

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) CHAPTER 9.04, MAINTENANCE OF PROPERTY, BY CREATING A NEW SECTION 9.04.045, ENTITLED UNSANITARY CONDITIONS.

WHEREAS, the City of Albany is creating AMC Section 9.04.045, Unsanitary Conditions, to improve the livability of the community and to promote safe neighborhoods; and

WHEREAS, unsanitary conditions occur in dwellings that do not have permanent and potable running water from a domestic water supply; and

WHEREAS, it is in the public's best interest to include this Section in AMC Chapter 9.04 Maintenance of Property.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Amending AMC Chapter Title 9, Health and Sanitation.  
AMC Chapter 9.04 is hereby amended as follows:

**9.04.010 Maintenance required Responsibility.**

Any person who is the owner or in control of, or the agent for, any lot, parcel of land or premises in the City shall be required to maintain such premises in a fashion conducive to good sanitation such that no menace to the public health or well-being shall be created nor made likely to be created by any conditions which may exist or come to exist upon such premises. (Ord. 4129 § 1, 1978).

**9.04.020 Extent of menace – Appeal.**

- (1) The Health Officer as designated by the City Council and/or the Public Works Director shall be empowered to determine the extent to which any particular situation is a menace to the public health or well-being, and shall be further authorized to determine the appropriate measures to be taken and the time allowed for the removal of such menace, and the person who is the owner of, or the agent for the affected property, shall be required to take the prescribed measures in the time allowed.
- (2) Should the ruling of the Public Works Director and/or Health Officer appear to be overly harsh or unjust, the affected party may appeal to the City Council in writing and within seven days from the ruling by the Public Works Director and/or Health Officer. At the first regular meeting following receipt of said appeal, the Mayor shall appoint a committee of at least three disinterested persons, including at least one doctor of medicine who shall investigate the particular situation and ruling and make recommendations concerning the same. The Public Works Director and/or Health Officer shall then be bound to comply with such recommendations. (Ord. 4129 § 2, 1978).

**9.04.030 Definitions.**

For the purposes of this chapter, the following words, phrases, abbreviations, terms and their derivatives shall be construed as specified in this section. Words used in the singular shall include the plural and the plural the singular.

- (1) "Domestic water supply" means any water supply system which serves potable water including wells.
- (2) "Potable water" means water which is sufficiently free from biological, chemical, physical or radiological impurities so that users thereof will not be exposed to or threatened with exposure to disease or harmful physiological effects and which has such other physical properties as to be palatable to humans for drinking purposes.

- (3) "Privy" means a detached building used by humans for the purposes of defecation or urination and lacking a means of automatic discharge of the matter deposited; pit toilet. This definition shall not include properly serviced and maintained chemical toilets used on a temporary basis at construction sites or to service periodic or irregularly scheduled short term activities. Such temporary use shall not exceed 90 days without approval of the Director of Public Works. (Ord. 5026 § 1, 1993; Ord. 4129 § 3, 1978).

#### **9.04.040 Minimum requirements.**

Minimum requirements for good sanitation shall include at least the following:

- (1) No privy, water closet or plumbing connected indirectly to a domestic water supply not connected to a sanitary sewer of the City shall be constructed, maintained or used. Exceptions to this requirement for the connection to a sanitary sewer shall be allowed only by consent of the City Council which shall be done in the form of the City waste nonconnection permit. Application for a City waste nonconnection permit shall be made to the City Council setting forth a description of the property involved with reasons that a sewage nonconnection permit should be granted. Sewage nonconnection permits shall be issued for a period not to exceed one year and will expire one year from date of issue. Requests for renewal of sewage nonconnection permits will be made in the same manner as an application for an original sewage waste nonconnection permit.
- (2) No human excreta, kitchen wastes, laundry water, sink water or toilet wastes should be allowed to discharge or flow upon the surface of the ground or into any ditch, gutter, street, roadway or public place, nor shall such wastes discharge onto any private property so as to create a nuisance or health hazard.
- (4) No abandoned or deep well shall be used for the disposal of sewage or household or industrial wastes. No privy vault, cesspool or septic tank, allowed under a City waste nonconnection permit shall be used unless the same is watertight and shall be located in any water-bearing stratum, nor shall any privy vault, cesspool or septic tank be located so that the same may pollute any domestic water supply. (Ord. 4129 § 4, 1978).

#### **9.04.045 Unsanitary Conditions**

It shall be *prima facie* evidence that unsanitary conditions exist in a dwelling which does not have permanent and potable running water from a domestic water supply for a period of 14 days or more.

#### **9.04.050 Failure to comply with regulations.**

Failure to comply with the rules and regulations governing sanitation issued by the Oregon State Board of Health shall be *prima facie* evidence of violation of this chapter. (Ord. 4129 § 5, 1978).

#### **9.04.055 Human waste.\***

No person shall deposit or discharge any human waste on public property upon any street, alley, public grounds, building, or place open and available to the general public. (Ord. 5820 § 1, 2013).

\*Code reviser's note: Ordinance 5820 adds the provisions of this section as Section 9.04.050. The section has been editorially renumbered to prevent duplication of numbering.

**9.04.060 Penalty for violation.**

Any person violating any of the provisions of Section 9.04.010 or failing to meet the minimum requirements in Section 9.04.040 or failing to comply with the provisions of Section 9.04.045 or 9.04.050 shall be deemed guilty of a misdemeanor and shall be subjected to those penalties provided in Section 1.04.010 of this code. (Ord. 4129 § 6, 1978).

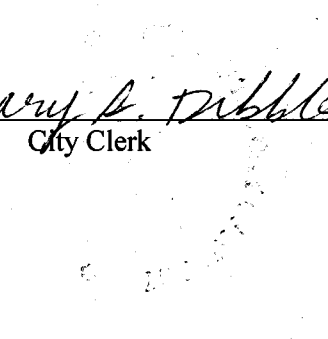
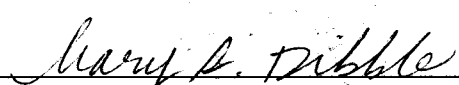
Passed by Council: Nov 9, 2016

Approved by Mayor: Nov 9, 2016

Effective Date: Dec 9, 2016

  
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Mayor

ATTEST:

  
  
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City Clerk