

CANYONVILLE CITY COUNCIL MEETING
REGULAR SESSION 7:00 P.M.
MONDAY NOVEMBER 21, 2022
COUNCIL CHAMBERS

Jake Young, Mayor (12-31-2022)
Louise Barton, Council President (12-31-2024)
Ralph Johannessen, Councilor (12-31-2022)
Michael Young, Councilor (12-31-2022)
Andrew Mather, Councilor (12-31-2022)

Alan Freeman, Councilor (12-31-2024)
Marcus Lowry, Councilor (12-31-2024)
Suzie Rogers, Finance Deputy Recorder
Dawn Bennett, Administrator/Recorder Interim

AGENDA

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE:

II. ROLL CALL

III. AGENDA REVIEW AND ADDITIONS:

IV. CONSENT CALENDAR:

1. Minutes for October 17, 2022
 2. Minutes for November 1, 2022
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V. PUBLIC HEARING:

1. Hearing for allegations of violations of city code – 123 Pruden Hill Lane
Nuisance violations exist under Chapter 8.04.070B and Chapter 8.24.010 of the City of Canyonville Municipal Code.

VI. COUNCIL BUSINESS:

1. Resolution No. 697 Order to abate nuisance or issuance of citation for violation of Chapter 8.04.070B and Chapter 8.24.010 of the City of Canyonville Municipal Code.
2. Change December meeting date
3. Opening letter for negotiations from IBEW Union
4. Resolution No. 698 Setting date, time, and place for public hearing on 410 Leland Street

VII. REPORTS

1. Sheriff's Office
2. City Administrator

VIII. ANNOUNCEMENTS

Planning Commission, December 14, 2022
Council Meeting, December 19, 2022

IX. ADJOURNMENT

CANYONVILLE CITY COUNCIL
MEETING MINUTES
REGULAR SESSION 7:00 P.M.
MONDAY, OCTOBER 17, 2022

REGULAR SESSION

I. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE:**

Council Mayor Young called the meeting to order at 7:00 p.m. and all joined in the Pledge of Allegiance and prayer.

II. **ROLL CALL:**

COUNCIL PRESENT: Mayor Young, Councilors Barton, Mather, Freeman, Johannessen and Young

COUNCIL ABSENT: Councilor Lowry

STAFF PRESENT: Administrator/Recorder Bennett and Finance Deputy Recorder Rogers.

STAFF ABSENT: None.

IV. **AGENDA REVIEW AND/OR ADDITIONS:**

None.

IV. **CONSENT CALENDAR:**

1. Approval of consent calendar minutes for September 19, 2022.

Councilor Barton moved, and Councilor Freeman seconded a motion to approve the consent calendar for September 19, 2022. Mayor Young, Councilors Barton, Young, Mather, Freeman, and Johannessen voted “yes.” No “nays.” The motion carried.

V. **COUNCIL BUSINESS:**

1. **Park Electrical Pedestal.**

At the September 19, 2022 meeting Council unanimously agreed to fix the last electrical power pedestal (stanchion) in the park. I asked Hannigan Electric LLC to give Council a bid for the repair.

The estimated cost for this pedestal repair came in at \$2400.00. When Hannigan Electric gave us the estimate, they said that one was taken offline due to entire pedestal needing to be replaced.

Councilor Barton moved, and Councilor Johannessen seconded a motion to approve the bid from Hannigan Electric LLC for \$2,400.00 and have Mayor Young sign it. Mayor Young, Councilors Barton, Young, Mather, Freeman and Johannessen voted “yes.” No “nays.” The motion carried.

2. **Tree Removal – 135 SE Main**

Young, Councilors Barton, Young, Mather, Freeman, and Johannessen voted “yes.” No “nays.” The motion carried.

VI. REPORTS:

1. Sheriff's Office Report.

Last month the Sheriff's office received 216 calls for service. Of those calls they had seventeen police reports, and seven arrests. They had thirty six traffic stops with fifteen resulting in citations and five fugitives taken into custody.

2. Administrator's Report.

Complaints:

Staff is continuing to mail letters to property owners that we have received complaints about. At present we are working on 410 Leland, 440 Mill St, and the junkyard behind B&B Antiques lot.

Water:

The water consumption is down as we transistion into fall. As it drops, we can have the plant off for longer periods of time, which allows us to do winter maintance

Streets:

Staff will be sending out flyers for leaf pick-up program.

Park:

A couple were found sleeping in the park with their garbage all over the river bank and we received complaints of them yelling at each other. Jeremy called the Sheriffs Dept. and they were removed from the park.

VII. ANNOUNCEMENTS

Planning Commission Meeting - Wednesday, October 12, 2022

Council Meeting –Monday, October 17, 2022

VIII. ADJOURNMENT:

Mayor Young adjourned the meeting at 7:35 p.m.

ATTEST:

Jake Young, Mayor

Dawn Bennett, City Administrator/Recorder Interim

CANYONVILLE CITY COUNCIL
MEETING MINUTES
SPECIAL SESSION 6:30 P.M.
TUESDAY NOVEMBER 1, 2022
COUNCIL CHAMBERS

SPECIAL SESSION

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE:

Council Mayor Young called the meeting to order at 6:30 p.m. and all joined in the Pledge of Allegiance and prayer.

II. ROLL CALL:

COUNCIL PRESENT: Mayor Young, Councilors Barton, Mather, Freeman, and Young

COUNCIL ABSENT: Councilor Lowry and Councilor Johannessen

STAFF PRESENT: Administrator/Recorder Bennett

STAFF ABSENT: Finance Deputy Recorder Rogers

III. SPECIAL MATTERS DECISION:

1. Resolution No. 695 Setting a date, time, and place for a hearing for a nuisance violation on property within city limit.

A hearing for November 21, 2022 (date), 7:00 p.m. (time), City of Canyonville Council Chambers (place) is hereby set on the existence of the status of such debris/rubbish under Ordinance Chapter 8.04.070B and vehicles or nuisance of such vehicles under the Ordinance Chapter 8.24.010 on the property at 123 Pruden Hill Lane, Canyonville, Oregon.

Councilor Barton moved and Councilor Mather seconded. Mayor Young, Councilors Barton, Young, Mather and Freeman voted "Yes" no "Nays". The motion carried

A notification will be sent to the property owner on November 2, 2022, notifying them of the date, time and place of the hearing.

VIII. ADJOURNMENT:

Mayor Young adjourned the meeting at 6:35 p.m.

ATTEST:

Jake Young, Mayor

Dawn Bennett, City Administrator/Recorder Interim
COC/City Council Minutes/cc minutes 9-19-2022



Memo

To: Mayor and City Council
From: Dawn Bennett, City Administrator Interim
Date: 11-21-2022
Re: Nuisance Violations - Canyonville Municipal Code Chapter 8.04.070B and Chapter 8.24.010

Tonight the Council will hold a public hearing regarding the existence of nuisances at 123 Pruden Hill Lane. A script for the public hearing is in your packet along with my staff report of the findings. The hearing is open to the public and property owner.

Once the hearing is closed Council will then approve the findings that there is a nuisance and adopt Resolution No. 697 and order the nuisance to be abated by the property owner within 20 days from the date the Resolution is adopted. Or if Council does not find there is a nuisance, they can decline the Resolution and no further action will be taken.

I have attached a copy of the code pertaining to the two Chapters of the Municipal Code that the nuisance violations pertain to. It defines nuisances affecting public health (8.04.010 B), defines storage regulations of wrecked or abandoned vehicles (8.24.010), they outline the violation for permitting the nuisances to exist after notice, and describes the hearing notice and findings, which I have outlined in the packet for your information to help with the process.

OPTIONS:

1. Approve staff findings and adopt Resolution NO. 697 declaring a nuisance violation and orders the abatement by the property owner within 20 days from the date the resolution is adopted.
2. Approve staff findings with any additions or deletions and adopt Resolution NO. 697 declaring a nuisance violation and orders the abatement by the property owner within 20 days from the date the resolution is adopted.
3. Find that there is no existence of nuisances at 123 Pruden Hill Lane.
4. Order a continuance due to new evidence brought forward and set new date, time, and place for a public hearing.

Chapter 8.04 NUISANCES

Sections:

8.04.010 Definitions.

As used in this chapter, except where the context indicates otherwise, the following shall mean:

"Agent in charge of property" means any lessee, contract purchaser, or person, other than the owner, having the possession or control of property.

"City" means the city of Canyonville.

"Council" means the governing body of the city.

"Nuisance" means any act prohibited by this chapter or the omission or failure to perform any act required to be performed by this chapter.

"Person" means every natural person, firm, partnership, association or corporation.

As used in this chapter, the singular includes the plural and the masculine includes the feminine.

(Ord. 230 § 1, 1959)

8.04.020 Keeping of certain animals and poultry.

- A. Excepting for the purposes of commercial transportation, no person shall keep or have in his possession within the city any animals, poultry or reptiles without first securing a permit therefor to be issued by the city. Exempted from this provision are the keeping of domesticated dogs and/or cats, lizards, turtles, caged birds, and other small animals, to the extent they are of a type normally kept purely as pets and do not exceed three in number. (See Section 8.04.030.)
- B. No permit shall be issued until and unless the city shall:
1. Receive a written application therefor signed by the applicant upon forms to be provided by the city and in detail supplying the information required by the forms or to be required by the city;
 2. Inspect the premises where the livestock or poultry are to be kept and determine that the same are kept in a sanitary condition;
 3. Determine that the premises on which the animals or poultry are to be kept and that the facilities for housing the same are not located within twenty-five feet of any dwelling, church, school or other building designated, designed and used for human occupancy, excepting that of the owner;
 4. Determine that the enclosures provided are adequate to prevent such animals or poultry from running at large.
 5. Roosters are considered a nuisance and strictly prohibited within the city limits even with an approved animal permit.
- C. A qualified applicant for a permit shall be granted a permit by the city conditioned upon the right of any city official to inspect the premises in the event of emergency, upon the applicant's continued compliance with the standards set forth in this section, and upon payment of the fee of ten dollars.
- D. A permit may be revoked:

1. Upon failure of the permittee to maintain proper standards of housing and sanitation or upon failure of the permittee to keep the premises reasonably free of accumulations of manure and debris;
 2. Upon failure of the permittee to carry out any reasonable orders which may be issued by the city and which in its judgment may be required for proper sanitation and nuisance prevention;
 3. Upon failure to permit inspection of the premises by any city official in the event of emergency.
- E. Upon revocation of a permit the permittee shall be allowed seven days in which to dispose of such animals or poultry.
- F. Upon revocation of a permit, the permittee shall have the right to appeal to the council provided that such appeal is filed within five days from the revocation by the filing of a petition with the city recorder. Pending the hearing of the appeal by the council, the revocation shall be held in abeyance.

(Ord. 568 § 1 (part), 2004; Ord. 453 § 1, 1990; Ord. 404 §§ (1—4), 1986; Ord. 230 § 2, 1959)

(Ord. No. 612, § 1, 1-17-2012; Ord. No. 642, 2-16-2016)

8.04.030 Exceptions.

Excepting as to the provisions of Section 8.04.050, this chapter does not apply to dogs, and the same does not apply to horses or mules, which are being ridden or driven under proper control upon public streets of the city.

(Ord. 568 § 1 (part), 2004; Ord. 453 § 2, 1990; Ord. 230 § 3, 1959)

8.04.031 Cats.

This chapter shall not apply to domestic cats, which by their nature are wanderers and cannot reasonably be contained. Unrestrained cats, however, may constitute a "nuisance" in the event their numbers, activities, or the conditions under which they are kept shall otherwise be deemed objectionable by the city.

(Ord. 568 § 1 (part), 2004)

8.04.040 Communicable disease.

- A. Any animal or bird afflicted with a communicable disease, which is dangerous to the public health may be summarily seized by the city and, after certification by a licensed veterinarian that such animal is incurable and dangerous, the city may dispose of such animal in a humane manner; provided, however, that any animal afflicted with such disease but determined to be curable by a licensed veterinarian shall, upon request of the owner or person controlling such animal, be kept by the veterinarian at the owner's expense until such time as the animal is found to be free of such disease.
- B. Any expense incurred by the city in keeping such animals, including but not limited to veterinarian's fees, food, medicines and housing, shall be charged to the owner or persons controlling such animal and shall be collected by the city prior to the release of such animal. All monies so collected shall be deposited with the city recorder.

(Ord. 568 § 1 (part), 2004; Ord. 453 § 3, 1990; Ord. 230 § 4, 1959)

8.04.050 Animals running at large.

No person shall permit any animal or bird owned or controlled by him to run at large within the city except as provided in Section 8.04.031.

(Ord. 568 § 1 (part), 2004; Ord. 453 § 4, 1990; Ord. 269 § 1, 1968; Ord. 230 § 5, 1959)

8.04.060 Removal of animal carcasses.

No person shall permit any animal carcass owned by him or under his control to remain upon the public streets or places for a period of time longer than is reasonably necessary to remove such carcass.

(Ord. 453 § 5, 1990; Ord. 230 § 6, 1959)

8.04.070 Nuisances affecting public health.

The following are declared to be nuisances affecting the public health and may be abated in the manner prescribed by Sections 8.04.120 and 8.04.130:

- A. Privies. Any open vault or privy maintained within the city, except those privies used in connection with construction projects and constructed in accordance with the directions of the building inspector of the city.
- B. Debris on Private Property. All accumulations of debris, rubbish, garbage, manure and other refuse located on private property and which has not been removed within a reasonable time and which affects the health, safety or welfare of the city.
- C. Stagnant Water. Any pool of water which is without a proper inlet or outlet and which, if not controlled, will be a breeding place for mosquitoes and other similar insects.
- D. Water Pollution. The pollution of any body of water or stream or river by sewage, industrial wastes or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.
- E. Food. All decayed or unwholesome food which is offered for human consumption.

(Ord. 435 § 6, 1990; Ord. 230 § 7, 1959)

8.04.075 Garbage containers.

Any person in charge of property where domestic garbage accumulates shall place such garbage into appropriate containers and remove it from the premises at reasonable intervals. Garbage containers shall be sturdy, watertight and rodent proof and shall be kept tightly closed.

(Ord. 568 § 1 (part), 2004)

8.04.080 Abandoned ice boxes.

No person shall place, leave or discard any abandoned, unattended or discarded ice box, refrigerator or similar container which has an airtight snap lock in any place accessible to children without first removing such airtight snap lock or the door or doors from the ice box, refrigerator or similar container.

(Ord. 453 § 7, 1990; Ord. 230 § 8, 1959)

8.04.090 Weeds.

- A. No person, as owner, occupant or agent in charge of, shall permit on any real property, improved or unimproved, or upon any sidewalk abutting such property, any weeds, grass or other noxious growth over a height of twelve inches; provided, however, that nothing in this section shall be construed to prohibit

bushes, trees, grass and other shrubbery grown or maintained for ornamental purposes nor shall it prohibit the growth or maintenance of any vegetation designed for food or fuel purposes.

- B. Weeds, grass and other noxious growth as set forth in this section are declared to be a nuisance and may be abated as provided in Sections 8.04.120 and 8.04.130.

(Ord. 453 § 8, 1990; Ord. 230 § 9, 1959)

(Ord. No. 607, § 1, eff. 9-14-2011)

8.04.100 Unnecessary noise.

- A. No person shall make, assist in making or permit any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others.
- B. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but the enumeration shall not be considered exclusive:
1. The keeping of any bird or animal which by causing frequent or long-continued noise shall disturb the comfort and repose of any person in the vicinity;
 2. The attaching of any bell to any animal or allowing a bell to remain on any animal which is disturbing to any person in the immediate vicinity;
 3. The use of any vehicle or engine, either stationary or moving, so operated as to create any loud or unnecessary grating, grinding, rattling or other noise. The use of a compression braking system (jake brakes) shall be prohibited within the Canyonville city limits;
 4. The sounding of any horn or signaling device on any vehicle on any street, public or private place, except as a necessary warning of danger;
 5. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger, or upon request of proper city authorities;
 6. The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled;
 7. The erection, including excavation, demolition, alteration or repair of any building in residential districts, other than between the hours of seven a.m. and ten p.m. daily except on Sundays and holidays the hours shall be ten a.m. to eight p.m. except in case of urgent necessity in the interest of the public welfare and safety, and then only with a permit granted by the building inspector for a period not to exceed two days. Such permit may be renewed for periods of two days while such emergency continues to exist. Provided further, that if the building inspector shall determine that the public health, safety and welfare will not be impaired by the erection, demolition, alteration or repair of any building between the hours of ten p.m. and seven a.m. and if he shall further determine that loss or inconvenience would result to any person unless such work were permitted within those hours, he may grant permission for such work to be done within the hours of ten p.m. to seven a.m. upon application therefor being made at the time permit for the work is awarded or during the progress of the work;
 8. The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle;
 9. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of

the sick or the infirm, which unreasonably interferes with the operation of such institution or which disturbs or unduly annoys patients;

10. The discharge in the open air of the exhaust of any steam engine, internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;
11. The use of sound-producing or reproducing equipment to create sound that is plainly audible within a dwelling unit that is not the source of the sound, and the use of such equipment on public property or on a public right-of-way to create sound that is plainly audible fifty feet or more from the source of the sound;
12. The making of any noise by crying, calling or shouting or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for the purpose of advertising good, wares or merchandise or of attracting attention or of inviting patronage of any person to any business whatsoever or for the solicitation of alms; provided, that newsboys may sell newspapers and magazines by public outcry;
13. The conducting, operating or maintaining of any garage within one hundred feet of any private residence, apartment, rooming house, or hotel in such manner as to cause loud or offensive noises to be emitted therefrom between the hours of eight p.m. and seven a.m.;
14. The operation or use of any device not specifically mentioned in this chapter that may cause multiple complaints to the city and/or which the city determines are unwarranted disturbances.

(Ord. 568 § 1 (part), 2004; Ord. 453 § 9, 1990: Ord. 230 § 10, 1959)

8.04.110 Notices and advertisements.

No person shall affix any placard, bill, advertisement or poster upon any real or personal property, public or private, without first securing permission from the owner or person in control of the property. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use of and the location of signs and advertising.

(Ord. 568 § 1 (part), 2004: Ord. 453 § 10, 1990: Ord. 230 § 11, 1959)

8.04.120 Abatement notice.

- A. Upon determination by the city that a nuisance as defined in this chapter exists, the city recorder shall send a notice to abate by certified mail, return receipt requested, postage prepaid, to the owner or agent in charge of the property at the last known address of such owner or agent.
- B. The notice to abate shall contain:
 1. A description of the real property, by street address and/or tax account number, or otherwise, such as tax lot number, on which such nuisance exists;
 2. A description of the nuisance;
 3. A direction to remove the nuisance within fifteen days from the date of the notice;
 4. A statement that unless such nuisance is removed, the city shall pursue all available legal remedies;
 5. A statement of the owner or agent in charge of the property may contest the notice to abate by delivery to the city administrator/recorder written notice of a request for hearing within ten days from the date of the notice to abate.

C. An error in the name or address of the owner or agent shall not make the notice void.

(Ord. 568 § 1 (part), 2004; Ord. 547 § 1, 1998; Ord. 453 § 11, 1990; Ord. 404 § 5, 1986; Ord. 230 § 12, 1959)

8.04.130 Abatement by owner.

- A. Within fifteen days after the posting after mailing of the notice to abate, the owner or agent in charge of the property shall remove and abate the nuisance unless a request for hearing has been delivered.
- B. If a request for hearing is timely delivered, the city recorder shall set a time for hearing to determine whether a nuisance in fact exists. The city recorder shall give the owner or agent in charge of the property and the complaining parties, if any, at least five days' notice of the hearing date.
- C. At the time set for hearing the owner or agent, and the complaining parties, if any, may appear and be heard by the council and the council shall thereupon determine whether a nuisance in fact exists and such determination shall be entered in the official minutes of the council.
- D. Upon council determination that a nuisance does in fact exist, the owner or agent shall within ten days after such council determination, remove or abate such nuisance.

(Ord. 568 § 1 (part), 2004; Ord. 474 § 1, 1993; Ord. 453 § 12, 1990; Ord. 230 § 14, 1959)

8.04.140 Abatement by city.

- A. If within the time fixed, as provided in this chapter, the nuisance has not been abated by the owner or agent in charge of the property, the city may pursue all remedies available under state or city law, including, without limitations, the citing of the offending party or owner into the municipal court where such fine or other resolution as the court shall see fit may be levied or imposed.
- B. In addition to and not in lieu of other available remedies, the city may itself abate the nuisance and assess the total cost thereof, including administrative overhead, to the property as provided in this chapter.

(Ord. 568 § 1 (part), 2004; Ord. 453 § 13, 1990; Ord. 230 § 15, 1959)

8.04.150 Assessment of cost.

- A. A notice of the assessment shall be forwarded by registered mail, postage prepaid, to the owner or agent in charge of the property by the city recorder. The notice shall contain:
 - 1. The total cost, including the administrative overhead, of the abatement;
 - 2. A statement that the cost as indicated will become a lien against the property unless paid within thirty days;
 - 3. A statement that if the owner or agent in charge of the property objects to the cost of the abatement as indicated, he may file a notice of objection with the city recorder within ten days from the notice.
- B. Upon the expiration of ten days after the date of the notice, objections to the proposed assessment shall be heard and determined by the council in its regular course of business.
- C. An assessment for the cost of the abatement as determined by the council shall be made by resolution of the council and shall thereupon be entered in the docket of city liens, and upon such entry being made, it shall constitute a lien against the property from which the nuisance was removed or abated.

- D. The lien shall be collected in the same manner as liens for street improvements are collected, and shall bear interest at the rate of six percent per year. Such interest shall commence to run immediately upon the entry of the lien in the lien docket.
- E. An error in the name of the owner or agent in charge of the property shall not void the assessment nor will a failure to receive the notice of the assessment render the assessment void, but it shall remain a valid lien against the property.

(Ord. 453 § 14, 1990: Ord. 230 § 16, 1959)

8.04.160 Violation—Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, pay a fine not to exceed three hundred dollars.

(Ord. 453 § 15, 1990: Ord. 230 § 17, 1959)

8.04.170 Separate violations.

- A. Each day's violation of a provision of this chapter shall constitute a separate offense.
- B. The abatement of a nuisance as provided in this chapter shall not constitute a penalty for the violation of this chapter, but shall be in addition to any penalty imposed for the violation of this chapter.
- C. The institution of any abatement proceedings under this chapter shall not be a bar to the filing or prosecution of any complaint in the municipal court of the city for a violation of any of the provisions of this chapter. Any such complaint may be filed and prosecuted before, during the pendency of, or after the conclusion of any such abatement proceedings.

(Ord. 453 § 16, 1990: Ord. 230 § 18, 1959)

Chapter 8.24 WRECKED OR ABANDONED VEHICLES

Sections:

8.24.010 Storage regulations.

It shall be unlawful to park, store or leave or permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind for a period of time in excess of seventy-two hours, which is in a rusted, wrecked, junked or partially dismantled or inoperative or abandoned condition, whether attended or not, upon any private property within the city, unless the same is completely enclosed within a building or unless it is in connection with a business enterprise properly operated in the appropriate business zone, pursuant to the zoning laws of the city.

(Ord. 362 § 1, 1982)

8.24.020 Nuisance removal.

Any motor vehicle parked, stored, left or permitted to be parked, left or stored in violation of the provisions of Section 8.24.010 shall constitute rubbish and unsightly debris and a nuisance detrimental to the health, safety and welfare of the inhabitants of the city, and it shall be the duty of the registered owner or other owner of the private property or of the lessee or other person in possession of the private property upon which such vehicle is located, either to remove the same from the city or to have the same housed in a building where it will not be visible from the street or other private property.

(Ord. 362 § 2, 1982)

8.24.030 Duties of city officials.

Whenever the city administrator/recorder or any person charged with the duty of enforcing the ordinances of the city finds a vehicle or vehicles in the status made unlawful under Section 8.24.010, or the existence of a nuisance as defined in Section 8.24.020, on private property within the city of Canyonville, such person shall write an abatement notice for the removal of such vehicle(s).

(Ord. 547 § 2, 1998; Ord. 500, 1994; Ord. 362 § 3, 1982)

8.24.040 Hearing by council—Notice to owner.

The city council may thereupon set a time and place for hearing on the facts of the existence of status of such vehicle under Section 8.24.010, or the existence of the nuisance of such vehicle under Section 8.24.020, by resolution upon the setting of the hearing, and upon the setting of such time and place for such hearing the city administrator/recorder shall give notice to the registered or other owner of such motor vehicle or vehicles, and the owner or other person or persons in possession of the subject private property involved in such finding, of the date and time of such hearing by notice thereof in writing by first class mail and certified mail, deposited in the United States mails, postage prepaid, addressed to the last known address of any such persons not less than ten days prior to the date of such hearing. Said notice shall, in addition to the foregoing, state that at such hearing of the city council on the finding of the existence of the status of such vehicle or such nuisance as defined in Sections 8.24.010 or 8.24.020 on subject private property, may direct the owners of such vehicle, or the owners or persons in possession of subject real property, to abate such nuisance by such action as is necessary to remove such vehicle from the status of vehicles made unlawful under Section 8.24.010, or as defined as a nuisance under Section

8.24.020 within twenty days of the date of such finding. The direction shall be given in the manner provided for the giving of notice of such hearing, or for the want thereof may direct the city officials to enter upon such private property and take and remove such vehicles, or any parts thereof, and dispose of the same as junk in the manner deemed to be in the best interest of the city of Canyonville by such city official. The notice shall further state that any of the parties to whom such notice shall be given may appear and be heard as to why such action should not be taken by the city.

(Ord. 547 § 3, 1998; Ord. 362 § 4, 1982)

8.24.050 Order to abate nuisance.

At the hearing, if city council shall find a vehicle or vehicles in the status made unlawful under Section 8.24.010, or the existence of a nuisance as defined in Section 8.24.020 on private property in accordance with the findings filed by such city official pursuant to Section 8.24.040, the city council may, by resolution, direct the owners of such vehicle or the owners or persons in possession of subject real property to abate such vehicle from the status of vehicles made unlawful under Section 8.24.010, or as defined as a nuisance under Section 8.24.020 within twenty days of the date of such finding, such direction to be given in the manner provided for the giving of notice of such hearing, or for want thereof may direct the responsible city officials to enter upon such private property and take and remove such vehicle, or any parts thereof, and dispose of the same as junk in the manner deemed to be in the best interest of the city of Canyonville by the city administrator/recorder.

(Ord. 547 § 4, 1998; Ord. 362 § 5, 1982)

8.24.060 Abatement by city.

- A. If, within the time fixed, as provided in this chapter, the subject vehicle(s) has not been removed by the owner or agent in charge of the property, the city may pursue all remedies available under state or city law, including the issuance of a citation for violation of Chapter 8.24 of the Canyonville Municipal Code.
- B. In addition to, and not in lieu of other available remedies, the city may itself remove the vehicle(s) and assess the total cost thereof, including administrative overhead in the amount of ten percent of the cost of removal, to the property where the subject vehicle(s) were stored.

(Ord. 547 § 5, 1998)

8.24.070 Assessment of cost.

- A. A notice of the assessment shall be forwarded by registered mail, postage prepaid, to the owner or agent in charge of the property by the city administrator/recorder. The notice shall contain:
 - 1. The total cost, including the administrative overhead, of the abatement process;
 - 2. A statement that the cost as indicated will become a lien against the property unless paid within thirty days;
 - 3. A statement that, if the owner or agent in charge of the property objects to the cost of the abatement as indicated, such owner or agent may file a notice of objection with the city administrator/recorder within ten days from the notice;
- B. Upon the expiration of ten days after the date of the notice, objections to the proposed assessment shall be heard and determined by the council in its regular course of business.

- C. An assessment for the cost of the abatement, as determined by the council, shall be made by resolution of the council and shall thereupon be entered in the docket of city liens. Upon such docket entry being made, it shall constitute a lien against the property from which the vehicle(s) was removed or abated.
- D. The lien shall be collected in the same manner as liens for street improvements are collected and shall bear interest at the rate equal to the Oregon A 10 year Bond rate plus two percent per year. Such interest shall commence to run immediately upon the entry of the lien in the lien docket.
- E. An error in the name of the owner or agent in charge of the property shall not void the assessment nor will a failure to receive the notice of the assessment render the assessment void, but it shall remain a valid lien against the property.

(Ord. 547 § 6, 1998)

8.24.080 Violation—Penalty.

Any person responsible for allowing a wrecked or abandoned vehicle(s) to exist in violation of the provisions of this chapter may, upon conviction, be punished by imprisonment for a period of time not to exceed thirty days or by a fine not to exceed three hundred dollars; provided, however, that the fine may be suspended, in whole or in part, upon a finding that the nuisance giving rise to conviction has been abated prior to conviction or has been abated within thirty days of conviction.

(Ord. 547 § 7, 1998)

8.24.090 Separate violations.

- A. Each day's violation of a provision of this chapter shall constitute a separate offense.
- B. The abatement or removal of abandoned vehicles as provided in this chapter shall not constitute a penalty for the violation of this chapter, but shall be in addition to any penalty imposed for the violation of this chapter.
- C. The institution of any abatement proceedings under this chapter shall not be a bar to the filing or prosecution of any complaint in the Municipal Court of the city for a violation of any of the provisions of this chapter. Any such complaint may be filed and prosecuted before, during the pendency of, or after the conclusion of any such abatement proceedings.

(Ord. 547 § 8, 1998)

SCRIPT FOR PUBLIC HEARING

“SCRIPT FOR PUBLIC HEARING”

ANNOUNCE THE CASE AND OPEN THE PUBLIC HEARING

(date _____/time _____)

I now open a Public Hearing to determine by resolution whether or not a code violation exists at 123 Pruden Hill Lane. The applicable Canyonville Municipal Code Sections for this public hearing are 8.04.070B and 8.24.010.

DISCLOSE EX-PARTE CONTACTS AND CONFLICTS OF INTEREST

1. Do any councilors have any ex parte contacts or conflicts of interest that they would like to disclose on the record.
2. If yes, each councilor discloses the issue on the record and explains how in spite of the issue they may still participate and remain impartial.
3. Ask members of the audience/public if they have any challenges (whether there are disclosures or not)

REVIEW PROCEDURES

I will now provide an overview of the steps we will follow for this public hearing:

1. *First, we will hear a Staff Report.*
2. *Next, we will hear Testimony of the Property Owner of Record, his agent and/or other person controlling the same.*
3. *Then we will hear from any other members of the public (Please be sure to state your name and address for the record.*
4. *The property owner will have an opportunity to then address any comments made by staff or the public. The property owner has the last word.*
5. *We will then close the Public hearing and move to deliberations and a decision.*

1. STAFF MEMO

A) City Administrator/Recorder Bennett

2. TESTIMONY OF THE PROPERTY OWNERS OF RECORD (Carl Eugene and Cindy Bailey), THEIR AGENTS AND/OR OTHER PERSONS CONTROLLING THE SAME.

4. PUBLIC TESTIMONY.

5. PROPERTY OWNER REBUTTAL.

6. Does the Council have any last questions before we CLOSE THE RECORD FOR THIS PUBLIC HEARING?

7. Close the record and public hearing testimony.

8. COUNCIL DISCUSSION AMONGST THEMSELVES

At this time, Council may ask questions of staff only.

9. MOTION

I move to adopt Resolution No. 697 which finds that a nuisance exists at 123 Pruden Hill Lane in violation of Canyonville Municipal Code Sections 8.04.010 B and 8.24.010 and to order abatement of the nuisance by the property owner within 20 days from the date the Resolution is adopted.

10. VOTE ON MOTION

11. ANNOUNCE DECISION

**STAFF REPORT
OF FINDINGS**

City of Canyonville

TO: City Council

From: Dawn Bennett, City Administrator Interim

Date: November 21, 2022

Property Owners: Carl Eugene and Cindy Baily
123 Pruden Hill Lane
Canyonville, OR 97417

Location: 30-05W-27B-00904
R31570
123 Pruden Hill Lane

Subject: Nuisance exists in violation of Ordinance Chapter 8.04.070B
and Chapter 8.24.010 of the City of Canyonville Municipal Code

Staff has prepared the following report for reference to determine whether the property located at 123 Pruden Hill Lane is in violation of the Canyonville Municipal Code. If the property is deemed to be in violation the Council will need to establish what action must be taken for the property to be in compliance as per the Municipal Code.

After investigating the nuisance and taking pictures staff determined that a violation of Municipal Code Chapter 8.04.070B and 8.24.010 did exist. On June 28, 2022, staff sent a letter to the property owner providing pictures of the violations and giving a deadline for removing the nuisance by July 13, 2022. Exhibit #1 pictures taken on June 25, 2022, and June 28, 2022 letter to owner.

Staff revisited the property on September 1, 2022 and found that the nuisances still existed. On September 13, 2022, a second letter was sent certified mail with more pictures and provided the owner with a deadline to abate the nuisances by October 7, 2022. Exhibit #2 pictures taken on October 3, 2022, and September 13, 2022 letter sent to owner.

Once the second deadline passed staff revisited the property and found the nuisances still existed, see exhibit #3 pictures of nuisance. The next step in the process was for the Council to set a date, time, and place to hold a public hearing as per Chapter 8.040.070 B and 8.24.010 of the Canyonville Municipal Code. At the October 17, 2022 City Council meeting Council adopted Resolution No. 695 declaring a hearing date of November 21, 2022, a time of 7:00 pm, and the place in the Council Chambers to hold a hearing on the existence of the nuisances. Exhibit #4 is the Resolution No. 695.

Notice was given to the property owner of the set date, time, and place of the hearing in writing by first class mail and certified mail on November 2, 2022. Exhibit #5 is the official notice to the owner.

1. Municipal Code Chapter 8.04 Section 070 B states:

Debris on Private Property. All accumulations of debris, rubbish, garbage, manure and other refuse located on private property and which has not been removed within a reasonable time and which affects the health, safety or welfare of the city.

1a. *Oxford dictionary description: Debris*

Pieces of wood, metal, building materials, etc. that are left after something has been destroyed.

1b. *Cambridge dictionary description: Refuse*

Unwanted waste material, especially material that is regularly thrown away from a house or factory.

1c. *Staff found accumulation of wood, plastic, metal, and glass rubbish along with car/truck parts. There are piles of home building piping, roofing, windows, and lumber remnants.*

2. Municipal Code Chapter 8.24 Section 010 states:

It shall be unlawful to park, store or leave or permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind for a period of time in excess of seventy-two hours, which is in a rusted, wrecked, junked or partially dismantled or inoperative or abandoned condition, whether attended or

not, upon any private property within the city, unless the same is completely enclosed within a building or unless it is in connection with a business enterprise property operated in the appropriate business zone, pursuant to the zoning laws of the city.

2a. *Staff found four cars to be in dismantled, inoperative or abandoned condition. One car is on jacks and the wheels removed and the other three look like they are either being worked on or being dismantled. **There is a large building on the property that these cars/trucks could be housed in, which would bring the property into compliance with the Municipal Code.** Unknown if this is a business or not. This property is in the residential zoning and business enterprise is not allowed.*

DRAFT

RESOLUTION NO. 697

DRAFT

CITY OF CANYONVILLE

RESOLUTION NO. 697

**A RESOLUTION AND ORDER TO ABATE NUISANCE
VIOLATIONS ON PROPERTY WITHIN THE CITY LIMITS**

WHEREAS, the City of Canyonville (the City) has received complaints related to 123 Pruden Hill Lane (the subject property) which alleged that the subject property violates the City's code; and

WHEREAS, according to the City's nuisance codes, Chapters 8.04 and 8.24, City staff have investigated the complaints and determined that violations exist on the subject property including accumulations of debris, rubbish, and the like as well as rusted, wrecked, junked, or partially dismantled and inoperable motor vehicles; and

WHEREAS, the City sent a letter to the property owner of the subject property on June 28, 2022, citing the applicable nuisance ordinances, providing pictures of the vehicles and debris/rubbish, and requesting the property owner to remove the nuisances by July 13, 2022; and

WHEREAS, after the deadline City staff revisited the subject property and found that nuisances still existed; and

WHEREAS, the City Administrator sent a second letter by certified mail on September 13, 2022, with more current pictures and providing the property owner with a deadline to abate the nuisances by October 7, 2022; and

WHEREAS, after the second deadline passed, City staff revisited the subject property and found that the nuisances still existed; and

WHEREAS, on November 1, 2022, the City Council adopted Resolution No. 695 setting the date, time, and location for a hearing on the existence of a nuisance on the subject property per Sections 8.04.070 B and 8.24.010 of the City's code; and

WHEREAS, after providing the property owner with notice of the hearing, on November 21, 2022, the Council held a hearing on the existence of a nuisance on the subject property and received testimony and evidence; and

WHEREAS, after considering all of the evidence and testimony presented, the Council now finds that a nuisance exists on the subject property in violation of the city code under Ordinance Chapter 8.04.070 B accumulations of debris, rubbish, and the like, and 8.24.010 wrecked, junked, or partially dismantled and inoperable motor vehicles and orders the property owner of the subject property to abate the nuisance according to this Resolution and Order.

NOW, THEREFORE, THE CITY OF CANYONVILLE RESOLVES AS FOLLOWS:

Section 1. Findings Adopted. The City Council adopts the above recitals and the findings in Exhibit A, which is attached hereto and incorporated by reference, in support of this Resolution.

Section 2. Determination of Nuisance. The City Council finds that sufficient evidence exists to find that a nuisance exists on 123 Pruden Hill Lane pursuant to Canyonville City Code Sections 8.04.010 B and 8.24.020.

Section 3. Abatement by Property Owner Ordered. The City Council hereby orders the property owner of 123 Pruden Hill Lane to abate the nuisance and bring the property into compliance with the City's Code within 20 days of the date of this Resolution.

Section 4. Effective Date. This Resolution shall be effective on the date of its adoption.

Motion moved by Councilor _____ and seconded by Councilor _____ and

adopted by the City Council of the City of Canyonville this 21st day of November, 2022 by the following vote:

YEAS _____ NAYS: _____

Jake Young, Mayor

ATTEST

Dawn Bennett, City Administrator/Recorder Interim

PICTURES TAKEN ON

6-25-2022

EXHIBIT # 1

City of Canyonville

Pioneers of the Past

250 N. Main Street
PO Bdx 765
Canyonville, OR, 97417

Pioneers of the Future

Ph. (541) 839-4258
Fax (541) 839-4680
e-mail city@cityofcanyonville.com

NOTICE TO ABATE NUISANCE

DATE: June 28, 2022
COMPLAINT: 123 Pruden Hill Ln.

Dear Carl and Cindy Bailey,

The City of Canyonville has received a complaint regarding the above-mentioned property.

Upon inspection it has been determined that a nuisance does exist and as the property owner you are responsible for any violations that occur on your property.

8.04.070 B specifically states:

Debris on private property. All accumulations of debris, rubbish, garbage, manure and other refuse located on private property and which has not been removed within a reasonable time and which affects the health, safety or welfare of the city.

Additionally 8.24.010 specifically states:

It shall be unlawful to park, store or leave or permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind for a period of time in excess of seventy-two hours, which is in a rusted, wrecked, junked or partially dismantled or inoperative or abandoned condition, whether attended or not, upon any private property within the city, unless the same is completely enclosed within a building or unless it is in connection with a business enterprise properly operated in the appropriate business zone, pursuant to the zoning laws of the city.

In accordance with Code Section 8.04.070 and Code Section 8.24.010 you are directed to remove the nuisances by July 13th, 2022. If these nuisances are not removed, the City may pursue all legal remedies including a fine not to exceed three hundred dollars per day.

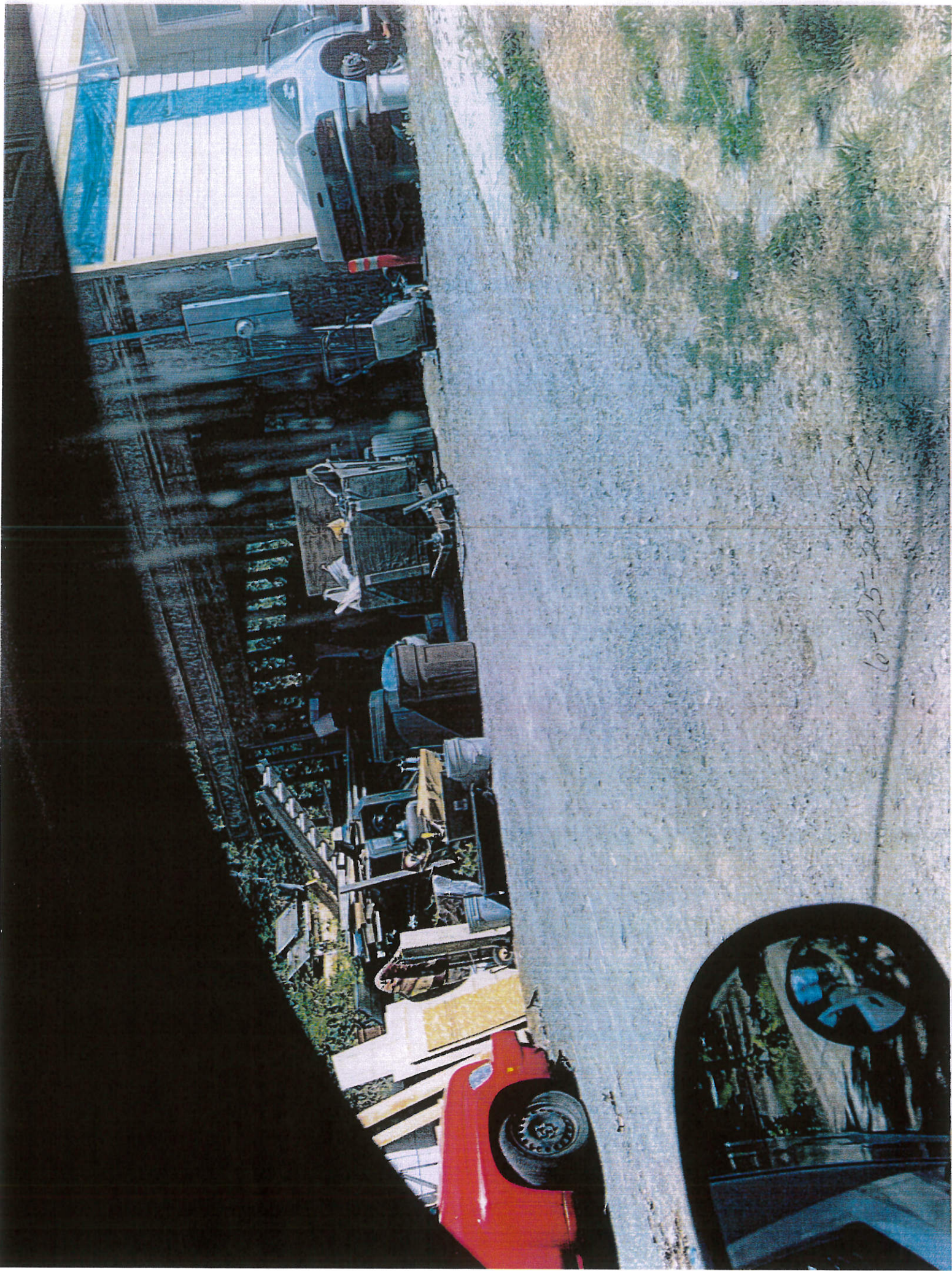
If you feel that a nuisance does not exist, you have the right to request a hearing before the City Council. If you wish to request a hearing, you must deliver a written notice of request for hearing within ten days from the date of this notice to abate.

Respectfully,

City of Canyonville



6-23-2022



6-23-2002



6-25-2022



6-2-5-10

PICTURES TAKEN ON

9-1-2022

EXHIBIT # 2

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

7020 1810 0000 7158 9199

Postage and Fees

Return Receipt Hardcopy	\$ 5.00
Return Receipt Electronic	\$ 0.00
Certified Mail Restricted Delivery	\$ 3.00
Adult Signature Restricted	\$ 0.00
Adult Signature Restricted Delivery	\$ 0.00
Postage	\$ 0.00
Total Postage and Fees	\$ 8.00

Postmark: Roseburg, OR 9722

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bailey
 POB 721
 Canyonville, OR


9590 9402 6192 0220 4212 72

2. Article Number (Transfer from service label)

7020 1810 0000 7158 9199 Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

X 

B. Received by (Printed Name) Yes No

C. Date of Delivery

9/16/22

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

PS Form 3811, July 2020 PSN 7530-02-000-9053

City of Canyonville

Pioneers of the Past

250 N. Main Street
PO Box 765
Canyonville, OR 97417

Pioneers of the Future

Ph. (541) 839-4258
Fax (541) 839-4680
e-mail city@cityofcanyonville.com

NOTICE TO ABATE NUISANCE

DATE: September 13, 2022
COMPLAINT: 123 Pruden Hill Ln.

Dear Carl and Cindy Bailey,

The City of Canyonville has received multiple complaints regarding the above-mentioned property. There was a letter mailed to you on June 28, 2022, asking for these violations to be resolved.

Upon inspection it has been determined that the nuisance does still exist, and more vehicles and debris have been added. As the property owner you are responsible for any violations that occur on your property.

8.04.070 B specifically states:

Debris on private property. All accumulations of debris, rubbish, garbage, manure and other refuse located on private property, and which has not been removed within a reasonable time and which affects the health, safety or welfare of the city.

Additionally, 8.24.010 specifically states:

It shall be unlawful to park, store or leave or permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind for a period of time in excess of seventy-two hours, which is in a rusted, wrecked, junked or partially dismantled or inoperative or abandoned condition, whether attended or not, upon any private property within the city, unless the same is completely enclosed within a building or unless it is in connection with a business enterprise properly operated in the appropriate business zone, pursuant to the zoning laws of the city.

Additionally, under the City Zoning Ordinance 18.76.090 specifically state:

Vehicle parking and storage, states, "Automotive vehicles of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed building."

In accordance with Code Section 8.04.070 and Code Section 8.24.010 you are directed to remove the nuisances by October 7, 2022. If these nuisances are not removed, within the given time, the City may pursue all legal remedies including a fine not to exceed three hundred dollars per day.

If you feel that a nuisance does not exist, you have the right to request a hearing before the City Council. If you wish to request a hearing, you must deliver a written notice of request for hearing within ten days from the date of this notice to abate.

Respectfully yours,

Dawn Bennett
City Administrator



9-1-2022

274800

404



9-1-2022



9-15-2007

PICTURES TAKEN ON

10-07-2022

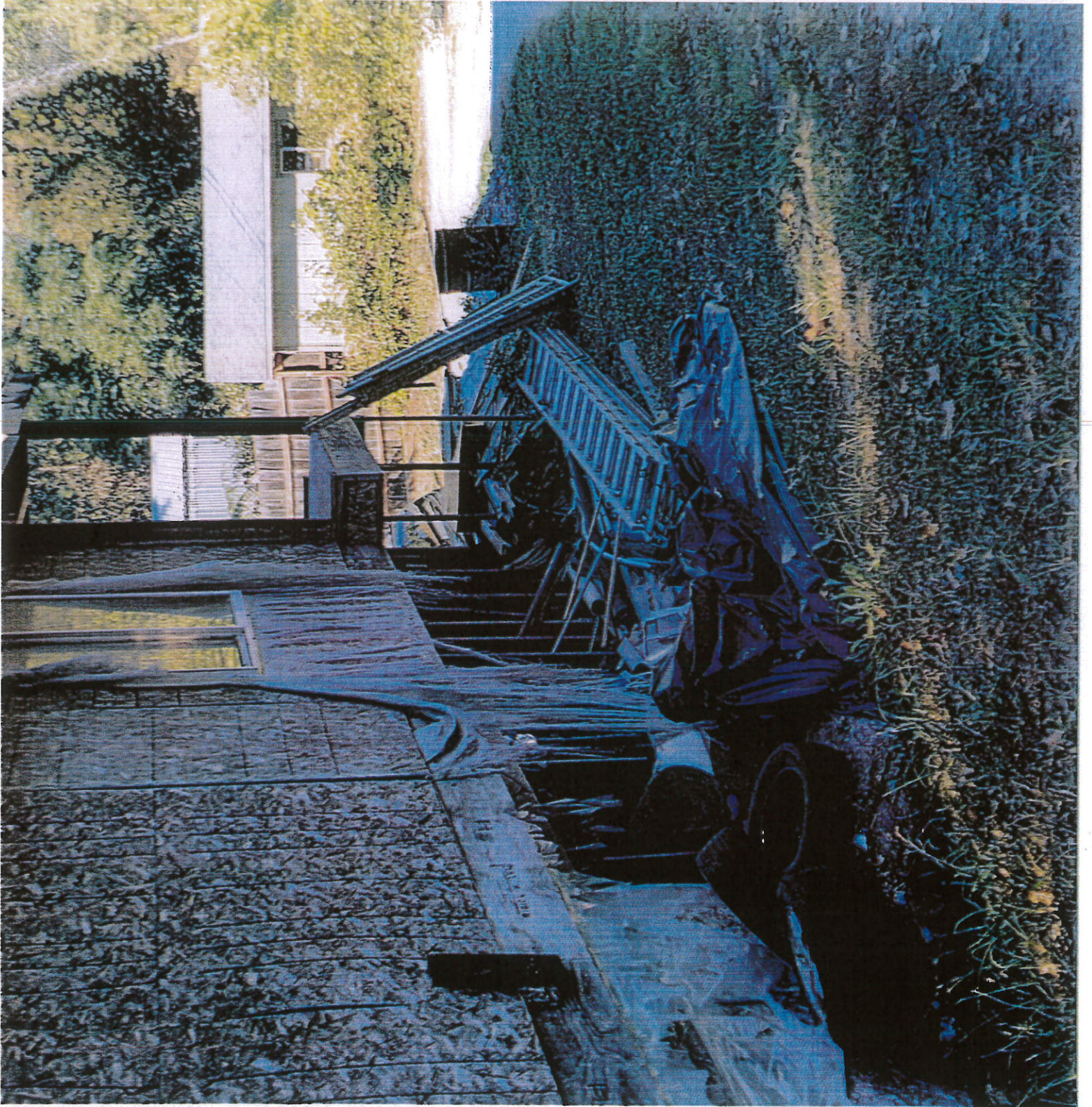
EXHIBIT # 3

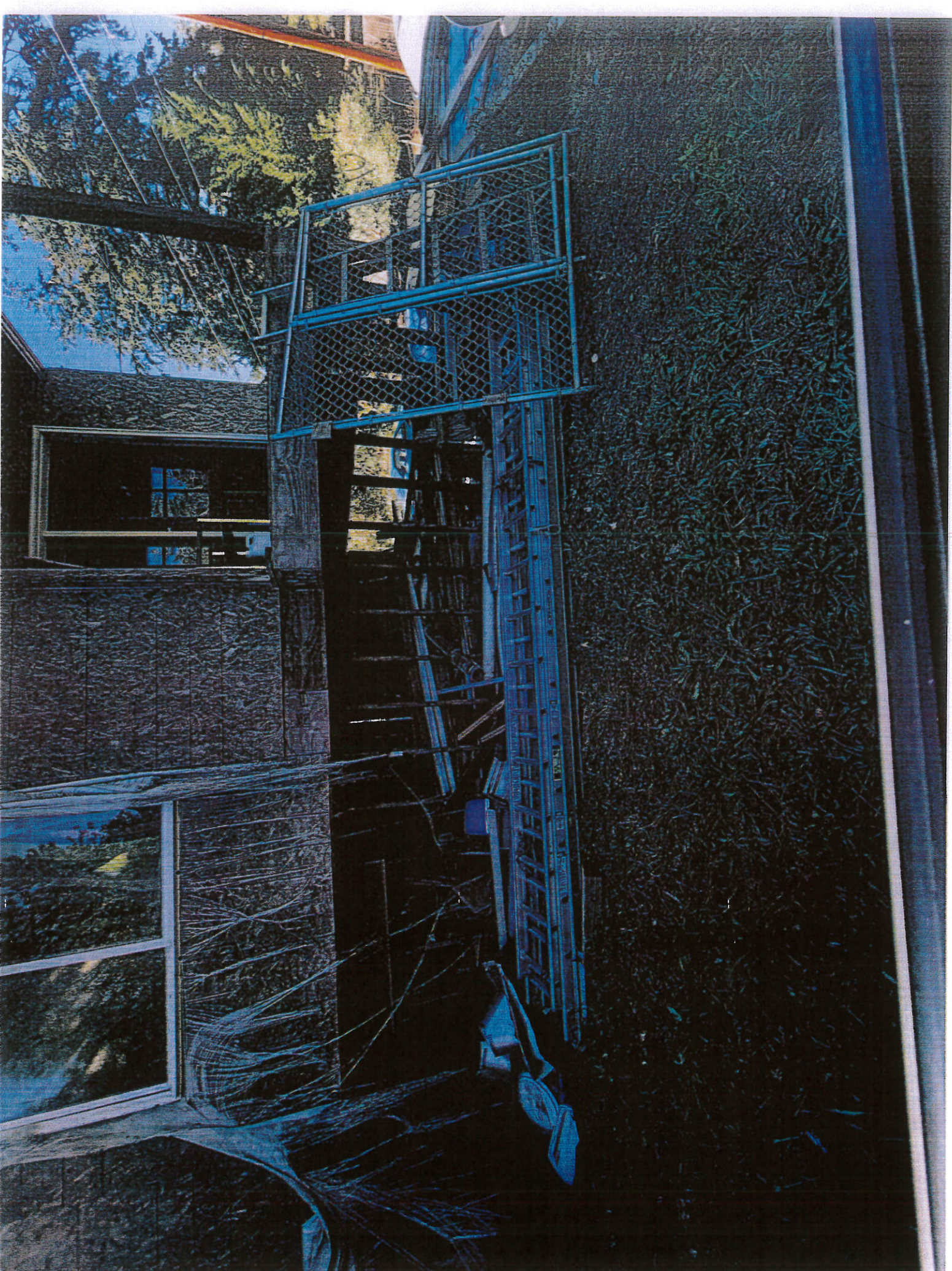


10-7-2024



10-7-2022





RESOLUTION NO. 695

EXHIBIT # 4

CITY OF CANYONVILLE

RESOLUTION NO. 695

A RESOLUTION SETTING A DATE, TIME, AND PLACE FOR
A HEARING BY THE CANYONVILLE CITY COUNCIL FOR
NUISANCE VIOLATIONS ON PROPERTY WITHIN THE CITY
LIMITS

WHEREAS, the City has received complaints related to 123 Pruden Hill Lane which alleged that the property violates the City's code; and

WHEREAS, according to the City's nuisance codes, Chapter 8.04 and 8.24, City staff have investigated the complaints and determined that violations exist on the subject property including accumulations of debris; rubbish, and the like as well as rusted, wrecked, junked, or partially dismantled and inoperable motor vehicles; and

WHEREAS, the City sent a letter to the property owner on June 28, 2022, citing the applicable nuisance ordinances, providing pictures of the vehicles and debris/rubbish, and requesting the owner to remove the nuisances by July 13, 2022; and

WHEREAS, after the deadline City staff revisited the property and found that nuisances still existed on the property; and

WHEREAS, the City Administrator sent a second letter by certified mail on September 13, 2022, with more current pictures and providing the owner with a deadline to abate the nuisances by October 7, 2022; and

WHEREAS, after the second deadline passed, City staff revisited the subject property and found that the nuisances still existed on the property; and

WHEREAS, as of the date of this resolution, the nuisances continue to exist on the subject property; and

WHEREAS, the City Council now desires to set a date, time and place to hold a hearing on the facts of the existence of the nuisance under Ordinance Chapter 8.04.070 B and 8.24.010; and

NOW, THEREFORE, BE IT RESOLVED:

Section 1. A hearing for November 21, 2022 (date), 7:00 p.m. (time), City of Canyonville Council Chamber at City Hall (place) is hereby set on the existence of the status of such debris/rubbish under Ordinance Chapter 8.04.070B and vehicles or nuisance of such vehicles under the Ordinance Chapter 8.24.010 on the property at 123 Pruden Hill Lane, Canyonville, Oregon.

Section 2. Notice will be given to the property owner of the set date, time, and place of the hearing in writing by first class mail and certified mail not less than ten days prior to the date of such hearing.

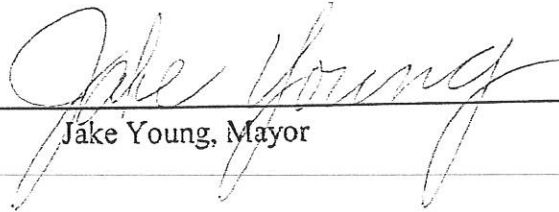
Section 3. City Council authorizes the City Administrator to take any other action required by the applicable City Ordinances to provide notice of the hearing and otherwise prepare materials for the hearing.

Section 4. Effective Date. This Resolution No. 695 shall be effective on the date of adoption.

Motion moved by Councilor Bartol and seconded by Councilor Mather and


adopted by the City Council of the City of Canyonville this 1st day of November 2022 by the following vote:

YEAS 5 NAYS: 0



Jake Young, Mayor

ATTEST



Dawn Bennett, City Administrator/Recorder Interim

**OFFICIAL NOTICE
FOR PUBLIC HEARING
TO PROPERTY OWNER**

EXHIBIT # 5

7005 1820 0008 1083 3055

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com



OFFICIAL USE

Postage	\$	
Certified Fee	\$	
Return Receipt Fee (Enclosurement Required)	\$	
Restricted Delivery Fee (Enclosurement Required)	\$	
Total Postage & Fees	\$	

Postmark Here

Start by
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

<p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p>Carl + Cindy Bailey PO Box 721 Canyonville OR 97417</p>  <p>9590 9403 0045 5073 3076 29</p> <p>2. Article Number (Transfer from service label)</p> <p>7005 1820 0008 1083 3055</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>X </p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>Gene Bailey</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> </table> <p>ed Mail ed Mail Restricted Delivery 3500)</p>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®												
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™												
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery												
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise												
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™												
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery												

City of Canyonville

Pioneers of the Past

250 N. Main Street
PO Box 765
Canyonville, OR 97417

Pioneers of the Future

Ph. (541) 839-4258
Fax (541) 839-4680
e-mail city@cityofcanyonville.com

November 2, 2022

Carl and Cindy Bailey
123 Pruden Hill Lane
Canyonville, OR 97417

Re: Abatement notice of Hearing

Property: 123 Pruden Hill Lane, Canyonville, OR 97417

Property ID: 30-05W-27B-00904 R31570

Dear Mr. and Mrs. Bailey,

The purpose of this letter is to notify you that the City of Canyonville is proceeding with further action regarding the accumulation of debris, rubbish, and the like as well as rusted, wrecked, junked, or partially dismantled or inoperable motor vehicles on the property located at 123 Pruden Hill Lane, Canyonville. City staff sent you a letter on June 28, 2022, and a second letter on September 13, 2022, informing you of the violations and requesting that the debris and rubbish be removed as well as the motor vehicles be removed or completely enclosed in a building.

The Canyonville Municipal Code requires that the property owner receive written notice at least 10 days prior to a public hearing.

Official Notice:

The City Council for the City of Canyonville will hold a public hearing on **November 21, 2022 @ 7:00 p.m.** in the City of Canyonville Council Chambers located at City Hall, 250 N. Main St. The purpose of the public hearing will be to determine if the debris and rubbish as well as the motor vehicles located on your property at 123 Pruden Hill Lane, Canyonville constitute a nuisance. At the hearing the Council will hear testimony regarding the alleged nuisances. If it is determined that the nuisance does exist and has not been abated the Council can declare any or all of the following actions:

1. Order the debris and rubbish as well as the motor vehicles be removed or completely enclosed in a building within 20 days by the property owner.
 2. If the debris and rubbish as well as the motor vehicles have not been removed or completely enclosed in a building after the 20 days the city will then have citation issued for violation of Chapter 8.04.070B and Chapter 8.24.10 of the Canyonville Municipal Code.
- #

3. Assess a penalty of \$300 for every day the violation exists.

It is the City's desire to resolve the issue in a harmonious manner without taking further action.

If you have any questions regarding this notice or the process, please don't hesitate to contact Dawn Bennett, City Administrator at 541-839-5248.

Sincerely,

A handwritten signature in cursive script that reads "Dawn Bennett". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Dawn Bennett
City Administrator Interim

FINAL PICTURES TAKEN

11-16-2022

EXHIBIT # 6



11/14/2022



11-16-2022



11-16-2022



Memo

To: Mayor and City Council
From: Dawn Bennett, City Administrator/Recorder
Date: November 16, 2022
Re: Change date for December meeting

BACKGROUND:

The actual date for the December meeting is the week of Christmas December 19, 2022. In the past we have changed this meeting to the Monday before Christmas week which would be December 12, 2022. Does the Council wish to change the date?

OPTIONS:

1. Change the date of the December Council meeting from December 19 to December 12, 2022.
2. Leave the December Council meeting on the normal date of December 19, 2022.



Memo

To: Mayor and City Council
From: Dawn Bennett, City Administrator/Recorder
Date: November 16, 2022
Re: Union negotiations

BACKGROUND:

The International Brotherhood of Electrical Workers is the union for the City staff and the contract expires on June 30, 2023. We have received a letter from the Union requesting to begin negotiations with the City. Mike Meeks is the union representative for Canyonville, and it looks like Jeremy Mayfield will be on the negotiating committee for the union.

Last year we did a one year contract in order to see how the economy was going to be in 2022. We will be setting up an executive meeting after the first of the year to look at what the Council will consider offering.

I am hoping this union negotiation will go as well as it did last year. We were able to settle negotiations without adding the expense of an attorney. However, we will not know until we get their first proposal how it may go. I am hoping everyone will consider the current situation and their demands will be reasonable.

There is one thing that the Council needs to consider and that is the problem we have with keeping our plant operators. We pay for them to get all the needed certifications and then they go to the neighboring cities that have a higher pay rate.

Council will need to appoint a Councilor to participate in these negotiations. Last time the Mayor and Councilor Freeman did the negotiations.

OPTIONS:

1. Appoint the Mayor or a Councilor to the union negotiation team for the City.
2. Decline to appoint a Council member to the negotiation team and leave it to staff.
3. Direct staff to additional research.



International Brotherhood of Electrical Workers

Local Union No. 659

4480 ROGUE VALLEY HWY., SUITE 3

CENTRAL POINT, OREGON 97502

(541) 664-0800 • FAX (541) 664-0806



October 31, 2022

City of Canyonville
Attn: Ms. Dawn Bennett- City Manager
PO Box 765
Canyonville, OR 97417

Dear Ms. Bennett,

This letter will serve as official notice of our desire to open the Collective Bargaining Agreement in accordance with Article 26.

We will be appointing Jeremy Mayfield to primary position on the Negotiating Committee. We would ask that you allow him the opportunity to attend any scheduled negotiation meetings.

Do you have a time frame that you would like to start? If you have any questions, please feel free to contact me by cell 220-458-6779 or by email at mikemeek@ibew659.org.

Thank you.

IBEW Local Union 659

Sincerely,

A handwritten signature in black ink that reads "Mike Meek".

Mike Meek
Assistant Business Manager
Enclosure /RP



Memo

To: Mayor and City Council

From: Dawn Bennett, Administrator/Recorder Interim

Date: November 16, 2022

Re: Resolution No. 698 – Setting date, time, and place for nuisance hearing
Regarding 410 Leland Street

The city staff received a complaint about the property at 410 Leland Street. In investigating the complaint staff determined that violations of the nuisance codes, Chapter 8.04.070B and 8.24.010 exist on the subject property including accumulations of debris, rubbish, and the like as well as rusted, wrecked, junked, or partially dismantled and inoperable motor vehicles.

A letter was sent to the property owner on September 20, 2022, citing the applicable nuisance ordinances, providing pictures of the vehicles, debris, and garbage, and giving the owner a deadline to remove the nuisance by October 20, 2022.

Once the deadline passed staff revisited the site and determined the nuisance had not been removed. Staff then sent another letter certified mail to the property owner on October 21, 2022, with more current pictures and giving the owner a deadline to remove the nuisance by October 31, 2022. Once again staff visited the site after the deadline and found the nuisance had not been removed.

Now the Council has the option to set a date, time, and place for a hearing on the facts of the existence of the nuisance under Ordinance Chapter 8.04.070 B and 8.24.010 and to hear the owner of the property regarding the nuisance.

1. Adopt Resolution NO. 698

A hearing for November 21, 2022 (date), 7:00 p.m. (time), City of Canyonville Council Chambers (place) is hereby set on the existence of the status of such debris/rubbish under Ordinance Chapter 8.04.070B and vehicles or nuisance of such vehicles under the Ordinance Chapter 8.24.010 on the property at 410 Leland Street, Canyonville, Oregon.

CITY OF CANYONVILLE

RESOLUTION NO. 698

A RESOLUTION SETTING A DATE, TIME, AND PLACE FOR
A HEARING BY THE CANYONVILLE CITY COUNCIL FOR
NUISANCE VIOLATIONS ON PROPERTY WITHIN THE CITY
LIMITS

WHEREAS, the City has received complaints related to 410 Leland Street which alleged that the property violates the City's code; and

WHEREAS, according to the City's nuisance codes, Chapter 8.04 and 8.24, City staff have investigated the complaints and determined that violations exist on the subject property including accumulations of debris, rubbish, and the like as well as rusted, wrecked, junked, or partially dismantled and inoperable motor vehicles; and

WHEREAS, the City sent a letter to the property owner on September 20, 2022, citing the applicable nuisance ordinances, providing pictures of the vehicles and requesting the owner to remove the nuisances by October 20, 2022; and

WHEREAS, after the deadline City staff revisited the property and found that nuisances still existed on the property; and

WHEREAS, the City Administrator sent a second letter by certified mail on October 21, 2022, with more current pictures and providing the owner with a deadline to abate the nuisances by October 31, 2022; and

WHEREAS, as of the date of this resolution, the nuisances continue to exist on the subject property; and

WHEREAS, the City Council now desires to set a date, time and place to hold a hearing on the facts of the existence of the nuisance under Ordinance Chapter 8.04.070 B and 8.24.010; and

NOW, THEREFORE, BE IT RESOLVED:

Section 1. A hearing for _____ (date), 7:00 p.m. (time), City of Canyonville Council Chamber at City Hall (place) is hereby set on the existence of the status of such debris/rubbish under Ordinance Chapter 8.04.070B and vehicles or nuisance of such vehicles under Ordinance Chapter 8.24.010 on the property at 410 Leland Street, Canyonville, Oregon.

Section 2. Notice will be given to the property owner of the set date, time, and place of the hearing in writing by first class mail and certified mail not less than ten days prior to the date of such hearing.

Section 3. City Council authorizes the City Administrator to take any other action required by the applicable City Ordinances to provide notice of the hearing and otherwise prepare materials for the hearing.

Section 4. Effective Date. This Resolution No.698 shall be effective on the date of adoption.

Motion moved by Councilor _____ and seconded by Councilor _____ and

adopted by the City Council of the City of Canyonville this 21st day of November 2022 by the following vote:

YEAS _____ NAYS: _____

Jake Young, Mayor

ATTEST

Dawn Bennett, City Administrator/Recorder Interim

City of Canyonville

Pioneers of the Past

250 N. Main Street
PO Box 765
Canyonville, OR 97417

Pioneers of the Future

Ph. (541) 839-4258
Fax (541) 839-4680

e-mail city@cityofcanyonville.com

NOTICE TO ABATE NUISANCE

DATE: September 20, 2022
COMPLAINT: 410 Leland

Dear Desirae Simpson,

The City of Canyonville has received multiple complaints regarding the above-mentioned property. Upon inspection it has been determined that the nuisance does exist. As the property owner you are responsible for any violations that occur on your property.

8.04.070 B specifically states:

Debris on private property. All accumulations of debris, rubbish, garbage, manure and other refuse located on private property, and which has not been removed within a reasonable time and which affects the health, safety or welfare of the city.

Additionally, 8.24.010 specifically states:

*It shall be unlawful to park, store or leave or permit the parking, storing or leaving of any licensed or unlicensed motor vehicle of any kind for a period of time in excess of seventy-two hours, which is in a rusted, wrecked, junked or partially dismantled or inoperative or abandoned condition, whether attended or not, upon any private property within the city, unless the same is **completely enclosed within a building** or unless it is in connection with a business enterprise properly operated in the appropriate business zone, pursuant to the zoning laws of the city.*

Additionally, under the City Zoning Ordinance 18.76.090 specifically state:

*Vehicle parking and storage, states, "**Automotive vehicles of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed building.**"*

In accordance with Code Section 8.04.070, 8.24.010 and city zoning ordinance 18.76.090 you are directed to remove the nuisances by October 20, 2022. If these nuisances are not removed, within the given time, the City may pursue all legal remedies including a fine not to exceed three hundred dollars per day.

If you feel that a nuisance does not exist, you have the right to request a hearing before the City Council. If you wish to request a hearing, you must deliver a written notice of request for hearing within ten days from the date of this notice to abate.

Respectfully yours,

Dawn Bennett
City Administrator

City of Canyonville

Pioneers of the Past

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Respectfully yours,

Dawn Bennett
City Administrator

ADMINISTRATIVE REPORT
NOVEMBER 21, 2022

COMPLAINTS:

The gentleman that has the junkyard behind B&B Antiques came into City Hall to talk with me. He asked to have an extension till December 1, 2022, in order to get all his things moved to his new location. If he is not able to get everything moved by then he will get in touch with me so I can evaluate the situation.

A letter has been sent to Steve Royle regarding his property at 310 B Street. It just continues to grow and looks like a junk yard that they have now covered with a great big tarp. I have given him until December 28, 2022, to come into compliance.

WATER:

John Raines, water operator, has informed me that his last day will be November 25, 2022. He is going to work for Myrtle Creek. I have the job opening advertised for a water operator or water operator trainee and received three applications. We interviewed all the applicants and hired Dana Fairweather from Canyonville.

The pad is being poured at the hill drive pump station generator and they are working on the electrical setup for connecting the generator to power.

Street:

The tree on 2nd street has been removed. It did not take them very long to get the tree down. No more danger.

Park:

Bathrooms are closed for the winter. They will be opened again in the spring. We conducted interviews for the park utility worker and hired Chris Panner from Riddle.

Planning:

Janelle has been very busy with inquiries about the property on 4th street by the freeway. Several of the neighbors near CCA facility came into the office in a panic because people were starting to arrive, and they were questioning the parking.

Office:

I have been working with Janelle to update the employee handbook. I emailed the updated handbook to CIS pre-loss representative to review. I had a meeting with the CIS risk management consultant to review the City's risk management plan. There are a few new requirements that the insurance company has asked the City to put into place.

Respectfully submitted,

Dawn Bennett
City Administrator Interim



