

City of St. Helens
RESOLUTION NO. 1852

A RESOLUTION DETERMINING THAT AN UNSAFE STRUCTURE EXISTS UPON
PROPERTY LOCATED AT 334 N 7TH STREET WITHIN THE CITY OF ST. HELENS
AND DIRECTING THAT NOTICE TO ABATE THE NUISANCE BE POSTED ON SAID
PREMISES

WHEREAS, St. Helens Municipal Code (SHMC) Section 8.14.040(1) provides that "When a structure or equipment is found by an enforcement official to be unsafe, unfit for human occupancy, or otherwise unlawful, such structure or equipment is in violation of this chapter and a nuisance which shall be abated as set forth in SHMC 8.12.220 through 8.12.290, SHMC Chapter 15.20, or such other methods of code compliance or nuisance abatement as are provided by law or the code;" and

WHEREAS, St. Helens Municipal Code (SHMC) Section 8.12.100(2) Scattering rubbish and debris provides that "No such materials shall be placed, piled, or deposited so as to cause an unsightly appearance or condition, nor shall any such materials be placed, piled or deposited so as to provide a harboring for rats, mice or other rodents"; and

WHEREAS, St. Helens Municipal Code (SHMC) Section 8.12.150(2) provides that the "Keeping of Junk Prohibited. It is hereby determined and declared that the keeping of or allowing of junk to be on or remain out of doors on any public or private premises within the city, unless the same is completely enclosed within a building, is a nuisance and is unlawful"; and

WHEREAS, the property located at 334 N 7th STREET, St. Helens, Oregon were determined by the Building Official to be in violation of one or more provisions of Chapter 8 of the St. Helens Municipal Code and therefore a nuisance pursuant to the ordinance.

NOW, THEREFORE, THE CITY OF ST. HELENS RESOLVES AS FOLLOWS:

Section 1. The structures at 334 N 7th Street, St. Helens, Oregon constitute a nuisance under SHMC Chapter 8.14.040(4), due to the lack of potable water creating an insanitary condition for the occupants and the public. The structure was previously posted to as uninhabitable but that posting has not resolved the problem of persons occupying the premises without legal, potable water. Council hereby directs that the premises located at 334 N 7th be vacated until such time that legal, potable water service is restored.

Section 2. The property located at 334 N 7th Street, St. Helens, Oregon constitute a nuisance under SHMC Chapter 8.12.100 and 8.12.150, based on the photograph of the premises, attached hereto and incorporated by reference, and information from the Building Official. Council finds that the photograph shows scattering of rubbish and keeping of junk as defined in 8.12.150. The structures were previously posted to abate the nuisance but that posting has not resolved the problem.

Section 3. Council hereby directs that the premises located at 334 N 7th be vacated until such time that legal, potable water service is restored. Any person(s) found occupying the building will be subject to a citation pursuant to SHMC 8.12.260. Additionally, Council hereby directs a notice to be posted at 334 N 7th Street, St. Helens, Oregon which contains: a description of the real property, by street address or otherwise; a direction to remove the rubbish and junk constituting a nuisance within 30 days of the date of the notice. Furthermore, unless a permanent abatement of the nuisance is performed within 30 days of this resolution, the City will permanently remove the nuisance and secure the property and that the costs shall be a lien against the property; and a statement that the person in

charge of the property may protest the action by giving notice to the City Recorder within ten (10) days from the date of the notice.

Section 4. The City Recorder shall cause a copy of said notice to be forwarded by registered or certified mail, postage prepaid, to the person in charge of the property at the last known address of such person. That notice shall contain all the elements listed in paragraph 2., supra, that is, the posting. If the person responsible for the nuisance is not the owner, an additional notice shall be sent to the owner, stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.

Approved and adopted by the City Council on June 5, 2019, by the following vote:

Ayes: Locke, Carlson, Topaz, Morten, Scholl

Nays: None



Rick Scholl, Mayor

ATTEST:



Kathy Payne, City Recorder

