Title 8

HEALTH AND SAFETY

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NUISANCE ABATEMENT

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8.04.030 Persons and agencies exempted.
8.04.040 Public nuisance prohibited.
8.04.050 Abatement of nuisances.

8.04.010 Definitions.
A. Attractive Nuisance. Includes any attractions that may prove detrimental to children whether in a building or not. This includes abandoned well shafts, buildings, excavations, refrigerators and motor vehicles; and includes structurally unsound fences, buildings or other structures.

B. Code Compliance Specialist. “Code compliance specialist” means a County employee designated by the County Manager to seek compliance with and enforce any County ordinances.

C. Board. The Board of County Commissioners for Clatsop County.

D. Dangerous or Unsound Building. Includes any building or structure that is structurally unsafe whether by inadequate design, by deterioration or by damage, any building or structure not provided with adequate ingress or any building or structure which constitutes a fire hazard or that is otherwise dangerous to human health or safety.

E. Dispose or Disposal. Includes accumulation, storage, collection, transportation and disposal of solid waste.

F. Enforcement Proceedings. Include the notice of hearing provisions of Sections 1.12.110 through 1.12.210 and any order to the owner or occupant of the property to abate the nuisance. If the owner or occupant of the property fails to abate the nuisance as ordered, enforcement proceedings may also include the code compliance specialist causing County or employees to remove the nuisance.

G. Hazardous Wastes. Does not include radioactive material or the radioactively contaminated containers and receptacles used in the transportation, storage, use or application thereof. Hazardous waste does include all of the following, which are not declassified by the Environmental Quality Commission:

1. Discarded, useless or unwanted materials or residues resulting from any substance or combination of substances intended for the purpose of defoliating plants or for the preventing, destroying, repelling or mitigating of insects, fungi, weeds, rodents or predatory animals, including, but not limited to, defoliants, desiccants, fungicides, herbicides, insecticides, nematocides and rodenticides as defined by ORS 634.211.

2. Residues resulting from any process of industry, manufacturing, trade or business or government or from the development or recovery of any natural resources, if such residues are classified as hazardous by order of the Commission, after notice and public hearing. For purposes of such classification, the Commission must find that such residue, because of its quantity, concentration, or physical, chemical or infectious characteristics may:
a. Cause or significantly contribute to an increase in mortality or an increase in serious irre-
versible or incapacitating reversible illness; or
b. Pose a substantial present or potential hazard to human health or the environment when im-
properly treated, stored, transported, or disposed of, or otherwise managed.

3. Discarded, useless or unwanted containers and receptacles used in the transportation, storage, use
or application of the substances described in paragraphs 1 and 2 of this subsection.

H. **Noxious Vegetation.** Includes poison oak, poison ivy, vegetation that extends into a public thorough-
fare, vegetation that creates a fire hazard, noxious weeds identified by the Oregon Department of
Transportation Noxious Weed Management Program.

I. **Person.** Individuals, the state or a public or private corporation, local government unit, public agency,
partnership, association, firm, trust, estate or any legal entity.

J. **Public Nuisance.** For the purposes of this chapter, a public nuisance includes, without limitation, the
disposal of waste or solid waste, a dangerous or unsound building, an attractive nuisance, noxious
vegetation, or the violation of any County act, ordinance, memorandum of understanding, or intergov-
ernmental agreement not exclusively enforced elsewhere in the Clatsop County Code.

K. **Putrescible Material.** Organic materials that can decompose and may give rise to foul smelling, offen-
sive odors.

L. **Regulations.** Regulations promulgated by the Board pursuant to this chapter.

M. **Rules.** Rules promulgated by state agencies pursuant to ORS Chapter 459.

N. **Solid Waste.** All putrescible and nonputrescible wastes, including, but not limited to, garbage, rubbish,
refuse, ashes, waste paper and cardboard; sewer sludge; commercial, industrial, demolition and con-
struction wastes; discarded and abandoned vehicles or parts thereof; discarded home and industrial ap-
pliances; manure, vegetable or animal solid and semisolid wastes, dead animals and other wastes; but
the term does not include:
   1. Hazardous wastes;
   2. Materials used for fertilizer or for other productive purposes or which are salvageable as such ma-
terials are used on land in agricultural operations and the growing or harvesting of crops and the
raising of fowls or animals.

O. **Waste.** Useless or discarded materials. (Ord. 13-04 § 3; Ord. 97-3; Ord. 83-02 § 3)

8.04.020 **Administration.**
The code compliance specialist, under the supervision of the County Manager shall be responsible for the
enforcement of this chapter. In order to carry out the duties imposed by this chapter, the code compliance
specialist shall enter or authorize personnel to enter on the premises of any person regulated by this chapter
at reasonable times and in a reasonable manner to determine compliance with this chapter and regulations
promulgated pursuant thereto. (Ord. 83-02 § 3)

8.04.030 **Persons and agencies exempted.**
This chapter shall not apply to:
A. Areas lying within the limits of any incorporated municipality or within an urban growth boundary of a municipality that has assumed responsibility for enforcement of code violations.

B. Disposal sites operated in compliance with regulations promulgated by the EQC or other ordinances or regulations of Clatsop County.

C. Agricultural operations and growing or harvesting of crops and the raising of fowls or animals. (Ord. 83-02 § 3)

**8.04.040 Public nuisance prohibited.**
No property owner or occupant shall create a nuisance or allow a public nuisance to exist. (Ord. 83-02 § 3)

**8.04.050 Abatement of nuisances.**
A. The code compliance specialist may, and upon the bona fide written and signed complaint of any person, shall investigate to determine whether a violation of Section 8.04.040 exists. The code compliance specialist may request the assistance of the Clatsop County Sheriff for the purpose of conducting any investigation by the code compliance specialist.

B. After investigation, if the code compliance specialist finds reasonable cause to believe a public nuisance exists, enforcement proceedings may be initiated. The code compliance specialist shall not cause a nuisance abatement to be performed by the County without first giving written notice to the responsible person and to the County Commission.

C. The notice, hearing and appeal provisions of Chapter 1.12 shall apply to enforcement proceedings under this chapter.

D. When a nuisance is removed or abated by the County, or its agents, neither the County nor its agents shall be liable for any trespass or conversion as to any real or personal property. The cost of abatement performed by the County or its agents shall be collected from any property owner or occupant who has failed to comply with the notice of violation and also may be asserted as a lien against the property. (Ord. 83-02 § 3)
Chapter 8.08

NUCLEAR WEAPONS FREE ZONE

Sections:

8.08.010 Prohibitions and penalties.
8.08.020 Exceptions.

8.08.010 Prohibitions and penalties.
A. It shall be unlawful in Clatsop County, Oregon to research, develop, test, evaluate, product, maintain, store, and/or transport nuclear weaponry or armaments, or any component parts integrally associated therewith, including, but not limited to, delivery, guidance, and/or triggering mechanisms, nor shall such items be situated, for any duration of time, within the County limits.
B. This chapter shall not be construed to prohibit the use of radioactive materials in existing or future medical, scientific, or industrial non-weapons related research or application.
C. As an alternative, or in addition to other remedies that are legally available for enforcing this chapter, the County may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the violation. (Ord. 96-15; Ord. 85-05 § 3)

8.08.020 Exceptions.
A. The provisions of this chapter shall not apply to research, development, testing, evaluation, production, maintenance, storage and/or transportation of nuclear weaponry or armaments, or any component parts integrally associated therewith by any department or agency of the U.S. Government and/or by any private individual or entity on contract with the U.S. Government to provide such a service for the U.S. Government.
B. The provisions of this chapter do not apply to private or foreign vessels operating on the Columbia River. (Ord. 90-04 § 3; Ord. 85-05 § 3)
Chapter 8.12

NOISE CONTROL STANDARDS

Sections:

8.12.010 Public disturbance.
8.12.020 Public disturbance between the hours of 10:00 p.m. and 7:00 a.m.
8.12.030 Penalties.

8.12.010 Public disturbance.
A. A person commits the offense of causing a public disturbance if he or she discharges a firearm, explosive or explosive device of any kind within 1,000 feet of any dwelling not owned or occupied by that person, and causes annoyance and/or alarm to the complainant.
B. Exceptions:
   1. A person discharging a firearm in the lawful defense of person or property.
   2. A person discharging a firearm in the course of lawful hunting.
   3. A landowner and guests of the landowner discharging a firearm, when the discharge will not endanger adjacent persons or property.
   4. A person discharging a firearm on a public or private shooting range, shooting gallery or other area designed and built for the purpose of target shooting.
   5. A person discharging a firearm in the course of target shooting on public land that is not inside an urban growth boundary if the discharge will not endanger persons or property.
   6. Persons exempted by state or federal law. (Ord. 01-11)

8.12.020 Public disturbance between the hours of 10:00 p.m. and 7:00 a.m.
A. A person commits the offense of causing a public disturbance if he or she disturbs the peace and tranquility of any neighborhood or person between the hours of 10:00 p.m. and 7:00 a.m. by loud and/or boisterous means, or permits a dog to habitually bark, causing annoyance to the complainant.
B. Exceptions:
   1. This section does not apply to a business operated in zone AF, EFU, or F80 if the noise is reasonably necessary and in furtherance of that business.
   2. Farm animals.
   3. A peace officer, firefighter, or other emergency personnel and vehicles engaged in the performance of his or her duties.
   4. Conditions granted by the Board of Commissioners of Clatsop County in accordance with any permit or conditional use permits.
   5. Persons exempted by state or federal law.
C. Nothing herein shall prevent a police officer from acting as the complainant if the violation was observed by the police officer and the noise is likely to cause public annoyance or alarm. (Ord. 01-11)
8.12.030

8.12.030 Penalties.
A. Violations of this chapter are enforceable under Chapter 1.12 of the Code;
B. In addition to the penalties prescribed in this section, the sound producing device may be seized and upon the order of the court destroyed or sold with the proceeds of the sale deposited in the Clatsop County general fund. (Ord. 01-11)
Chapter 8.16

TOBACCO AND SMOKING FREE CAMPUS

Sections:
8.16.010 Definitions.
8.16.020 Prohibitions.
8.16.030 Penalties.

8.16.010 Definitions.
“County Campus” means all land and buildings at the County Service Building, 800 and 820 Exchange Street, Astoria, Oregon; the Boynton Building, 857 Commercial Street, Astoria, Oregon; the Public Works Building and Shop, 1100 and 1196 Olney Avenue, Astoria, Oregon; the Clatsop County Courthouse, 749 Commercial Street, Astoria, Oregon; the Clatsop County Sheriff’s Office and Jail, 355 7th Street, Astoria, Oregon; Community Corrections at 1190 SE 19th, Warrenton, Oregon; and the Animal Shelter at 1315 SE 19th, Warrenton, Oregon. The legal descriptions of the real property encompassing the County Campus are as follows:

1. Boyington Building. Lots 3 and 4, Block 27, McClures Astoria, excepting therefrom the north five feet of said Lots 3 and 4 and the east five feet of said Lot 4 for street purposes, in the City of Astoria, Clatsop County, Oregon.
2. 800 and 820 Exchange Street. Lots 1 through 8, Block 42, McClures Astoria, excepting therefrom the north five feet, the south five feet and the east five feet of said Block 42 for road purposes, in the City of Astoria, Clatsop County, Oregon.
3. Public Works Building and Shop. A parcel of land in Section 17, Township 8 North, Range 9 West, Willamette Meridian, County of Clatsop, Oregon, described as follows: Block 30 Olney’s Astoria including tideland frontage lying north of Hwy 202.
   A parcel of land lying in Block 29, Olney’s Addition to Astoria and being a portion of the following described property:
   That tract of land which was conveyed by that certain deed to Clatsop County recorded in Book 132, Page 65, Deed Records, Clatsop County; the said parcel being described as follows:
   Beginning at the southeast corner of said Block 29; thence north 1°22′ east along the east line of said Block a distance of 220.0 feet; thence north 1°22′ west parallel to the south line of said Block a distance of 220.0 feet; thence south 1°22′ west parallel to the east line of said Block a distance of 220.0 feet; thence south 1°22′ east parallel to the south line a distance of 220 feet to the point of beginning.
4. Clatsop County Courthouse. Lots 1 through 8, excepting the south six feet of Lot 7, Block 28 McClure’s Astoria, in the City of Astoria, County of Clatsop, State of Oregon.
5. Clatsop County Jail. Lots 5, 6, 7 and 8, Block 29 McClure’s Astoria, in the City of Astoria, County of Clatsop, State of Oregon.
8.16.020


“Smoking instrument” means any cigar, cigarette, pipe or other smoking equipment.

“Tobacco product” means cigarettes, cigars, pipes and other smoking products, dip, chew, snuff, snus and any other smokeless tobacco product, and nicotine delivery devises such as electronic cigarettes, excluding FDA-approved nicotine replacement therapy products for the purpose of tobacco cessation. (Ord. 2013-02 § 7; Ord. 2012-07 § 7)

8.16.020 Prohibitions.
A. It is unlawful to use tobacco products in any manner on the County Campus.
B. It is unlawful to smoke or carry any lighted smoking instrument on the County Campus. (Ord. 2013-02 § 7; Ord. 2012-07 § 7)

8.16.030 Penalties.
Violation of the provisions of this chapter shall be punishable upon conviction as a Class B violation. (Ord. 2013-02 § 7; Ord. 2012-07 § 7)
Chapter 8.20

OUTDOOR LIGHTING

Sections:
8.20.010 Policy and purpose.
8.20.020 Definitions.
8.20.030 Applicability.
8.20.040 Outdoor lighting standards.
8.20.050 Prohibitions.
8.20.060 Exemptions.
8.20.070 Administration and enforcement.

8.20.010 Policy and purpose.
The purpose of this chapter is to provide regulations for residential, commercial, and public area outdoor lighting that will:
A. Allow outdoor lighting appropriate to the need;
B. Prevent light from shining onto adjacent properties, rights-of-way, or the night sky;
C. Encourage energy conservation without decreasing safety, utility, security, and productivity;
D. Enhance the livability and nighttime enjoyment of property in Clatsop County by minimizing the negative impacts exterior lighting can have on surrounding persons, properties, rights-of-way, and the environment;
E. Establish guidelines for the installation and use of outdoor lighting that is controlled in such a way that it illuminates only the subject property and avoids illumination of surrounding properties, rights-of-way, or the night sky;
F. Further define lighting classified as a public nuisance. (Ord. 2020-02 § 1)

8.20.020 Definitions.
“Fully shielded” means a light fixture which has shielding applied in such a manner that all illumination emitted by the light fixture is projected below the horizontal plane, measured from the lowest point of the lowest light-emitting component.
“Glare” means light emitted from a light fixture which enters the eye directly or by reflection, causing visual discomfort and/or reduced visibility.
“Light fixture” means any electrical equipment which has been designed to provide illumination, including, but not limited to lighting used for safety, utility, security, productivity, or decorative purposes.
“Light trespass” means light emitted from a light fixture, which falls beyond the property on which it is installed.
“New light fixture” means a light fixture installed where there was previously no light fixture.
“Outdoor lighting” means any permanent or temporary light fixture installed outside the envelope of an enclosed structure.
“Replacement light fixture” means a light fixture installed in place of an existing light fixture. This does not include replacement of light-emitting components such as lightbulbs, lamps, fluorescent tubes, LEDs, or similar components, within existing light fixtures.

“Shielding” means an opaque material applied to a light fixture which serves to direct or contain illumination.

“Sky glow” means the brightening of the night sky caused by light directed or reflected upwards.

“Temporary lighting” means light fixtures which are not permanently installed and which are used not more than 90 days in any calendar year.

“Unshielded” means a light fixture which has no shielding to direct or contain illumination.

“Water-dependent” means a use or use and activity which can only be carried out on, in or adjacent to water areas because the use requires access to the waterbody for water-borne transportation, recreation, energy production, or source of water.

“Water-related” means uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterways, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs. (Ord. 2020-02 § 1)

8.20.030 Applicability.
Except as exempted by Section 8.20.060, all outdoor lighting fixtures installed or replaced after the effective date of the ordinance codified in this chapter shall conform to its provisions. This chapter applies to any property lying within unincorporated Clatsop County, but does not apply within any Urban Growth Boundary. (Ord. 2020-02 § 1)

8.20.040 Outdoor lighting standards.
A. All non-exempt light fixtures shall be fully shielded.
B. All non-exempt light fixtures shall be installed in such a manner as to prevent light trespass. (Ord. 2020-02 § 1)

8.20.050 Prohibitions.
A. Laser Source Light. The use of laser source light or any similar high intensity light when projected beyond property lines or into the sky is prohibited.
B. Searchlights. The operation of searchlights for purposes other than public safety or emergencies is prohibited, unless exempted by this chapter.
C. Flood lights, spot lights, or other fixtures situated in such a manner as to illuminate beach frontages or the ocean, except in the support of maritime industries, water-dependent or water-related uses, and search and rescue operations. (Ord. 2020-02 § 1)
8.20.060 **Exemptions.**
The following light fixtures are exempt from compliance with the provisions of this chapter. These exemptions shall not prevent later adoption of standards that may address the retrofitting or removal of certain light fixtures:

A. Outdoor light fixtures lawfully installed prior to the effective date of this chapter are exempt from all such requirements except as follows:
   1. A light fixture directed onto a neighboring property or right-of-way such that the glare is declared a nuisance.
   2. A light fixture, or fixtures, located on property that is the subject of an application for a development permit.

B. Motion detector lights which operate automatically for periods of less than five minutes.

C. Low-intensity ornamental lighting such as pathway lights, post-cap lights, landscape lights, and café-style string lights.

D. Any lighting used in support of search and rescue or other emergency response operations.

E. Any lighting affixed to maritime vessels.

F. Lighting necessary to support regularly-scheduled road work.

G. Any lighting used in support of emergency repair, replacement, or protection of existing structures, utility facilities, or roadways, provided that any permanently installed light fixtures comply with the provisions of this chapter after the emergency has passed.

H. Lighting necessary to support permitted water-dependent or water-related uses, quarry and mining activities, or permitted uses on land located in the Heavy Industrial Zone; however, all such lighting shall aspire to comply with the provisions of this chapter where practicable.

I. Lighting associated with discrete farming practices as defined in ORS 30.930 and agricultural use as defined in OAR 603-095-0010; however, permanent light fixtures on buildings, structures or poles associated with farm practices and agricultural use shall aspire to comply with the provisions of this chapter where practicable. For the purposes of this exemption, “discrete farming practices” does not include farm stands or agri-tourism events or other commercial activities.

J. Lighting associated with discrete forest practices as defined by ORS Chapter 527; however, permanent light fixtures on buildings, structures or poles associated with forest practices shall aspire to comply with the provisions of this chapter where practicable.

K. Airport lighting as required by state and/or federal law. All other airport lighting shall comply with the provisions of this chapter.

L. Communication facility and/or tower lighting as required by state and/or federal law. All other communication facility lighting shall comply with the provisions of this chapter.

M. Correctional facility lighting as required by state and/or federal law. All other correctional facility lighting shall comply with the provisions of this chapter.

N. The following types of temporary lighting, used not more than 90 days in any calendar year:
   1. Temporary lighting for holiday decoration purposes.
2. Temporary lighting associated with carnivals, fairs, or other permitted special events; however, permanent light fixtures located at dedicated special event sites shall conform to the standards of this chapter.

3. Temporary lighting associated with permitted film productions.

O. Lighting for U.S. flags intended to be properly displayed at night.

P. Light fixtures used in support of private and public outdoor recreation facilities, outdoor performance areas, and other similar outdoor facilities, provided lighting is extinguished within one hour after the conclusion of the final event of the day.

Q. Lighting necessary to meet federal, state or local historic preservation standards when such lighting cannot both serve the public need and comply with the standards of this chapter.

R. Permitted exemptions to the requirements of this chapter for up to 30 days per calendar year.

S. Street and/or pedestrian lighting located within a right-of-way; however, all lighting shall aspire to comply with the provisions of this chapter where practicable.

T. Traffic control devices in compliance with the Manual on Uniform Traffic Control Devices.

U. Sign lighting, which is subject the standards found in Title 16, Land and Water Development and Use, Clatsop County Code of Regulations. (Ord. 2020-02 § 1)

8.20.070 Administration and enforcement.

A. Administration. For all new and existing outdoor light fixtures on property that is the subject of an application for a development permit, an applicant shall demonstrate the standards of this chapter are met.

B. Enforcement. This chapter may be enforced pursuant to Chapter 1.12, Code Compliance, of the Clatsop County Code of Regulations. Any non-exempt outdoor light fixture installed or replaced in violation of this chapter is a public nuisance and enforcement action may be taken pursuant to Chapter 1.12, Code Compliance, of the Clatsop County Code of Regulations.

C. The remedies provided in this chapter are not exclusive and shall not prevent the County from exercising any other remedy available under the law. (Ord. 2020-02 § 1)