

## **Chapter 13.36. NUISANCES AND ABATEMENT**

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### **13.36.010. Creation of Nuisance.**

Except as otherwise authorized under DCC 13.36, no person shall create or maintain a nuisance on private property. Such nuisances are declared to be public nuisances which may be abated as provided under DCC 15.04.070 or by instituting court proceedings.

(Ord. 95-002, §1, 1995; Ord. 85-037 §12.01(1), 1985)

### **13.36.012. Definition-Nuisance.**

A. "Nuisance" includes:

1. All open holes, wells, cisterns, cesspools, or unsanitary septic tanks, foundations or nonoperating refrigerators, freezers, or iceboxes with attached doors;
2. Solid waste; as defined under DCC 13.12.205;
3. Those definitions of nuisance pursuant to DCC 12.35.100, 15.04.170, and 18.144.040; or
4. Land that as a result of grading operations, excavation or fill causes erosion, subsidence or surface water drainage problems of such magnitude as to be injurious or potentially injurious to adjacent properties or to the public health, safety and welfare.

B. Generally accepted, reasonable and prudent farming and forest practices as described in ORS 30.930 to 30.937 and DCC 9.12 do not constitute nuisances under DCC 13.36.012.

(Ord. 95-024 §13, 1995; Ord. 95-002 §4, 1995)

### **13.36.020. Disposal Site-Board Approval- Nuisances.**

Except as provided in DCC 13.16.020 and in the definition of "disposal site" in DCC 13.12.040, no person shall use or permit to be used any land within the County as a public or private disposal site without approval of the Board. The disposal of waste or solid waste in or upon such land is declared to be a public nuisance which may be abated as provided in DCC 13.36.050.

(Ord. 85-037 §12.01(2), 1985)

### **13.36.030. Unauthorized Disposal Prohibited.**

No person shall dispose of solid waste on or in any property or premises subject to DCC 13 of which such person is not the owner, occupant or person entitled to possession, or which is not a disposal site approved by the Board.

(Ord. 85-037 §12.04, 1985)

### **13.36.040. Transportation of Solid Waste.**

A. No person shall transport waste or solid waste in or on a motor vehicle or trailer upon a public road unless such waste or solid waste is covered and secured.

B. "Covered and Secured" includes:

1. Loads which are totally contained within an enclosed vehicle or container;
2. Loads of refuse contained in garbage cans with tightly fitting lids, tied plastic refuse disposal bags or similar totally enclosed individual containers and are completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling;
3. Loads of refuse which are covered, as with a cloth or plastic tarp, and tied into the hauling vehicle, such that no refuse can reasonably be expected to escape during hauling;
4. Loads of brush, building materials and similar bulky materials which are tied into the hauling vehicle or completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling; or
5. Loads consisting entirely of rock, concrete, asphalt paving, stumps and similar materials and are completely contained within the walls of a vehicle or container, such that none can reasonable be expected to escape during hauling.

(Ord. 2001-030 §2, 2001; Ord. 85-037 §12.05, 1985)

**13.36.045. Transportation of Dirt, Aggregate, Demolition Materials, Solid Waste and Waste on County Property.**

No person shall transport dirt, aggregate, solid waste or waste in or upon a motor vehicle or trailer upon property owned by Deschutes County unless such dirt, aggregate, solid waste or waste is:

- A. Covered on the sides, top and bottom with a cover secured to the vehicle or trailer; or
- B. Is contained within a vehicle or trailer in such a way that the dirt, aggregate, solid waste or waste will not shift, leak or otherwise escape therefrom.

(Ord. 90-008 §1, 1990)

**13.36.050. Abatement of Nuisances.**

- A. Except as otherwise authorized under Deschutes County Code, the condition of a building or land which has been determined to constitute a nuisance is in violation of this code, and may be abated by repair, rehabilitation, demolition or removal in accordance with the procedures provided under DCC 15.04.070 (Abatement of Dangerous Buildings).
- B. Nothing in DCC 13.36 shall be deemed to limit or otherwise modify the ability of the Board and/or any person who has suffered special damage from the nuisance, to abate nuisances through alternative remedies as provided for under the law.

(Ord. 95-002 §2, 1995; Ord. 88-002 §1, 1988; Ord. 85-037 §12.02, 1985)