

APPENDIX K

Defining Certain Un-Enumerated Nuisances

Dunes City
IN THE STATE OF OREGON FOR THE COUNTY OF LANE

Resolution No. 6-16-94 Defining Certain Un-Enumerated Nuisances
Re: Dunes City Rights-of-Way

WHEREAS, it has come to the attention of the City Council that from time to time individual/s inadvertently or intentionally erect human constructed items upon, store materials upon, or otherwise trespass into or block public access to and upon public rights-of-ways within the City of Dunes City, and

WHEREAS, Ordinance 108 (nuisance abatement ordinance) provides for enforcement of un-enumerated nuisances including “acts that are determined by the City Council to be injurious or detrimental to public health, safety or welfare of the City”, and

WHEREAS, the City began a program in January, 1993 requiring citizens of Dunes City to obtain permits to erect any human made improvements or to maintain the same upon the public rights-of-way, and

WHEREAS, without a declaration that a failure to obtain the requisite permit and/or failure, after obtaining a permit to withdraw said improvement upon demand by the City, constitutes a public nuisance, it becomes more difficult and/or expensive to enforce the City’s and public’s right to utilize the public rights-of-way within the City,

THEREFORE BE IT RESOLVED that the following are declared to be public nuisances detrimental to the public safety and welfare:

1. Placing upon any public right-of-way debris, materials, refuse, buildings, structures, or other human constructed improvements.
2. Failing to apply for a right-of-way permit as is required by the City’s policy as established by the city council’s adoption of councilor Miller’s motion at the January 4, 1993 meeting.
3. Failing to remove said permitted, or non-permitted, trespass upon the public right-of-way upon demand by the City, and/or
4. Committing any act upon a public right-of-way prohibited by City code or state statute.

IT IS SO RESOLVED this 16th day of June 1994. Four Ayes, 0 Nays, 0 Abstains, and 3 Absent.