

**City of St. Helens**  
**RESOLUTION NO. 1861**

**A RESOLUTION DETERMINING THAT A NUISANCE EXISTS UPON PROPERTY  
LOCATED AT 406 SOUTH 12<sup>TH</sup> 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 8.12.070(1)(a) provides that "No person in charge of any premises shall permit: (a) To remain unguarded upon said premises any machinery, automobile bodies or parts thereof, equipment, structures, buildings or other devices having the characteristic of an attractive nuisance or which is liable to attract children;" and

**WHEREAS**, SHMC Section 8.12.090(1) provides that "No person in charge of property shall permit upon such property, or upon the sidewalk, parking strip or sidewalk area abutting such property, or in adjacent streets or alleys, any noxious weed or growth, or any brush, ferns, shrubs, or grass that are, or constitute, a fire hazard, a menace to public health or safety, or are unsightly;" and

**WHEREAS**, SHMC Section 8.12.100(1) and (3) provides that "No person shall throw, dump or deposit upon any street, alley or other public place any injurious or offensive substance or any sort of rubbish, trash, debris, garbage or refuse or any substance which would mar the appearance, create a stench or detract from the cleanliness or safety of such public place, or would be likely to injure any animal, vehicle or person traveling upon such public way" and "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**, SHMC Section 8.12.150(2) provides that "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 406 South 12<sup>th</sup> Street, St. Helens, Oregon, has been determined by the Code Enforcement Officer to be in violation of one or more provisions of Chapter 8.12 of the St. Helens Municipal Code as described above and therefore a nuisance pursuant to the Code.

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

**Section 1.** The property located at 406 South 12<sup>th</sup> Street, St. Helens, Oregon, constitutes a nuisance under SHMC Chapter 8.12.070(1)(a), 8.12.090(1), 8.12.100(1) and (3), and 8.12.150(2), based on the photographs of the premises, attached hereto and incorporated herein by reference as Exhibit A, and information from the Code Enforcement Officer. Council finds that the photographs show automobile body parts, overgrown blackberry bushes and shrubbery, trash, rubbish, debris, evidence of rodents, and junk. Council hereby directs that the person(s) in charge of the premises located as 406 South 12<sup>th</sup> Street, shall, within 30 days after such Council determination, remove or abate such nuisance.

**Section 2.** Pursuant to SHMC 8.12.250(10), Council hereby delegates, "If within the time fixed, as provided in this chapter, the nuisance has not been abated by the person in charge of the property, the common Council shall cause the nuisance to be abated." Council further directs that this nuisance be permanently abated within 30 days from the date of this Resolution.

**Section 3.** Council hereby directs a notice to be posted on property located at 406 South 12<sup>th</sup> Street, St. Helens, Oregon, which contains: a description of the real property, by street address or otherwise; a direction to remove the nuisance within 30 days of the date of the notice; a description of the nuisance; a statement that unless such structures are immediately sufficiently secured to prevent access into them, the City will perform temporary nuisance abatement and secure said structures and that the costs shall be a lien against the property; 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 Section 3, 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 August 21, 2019, by the following vote:

Ayes: Locke, Carlson, Topaz, Morten, Scholl

Nays: None

  
Rick Scholl, Mayor

ATTEST:

  
Kathy Payne, City Recorder









