

Title 8

HEALTH AND SAFETY

Chapters:

- 8.04 Nuisance Abatement**
- 8.08 Nuclear Weapons Free Zone**
- 8.12 Noise Control Standards**
- 8.16 Tobacco and Smoking Free Campus**

Chapter 8.04

NUISANCE ABATEMENT

Sections:

- 8.04.010** **Definitions.**
- 8.04.020** **Administration.**
- 8.04.030** **Persons and agencies exempted.**
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- 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:

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- a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - b. Pose a substantial present or potential hazard to human health or the environment when improperly 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 thoroughfare, 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 intergovernmental 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, offensive 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 construction wastes; discarded and abandoned vehicles or parts thereof; discarded home and industrial appliances; 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 materials 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)

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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 252.0 feet; thence north 88°38’ 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 252.0 feet; thence south 88°38’ east along said 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.
6. Transition Center. That portion of Parcel 3, Partition Plat 2006-033 Clatsop County, State of Oregon, lying south of the most southern part of an easement recorded in Clatsop County Deed Records Instrument No. 200401949, in the City of Warrenton, County of Clatsop, State of Oregon.

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7. Clatsop County Animal Shelter. Parcel 2, Partition Plat No. 1999-006, County of Clatsop, State of Oregon.

“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 devices 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)