

**CANYONVILLE CITY COUNCIL MEETING
REGULAR SESSION 7:00 P.M.
MONDAY SEPTEMBER 18, 2023
COUNCIL CHAMBERS**

AGENDA 6PUBLIC NOTICE

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE:

II. ROLL CALL

III. AGENDA REVIEW AND ADDITIONS:

IV. CONSENT CALENDAR:

1. Minutes for Regular Meeting on August 21, 2023

V. REPORTS

1. Sheriff's Office
2. City Administrator
3. Mayor's Report
4. Main Street Report

VI. PUBLIC HEARING:

1. **Open the Public Hearing.**

Consider the proposed Ordinance Amendment to the Zoning Ordinance for Off Street Parking, Zoning Violation, and Fence Regulations

******Close the Public Hearing.**

2. **Open the Public Hearing.**

Consider the proposed Ordinance No. 662 of the Canyonville Municipal Code Amending Chapter 8.24 Wrecked or Abandoned Vehicles. (Ordinance is attached)

******Close the Public Hearing.**

VII. UNFINISHED COUNCIL BUSINESS:

1. Canyonville Library - City Hall Renovation Project 2023-2024
2. Update on Public Improvement Projects.
3. Current abatements

VIII. NEW COUNCIL BUSINESS:

1. Water Rate increase update
2. Janitorial Request for Quote packet review

The City of Canyonville does not discriminate against individuals with disabilities. Assistance is available upon request at least 48 hours prior to the scheduled meeting time. Please contact the City Administrator (541) 839-4258 if accommodation is needed.

I certify that a copy of this Notice was posted
at City Hall, Rays Market and Post Office on
September 13, 2023



Dawn Bennett, City Administrator

CITY OF CANYONVILLE

ORDINANCE NO. 662

AN ORDINANCE AMENDING CHAPTER 8.24 OF THE CANYONVILLE MUNICIPAL CODE

WHEREAS, the procedures for abatement of violations of City of Canyonville Municipal Code ("Municipal Code") Chapter 8.24, Wrecked or Abandoned Vehicles, and Municipal Code Chapter 8.04, Nuisances, differ. Municipal Code Chapter 8.24 permits, upon deliverance of a notice to abate a violation, the City Council to hold a hearing to determine whether a nuisance exists whereas Municipal Code Chapter 8.04, upon deliverance of a notice to abate a violation, permits a hearing by the City Council to determine whether a nuisance exists only upon the notice recipient's request; and

WHEREAS, Municipal Code Chapter 8.04.150(D), Assessment of Cost, states that the interest rate on liens placed on property pursuant to Municipal Code Chapter 8.04 shall be six percent while Municipal Code Chapter 8.24.070(D) states that the interest rate on liens placed on property pursuant to Municipal Code Chapter 8.24 shall be at the rate equal to the Oregon A 10-year Bond rate plus two percent; and

WHEREAS, the City Council has reviewed the nuisance abatement procedure and lien interest rate in Municipal Code Chapter 8.04 and has concluded that the nuisance abatement procedure and lien interest rate is/are clear, provides property owners adequate due process, and represents best practices; and

WHEREAS, the City wishes to amend its nuisance abatement procedures and lien interest rate in Municipal Code Chapter 8.24 to conform with the nuisance abatement procedures and lien interest rate in Municipal Code Chapter 8.04 so that the procedures and lien interest rate in Municipal Code Chapter 8.24 are similarly clear, provide due process to property owners, represent best practices, and are consistent.

NOW, THEREFORE, THE CITY OF CANYONVILLE, OREGON, ORDAINS AS FOLLOWS:

SECTION 1. Findings. The findings in the above recitals are adopted in support of this code amendment.

SECTION 2. Amendment. Chapter 8.24 of the Canyonville Municipal Code shall be amended as shown in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by this reference.

SECTION 3. Continued Effect. All unamended provisions of the City of Canyonville Municipal Code shall remain unchanged and in full force and effect.

SECTION 4. Severability. The sections, subsections, paragraphs, and clauses of this ordinance and the attached Code provisions are severable. The invalidity of one section,

subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

SECTION 5. Codification. Provisions of this Ordinance shall be incorporated into the City of Canyonville Municipal Code, and the words “ordinance” or “section” may be changed to “code,” “article,” “chapter,” “division,” or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however that any recital clause and boilerplate provisions of this Ordinance need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 6. Effective Date. This Ordinance will go into full force and effect on the 30th day after City Council enactment.

Signed by the Mayor on this **21st** day of **August 2023**.

Christine Morgan, Mayor

ATTEST:

Dawn Bennett, City Administrator/Recorder

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EXHIBIT A

Chapter 8.24 WRECKED OR ABANDONED VEHICLES..... 1

 8.24.010 Storage regulations. 1

 8.24.020 Nuisance removal..... 1

 8.24.030 Duties of city officials.**Error! Bookmark not defined.**

 8.24.040 Hearing by council—Notice to owner. 2

 8.24.050 Order to abate nuisance..... 2

 8.24.060 Abatement by city..... 2

 8.24.070 Assessment of cost. 3

 8.24.080 Violation—Penalty. 3

 8.24.090 Separate violations..... 4

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)

8.24.30 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,

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

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

8.24.040 Abatement by owner.

- A. Within fifteen days after the 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. Enforcement of the nuisance shall be held in abeyance until a determination is made at the hearing.
- 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. 547 § 3, 1998: Ord. 362 § 4, 1982)

8.24.050 RESERVED.

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

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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 thereof, pay 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.

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(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)