.
22 e) Following the hearing the City Councilors may uphold, overrule or modify any decision
23 or requirement as set forth in the notice of abatement, and shall set forth findings and
24 conclusions for such decision. A copy of the decision shall be delivered to the person
25 filing the appeal personally or shall be sent certified mail, postage prepaid, return receipt
26 requested. The effective day of the decision shall be as stated therein.
27 f) A decision of the City Councilors after the hearing shall be final.
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29 **1.900 Enforcement.**

- 30 a) After any notice of abatement or decision of the City Councilors becomes final, no
31 person to whom any such notice or decision is directed shall fail, neglect or refuse to
32 obey such notice or decision.
33 b) If, after any notice of abatement or decision of the City Councilors becomes final, the
34 person to whom such notice or decision is directed shall fail, neglect or refuse to obey
35 such notice or decision the City may institute any appropriate action to abate such
36 nuisance.
37 c) When any nuisance abatement work is accomplished by the City or by private contract
38 under the direction of the City the cost of such work shall be paid by the City and may be
39 made a special assessment against the property involved, or may be made a personal
40 obligation of the property owner or property occupier, whichever the City Councilors
41 shall determine is appropriate.
42 d) The City Councilors, in its discretion, may determine that assessments in the amounts of
43 \$500.00 or more may be payable in installments not to exceed twenty four equal monthly
44 installments. The City Councilor's determination to allow payment of such assessment in
45 installments, the number of installments, whether they shall bear interest, and a rate
46 thereof shall be by a resolution adopted by the City Councilors prior to the confirmation
47 of the assessment.
48 e) If the City Councilors order that the charge shall be assessed against the property, the
49 City Councilors shall confirm the assessment and cause the same to be certified as a lien to
50 the Lake County Clerk and thereafter said assessment shall constitute as special
51 assessment against and a lien upon the property and bear interest at the rate of 9% per

1 AN ORDINANCE AMENDING SECTION 1.400 (d)
2 OF THE CITY OF PAISLEY ORDINANCE NO. 143, DATED JANUARY 7, 2020,
3

4 CITY OF PAISLEY, OREGON
5

6 AN ORDINANCE PROVIDING REGULATIONS FOR HAZARDS AND SOLID WASTE
7 ABATEMENT WITHIN THE CORPORATE LIMITS OF THE CITY OF PAISLEY,
8 OREGON; AND PROVIDING FOR PROCEDURES AND PENALTIES RELATIVE
9 THERETO.

10
11 THE CITY OF PAISLEY ORDAINS AS FOLLOWS:
12

13 **1.400 Abatement Notice.**

14 Upon determination by the City Councilors or Lake County's duly authorized agents that
15 a hazard exists as defined in this or any other ordinance of the City the City Councilors or Lake
16 County's duly authorized agent shall cause a "notice of abatement" to be mailed to the alleged
17 offender, property owner, and to the person occupying the property, if that person is not the
18 property owner, both by certified mail and first class mail directing the cessation or abatement of
19 such hazard.

20 The notice shall contain:


- 21 d) A statement that unless the hazard is abated or removed within 30 days after receipt of
22 the notice of abatement that the "property owner and or the person occupying the land
23 will begin to accrue fees of \$50.00 per day. The City may" remove or abate the hazard
24 with the cost thereof being assessed as a lien against the property.
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27 **PASSED** by the Council of the City of Paisley, Oregon
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29 This 16 day of June 2020.
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32 **SUBMITTED** to and approved by the Mayor of the City of Paisley
33

34 This 16 day of June 2020.
35
36

37 
38 _____
39 Mayor

40 **Attest:**
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42 
43 _____
44 City Recorder