

common-law liability that it might otherwise incur to an injured party as a result of the city's negligent failure to abate a nuisance. If any property owner, lessee or occupant, by his or her failure or neglect to perform any duty required of him or her by the terms of this section, contributes in causing injury or damages, they shall reimburse the city for all damages or injury it has sustained or has been compelled to pay in such case, including but not limited to reasonable attorney fees for the defense of the same, and such payments as may be enforced in any court having jurisdiction.

**5.525 Summary Abatement.**

The procedure provided by sections 5.400 to 5.530 is not exclusive but is in addition to procedure provided by other ordinances, and the health officer, the chief of the fire department or chief of police may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

**5.527 Remedies Cumulative**

The remedies and procedures for nuisances provided in Sections 5.535 to 5.530 are in addition to all other remedies and procedures provided by law. Nothing in Sections 5.535 to 5.530 shall limit or restrict in any way the City's right to obtain a remedy by means of a civil infraction action, a criminal action, a civil lawsuit, or any other form of procedure to obtain a remedy.

[Section 5.527 added by Ordinance No. 1485, adopted April 17, 2002.]

**5.530 Separate Violations.**

(1) Each day's violation of a provision of sections 5.400 to 5.530 constitutes a

separate offense.

(2) The abatement of a nuisance is not a penalty for violating sections 5.400 to 5.530 but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.

**5.535 Judicial Review**

Judicial review of the decision of the Council declaring a nuisance shall be on the record by writ of review pursuant to ORS Chapter 34 and not otherwise.

[Section 5.535 added by Ordinance No. 1485, adopted April 17, 2002.]

**PARKS AND RECREATIONAL FACILITIES**

**5.550 Hours--Establishment.**

The parks director is delegated authority to establish hours of operation for all city parks and recreational facilities including boat ramps and boat landings. Hours of operation, when established, shall be posted for public view.

**5.555 Hours--Violation.**

Violation of parks and recreational facilities closing hours by any person shall constitute a class B infraction, punishable upon conviction by fine not to exceed \$250.

**5.560 Vehicles and Horses Prohibited in City Parks.**

It shall be unlawful for any person to operate a motor vehicle or to ride or lead a horse within the boundaries of the public parks of the city. This prohibition shall not apply to designated public streets or public parking areas.

**FIRE HAZARDS**

**5.600 Combustible Vegetation Pro-**

**hibited.** It is unlawful for the owner or occupant of any property or premises within the city to allow or permit any vegetation which has dried out to the extent of becoming readily combustible to remain on said property when such dry and combustible vegetation lies within one hundred feet of any building or structure.

**5.605 Vegetation Defined.**

Vegetation. As used in sections 5.600 to 5.615, means any growth which, when allowed to dry normally during the summer and fall dry season becomes combustible and thereby becomes a fire hazard. This shall include but not be limited to: grass, weeds, vines, brush, scrub trees, and landscape plantings, should they be allowed to go unattended to the point of becoming a fire hazard.

**5.610 Fire Chief Determination--Notice.**

Upon the determination of the fire chief that a fire hazard exists, and upon written notification to the owner and the occupant of the premises that such fire hazard does exist, it shall be required that the owner or occupant cut and remove all vegetation lying within 100 feet of any building or structure whether such building or structure lies on the property of the owner or occupant or on the property of another. Such vegetation shall be kept clean and free from said premises throughout the dry seasons of the year.

**5.615 Removal by City.** In the event that the owner or occupant of the premises fails or refuses to cut and remove such vegetation within five days of notification to do so, or in the event the owner or occupant cannot be located, the city may cause such clearing and removal of vegeta-

tion to be done and assess the cost thereof as a lien against the property.

**EXPLOSIVES**

**5.650 Purpose.**

It is the intention of the council that sections 5.650 to 5.725 shall supplement and shall be uniformly interpreted with the laws and regulations of the United States and the state, so far as possible, to avoid an undue burden on commerce.

**5.655 Definitions.**

As used in sections 5.650 to 5.725, except where the context clearly indicates a different meaning, the following words mean:

Explosives. Chemical compounds, mixtures, or devices, the primary or common purpose of which is to function by explosion with substantially instantaneous release of gas or heat, including but not limited to Class A and Class B explosives as classified by the Interstate Commerce Commission, nitrocar-bonitrates and fireworks as defined by ORS 480.110, but excluding dangerous articles such as flammable liquids, flammable solids, compressed flammable or nonflammable gases, oxidizing material, corrosive liquids, poisonous liquids or gases, radioactive materials, and small arms ammunition.

The Interstate Commerce Commission classifies explosives as follows:

(1) Class A: Explosives having detonating or otherwise maximum hazard such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder, blasting caps, and detonating primers.

(2) Class B: Explosives having flammable hazard, such as propellant explosives (including some smokeless pow-