

Chapter 8.10

PUBLIC NUISANCES

Sections:

- 8.10.010 Definitions.**
- 8.10.100 Declaration of public nuisance.**
- 8.10.110 Alleys.**
- 8.10.120 Animals and animal excrement.**
- 8.10.130 Animals in residential zones.**
- 8.10.140 Attractive nuisances.**
- 8.10.150 Bees.**
- 8.10.160 Burning.**
- 8.10.170 Commercial notices and advertisements.**
- 8.10.180 Construction dust and debris.**
- 8.10.190 Debris, junk and garbage.**
- 8.10.200 Excavations and open pits.**
- 8.10.210 Fences.**
- 8.10.220 Graffiti.**
- 8.10.230 Hazardous and noxious vegetation.**
- 8.10.240 Human waste.**
- 8.10.250 Motor vehicles.**
- 8.10.260 Noise.**
- 8.10.270 Public health.**
- 8.10.280 Radio and television interference.**
- 8.10.290 Rats.**
- 8.10.300 Sidewalks.**
- 8.10.305 Storage.**
- 8.10.310 Trash, recycling and yard debris containers.**
- 8.10.320 Trees.**
- 8.10.490 Other public nuisances.**

8.10.010 Definitions.

As used in this chapter:

“Abate” means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such manner and to such an extent as the compliance officer in their judgment determines is necessary in the interest of the public health, welfare and safety.

“Compliance officer” means any person designated by the city manager or designee as having responsibility for enforcing the civil provisions of the McMinnville Municipal Code.

“Person” means a natural person, firm, partnership, association or corporation.

“Person in charge of a premises” means an owner, agent, occupant, guest, tenant, lessee, contract purchaser, contractor, employee, squatter, or any other person having possession or control of a premises, or supervision over a construction project on a premises.

“Person responsible” means the person responsible for permitting, allowing, or causing to exist any public nuisance prohibited by the provisions of this chapter.

“Premises” means any publicly or privately owned building, lot, parcel, real estate, land or portion of land, whether improved or unimproved.

“Public way” means any portion of an alley, street, roadway, highway, or public right-of-way located within the city of McMinnville, and includes all public parking lots owned or operated by any government agency. For the purposes of this chapter, “public way” includes private roads and driveways that serve two or more lots or parcels under separate ownership. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.100 Declaration of public nuisance.

- A. It is unlawful and a public nuisance within the city of McMinnville for any person in charge of a premises to permit, allow or cause to exist any substance, condition or act on the premises that is injurious or detrimental to the public health, welfare or safety.
- B. It is unlawful and a public nuisance within the city of McMinnville for any person to cause to exist any substance, condition or act on a public way or on a premises that is not under the person’s possession or control that is injurious or detrimental to the public health, welfare or safety.
- C. The substances, conditions and acts specifically enumerated and defined in Sections [8.10.100](#) through [8.10.490](#) are declared public nuisances and may be abated by any of the procedures set forth in this chapter.
- D. In case of conflicting code citations in the McMinnville Municipal Code relative to public nuisances, this chapter of the McMinnville Municipal Code will prevail.
- E. Whenever a compliance officer determines that a public nuisance exists upon any premises or public way, the officer may require or provide for the corrective action of the public nuisance pursuant to this title and collect full costs of the corrective action from the responsible person or make the costs of corrective action a lien upon the premises.

F. The corrective action procedures in Chapter [2.50](#) are nonexclusive remedies for all public nuisances. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.110 Alleys.

A. A person in charge of a premises that abuts an alley must not permit, allow or cause to exist any substance, condition or act in the area between the property line of the premises and the centerline of the alley which serves as an impediment to travel through the alley.

B. For the purposes of this section, “impediment” includes but is not limited to the following substances, conditions or acts:

1. Any material including, but not limited to, debris, motor vehicles, waste products or firewood;
2. Weeds, grasses or other vegetation more than 10 inches high.

C. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.120 Animals and animal excrement.

A. It is prohibited for any person to permit, allow or cause any animal owned by, or under the care of, the person to run at large in the city.

B. It is prohibited for any person to permit, allow or cause excrement from an animal owned by, or under the care of, the person to remain on any public way or premises not owned by the person. A person must remove all excrement from an animal under their ownership or control from the public way premises within a reasonable period of time.

C. A person in charge of a premises must not permit, allow or cause to exist any accumulation of animal excrement on the premises that is:

1. Injurious or detrimental to the public health, welfare or safety; or
2. Not removed from the premises within a reasonable time.

D. The prohibition described in this section does not apply to animal excrement from livestock that:

1. Is accumulated for farm or agricultural purposes;
2. Does not produce odors on adjacent properties; and
3. Is not otherwise a danger to public health, welfare or safety.

E. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.130 Animals in residential zones.

A. A person in charge of a residential premises must not permit, allow or cause to be kept any exotic, dangerous or wild animals not commonly considered as pets or commonly raised for food or agricultural purposes, which threatens the public health, welfare or safety, as determined by either the Yamhill County animal control officer or the city manager or their designees.

B. A person in charge of a residential premises must not permit, allow or cause to be kept any animals at their residence except for the following:

1. Domestic dogs;
2. Domestic cats;
3. Gerbils, hamsters, rats or similar rodents kept in cages;
4. Noncarnivorous fish kept in tanks and ponds;
5. Nonvenomous reptiles;
6. Domestic rabbits, consistent with the requirements of subsection [D](#) of this section; provided, that rabbits must not be kept for commercial purposes or for food production;
7. Vietnamese potbellied pigs (one per residence);
8. Domestic fowl or birds for noncommercial purposes, excluding roosters and peacocks, consistent with the requirements of subsection [D](#) of this section;
9. Livestock, consistent with the requirements of subsection [D](#) of this section.

C. A person in charge of a residential premises must not permit, allow or cause to be kept four or more dogs over six months of age or older for commercial reasons such as breeding, buying, selling or boarding.

D. A person in charge of a residential premises must not permit, allow or cause to be kept on the premises:

1. More than one horse or cow over six months of age for each half acre (21,780 square feet) over the minimum lot size for the premises.
2. More than two sheep or goats (or similar size livestock) over six months of age for each half acre (21,780 square feet) over the minimum lot size.
3. Any fowl or rabbits on a lot with an area less than 5,000 square feet.

4. More than two rabbits or fowl (excluding roosters and peacocks) on a lot with an area less than 5,000 square feet; provided, that one additional rabbit or fowl is allowed per additional 1,000 square feet of lot area.

5. Any enclosure or pen for animals:

- a. In the front yard of the premises;
- b. Within 70 feet to a front property line;
- c. Within 15 feet to a side property line; or
- d. Within 10 feet to a rear property line.

E. A person in charge of a residential premises must not permit, allow or cause the cremation or slaughtering of animals on the premises.

F. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 6 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.140 Attractive nuisances.

A. A person in charge of a premises must not permit, allow or cause to exist any attractive nuisance that could cause injury or death to children playing on the premises.

B. For the purposes of this section, “attractive nuisance” includes but is not limited to the following substances, conditions or acts:

1. Unguarded machinery, equipment or other devices attractive, dangerous and accessible to children.
2. Lumber, logs or piling placed or stored in a manner as to be attractive, dangerous and accessible to children, except for materials that are stored in conjunction with authorized construction projects that have employed reasonable safeguards to prevent injury or death to playing children.
3. Vacant or unoccupied buildings or structures that are open, unlocked, or otherwise accessible.
4. Containers accessible to children with a capacity of more than one cubic foot and a door or lid that locks or fastens when closed and that cannot be easily opened from the inside, unless said containers are securely locked shut.

C. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 6 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.150 Bees.

- A. A person in charge of a premises may maintain or keep not more than three bee hives and/or colonies per 9,000 square feet (rounded down) of contiguous land (lot or parcel) comprising the premises, if the activity otherwise complies with the provisions of this section. It is declared a public nuisance for any person to keep a bee hive or colony in a manner that does not comply with the requirements of this section.
- B. A person must not keep or maintain any bee hives or colonies on any premises comprised of less than 9,000 square feet of contiguous land.
- C. A person in charge of a premises may keep or maintain bee hives or colonies on the ground of the premises in any location that is either:
1. Not less than 30 feet from a public way or other premises; or
 2. Not less than 15 feet from a public way or neighboring premises when there exists a fence, hedge, or structure at the property line that:
 - a. Is not less than six feet in height;
 - b. Is located immediately adjacent to the hive or colony; and
 - c. Is effective at forcing bees from the bee hive or colony to raise their flight path over the neighboring public way or premises.
- D. A person in charge of a premises may maintain or keep bee hives or colonies on premises in any location that is elevated to a height of not less than eight feet and is located not less than 15 feet from a public way or neighboring premises.
- E. A person in charge of a premises must not permit, allow or cause to exist any unused bee equipment on the premises that is accessible to bees.
- F. A person in charge of a premises must not permit, allow or cause to exist any bee hive or colony on a vehicle that is parked on the premises to be located less than 30 feet from a public way or other premises.
- G. It is prohibited for any person that is transporting bee hives or colonies through the city with a motor vehicle during daylight hours to park the motor vehicle or leave the motor vehicle unattended on a public way or on any premises open to public use.
- H. A person in charge of a premises must not permit, allow or cause to exist bee hives or colonies on the premises after they have been notified that a person who resides within 300 feet from the hive or colony has a medically certified allergy to the sting of bees. An individual that is allergic to bee stings may request the enforcement of this provision by:
1. Filing a medical certificate with the code compliance officer attesting to their allergy; and

2. Providing information to the code compliance officer concerning the location of the bee hive or colony and its distance from their property.

I. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.160 Burning.

A. A person in charge of a premises must not permit, allow or cause to exist:

1. An outdoor fire, bonfire, rubbish fire, burn barrel fire, or garbage fire on the premises.
2. A fire for the purpose of burning grass, hay, straw, tree parts or trimmings on the premises.
3. A fire for land clearing operations or for commercial burning.
4. Any other type of open burning, except as allowed in this section.

B. The prohibition described in subsection [A](#) of this section does not apply to the following situations:

1. Burning of yard debris between March 1 and June 15, and between October 1 and December 1, or other time period designated by the fire chief or designee, when the burning is conducted on a day that is designated by the department of environmental quality as an approved burn day.
2. Outdoor recreation fires conducted in accordance with the provisions of the Oregon Fire Code and McMinnville City Code.
3. Fires set and maintained for firefighting training or training fire protection personnel.
4. Fire requested by law enforcement personnel for the destruction of evidence when the evidence is no longer needed for law enforcement purposes.
5. Fire used to remove a fire hazard, when authorized by a permit issued by the fire chief or designee.
6. Ceremonial fires, when authorized by a permit issued by the fire chief or designee.

C. A person in charge of a premises must not permit, allow or cause to exist any burning on the premises that:

1. Causes smoke emissions to leave the premises to the injury or detriment of persons and property surrounding the premises;
2. Is determined to be hazardous by the fire chief or designee; or
3. Is determined to be detrimental to the public health by the city manager or designee.

D. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 4 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.170 Commercial notices and advertisements.

A. It is prohibited for any person to place or cause to be placed any advertising paper, handbill, circular, poster or any other form of commercial advertising on any premises without permission from a person in charge of the premises.

B. It is prohibited for any person to place or cause to be placed any advertising paper, handbill, circular, poster or any other form of commercial advertising on any motor vehicle standing or parked in any public way in the city without permission from the owner or occupant of the motor vehicle.

C. The prohibitions described in subsections [A](#) and [B](#) of this section do not apply to:

1. The distribution or delivery of any newspaper of general circulation;
2. The delivery of any such commercial advertising material through the United States Postal Service or a commercial postal carrier;
3. The delivery of commercial advertising material enclosed within a personally addressed envelope on the porch or stoop of any occupied residence.

D. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 6 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.180 Construction dust and debris.

A. A person in charge of a premises that is being developed for construction or where construction is in progress must not permit, allow or cause to exist any construction debris of any kind to blow, spread, or otherwise disseminate from the premises onto nearby properties or public ways.

B. For the purposes of this section, "construction debris" includes, but is not limited to, lumber, roofing materials, cans, glass, bottles, garbage, trash, and any other materials brought onto the property or created by or through construction, remodeling or demolition activities.

C. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.190 Debris, junk and garbage.

A. A person in charge of a premises must not permit, allow or cause to exist any accumulation of debris, junk, or garbage on the premises that is:

1. Injurious or detrimental to the public health, welfare or safety; or
2. Not removed from the premises within a reasonable time.

B. A person in charge of a premises must not permit, allow or cause to exist any accumulation of debris, junk, or garbage on the premises that constitutes a fire hazard, as determined by the fire chief or designee.

C. The prohibitions described in subsections [A](#) of this section do not apply to:

1. Yard cuttings, other than grass clippings, that are accumulated to be burned during the first available open burning season and that meet the size and location requirements of the fire code.
2. Yard cuttings and other organic material that are accumulated for composting, if the material:
 - a. Is not visible from a street or sidewalk;
 - b. Is maintained in a manner that does not attract vermin; and
 - c. Does not produce an offensive odor.
3. Garbage or recycling material that is accumulated in order to be hauled by a licensed solid waste hauler or to be taken by the person to a landfill, if the garbage:
 - a. Is secured within a covered or sealed container that is kept clean and in good repair; and
 - b. Is removed within 14 days.
4. Debris or junk that is kept in a building that is wholly or entirely enclosed except for doors used for ingress or egress.
5. Debris or junk that is stored in a back yard of a residential property if the debris or junk:
 - a. Is screened by a sight-obscuring fence so that it is not visible from adjoining properties, streets and public rights-of-way; and
 - b. The debris or junk is maintained in a manner that does not attract vermin, produce an offensive odor, or otherwise become a danger to public health or safety.
6. Debris or junk that is kept in a licensed and/or permitted junkyard or automobile wrecking house, in compliance with the terms of the license and/or permit.

D. As used in this section, “junk” means any machinery, machinery part, appliance or appliance part, iron or other metal, glass, paper, lumber, wood, or other waste or discarded material.

E. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.200 Excavations and open pits.

A. A person in charge of a premises must not permit, allow or cause to exist a well, cistern, pit, quarry, excavation, or other hole of a depth of three feet or more with a top width of 12 inches or more on the premises, unless:

1. It is fenced or securely covered; or
2. The excavation is part of an authorized construction project and during the course of construction reasonable safeguards are maintained to prevent injury.

B. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.210 Fences.

A. A person in charge of a premises must not permit, allow or cause to exist:

1. A fence located in a required front yard of the premises that exceeds three feet in height, as measured from grade, unless the fence either:
 - a. Conforms to the front yard setback requirements set forth in Title [17](#) of this code; or
 - b. Is set back to the front building line of the existing building.
2. A fence located in a required exterior side yard of a corner lot premises that exceeds three feet in height, as measured from grade, unless the fence:
 - a. Would allow adequate vision clearance for vehicles travelling on all public ways adjacent to the premises;
 - b. Is not more than six feet in height, as measured from grade; and
 - c. The planning director or designee has authorized construction of the fence.
3. A fence located in a required interior side or rear yard of the premises that exceeds seven feet in height, as measured from grade.

4. A fence on any portion of the premises that exceeds seven feet in height, as measured from grade, unless the fence is authorized by a building permit issued by the city.
 5. A fence located in a sloped property that exceeds 10 feet in height, as measured from the downhill side of the fence.
- B. The height restrictions set forth in subsection [A](#) of this section do not apply to public utility fences or to chain link fences enclosing schools and public playgrounds.
- C. A person in charge of a premises must not permit, allow or cause to exist an electric fence:
1. Along any sidewalk or public way abutting the premises; or
 2. Along the boundary of any real property abutting the premises.
- D. A person in charge of a premises must not permit, allow or cause to exist barbed wire on any fence:
1. Along any sidewalk or public way abutting the premises in a residential or commercial zone; or
 2. Unless placed on top of a fence that is not less than six feet, six inches in height, as measured from grade, on a premises used for public utilities or located in an industrial zone.
- E. A person in charge of a premises must not permit, allow or cause to exist a fence on the premises that is structurally unstable, or otherwise determined by the city manager or designee to be injurious or detrimental to the public health, welfare or safety.
- F. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.220 Graffiti.

- A. A person in charge of a premises must not permit, allow or cause the premises to be a graffiti nuisance property.
- B. For the purposes of this section, the following definitions apply:
1. "Graffiti" means any inscription, word, figure, design painting, writing, drawing or carving that is marked, etched, scratched, drawn, painted, or otherwise applied to property without the prior authorization of the owner of the property, and/or is not allowed per the McMinnville City Code, regardless of the graffiti content, or nature of the material used in the commission of the act, or the material of the property.
 2. "Graffiti nuisance property" means property to which graffiti has been applied, if the graffiti is visible from any public right-of-way, from any other public or private property or from any premises open to the public, and if the graffiti has remained for at least 10 days.

C. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.230 Hazardous and noxious vegetation.

A. A person in charge of a premises that abuts a public way must not permit, allow or cause to exist vegetation on the premises that:

1. Is a hazard to pedestrian use of a public sidewalk or is a hazard to bicycle or vehicular use of a public or private street by impeding passage or vision per Sections [17.54.080](#) and [17.58.120\(D\)](#);
2. Obstructs drainage facilities in the public way, including but not limited to roadside ditches, street curbs and gutters, catch basins or culverts;
3. Has roots that have cracked or displaced a sidewalk, curb or street; or
4. Is a weed, grass or dead plant more than 10 inches high and is located the area between the property line and the back edge of curb or the edge of an improved roadway or right-of-way.

B. A person in charge of a premises must not permit, allow or cause to exist vegetation on the premises that is a weed or grass more than 10 inches high at any time during the year.

C. The prohibition described in subsection [B](#) of this section does not apply to the following types of vegetation unless the vegetation obstructs, blocks, or impedes any visual sight lines or signs required to ensure safe and efficient vehicular and pedestrian movement upon city streets, or the vegetation creates a safety hazard as determined by the city manager or designee:

1. Agricultural grasses that are not a fire hazard and are actively used for grazing livestock;
2. Crops that are being commercially grown;
3. Areas identified by the McMinnville zoning ordinance as open space or natural resource areas;
4. Portions of lots used for flower or vegetation gardens, or shrubbery;
5. Naturally wooded or native forest remnant area;
6. Wetlands;
7. Lands within a designated 100-year floodplain;
8. Lands encumbered by conservation easements;
9. Public parks or private or municipal golf courses;

10. Drainage ponds or ditches designed to meet city stormwater conveyance requirements;

11. Any vegetation that the city manager or designee determines would not create a public hazard or otherwise be detrimental to the public safety, health or welfare of the public. In making this determination, the city manager may seek input from the fire chief, fire marshal, or other appropriate staff. The city manager may also place appropriate conditions upon such approval.

D. A person in charge of a premises must not permit, allow or cause to exist vegetation on the premises that the city manager or designee has declared to be a fire hazard or potential fire hazard to other properties.

E. A person in charge of a premises must not permit, allow or cause to exist the growth of noxious vegetation on the premises. As used in this section, "noxious vegetation" means all plants identified by the city manager or designee on an official list of noxious vegetation maintained by the city's code compliance office, which may incorporate by reference all or part of any existing list developed by any state or county entity, including the plant varieties listed in Oregon Department of Agriculture Noxious Weed Policy and Classification System.

F. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.240 Human waste.

A. A person in charge of a premises must not permit, allow or cause to exist any privies, cesspools, septic tanks, septic drain fields or other outdoor accumulation of human waste that:

1. Is not constructed or maintained in compliance with State Health Code regulations;
2. Is kept in an unsanitary condition;
3. Causes the waste to drain into a body of water, well, spring, stream, drainage ditch or storm water outflow; or
4. Causes an offensive odor.

B. It is prohibited for a person to permit, allow or cause human waste, sewage, industrial wastes or other substances to enter any body of water or drainage ditch.

C. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 4 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.250 Motor vehicles.

- A. A person in charge of a premises must not permit, allow or cause to exist any discarded motor vehicle (including motor vehicle parts such as bodies, engines, transmissions and rear ends) on the premises, except that a person may store a discarded motor vehicle:
1. Within a building that is wholly or entirely enclosed except for doors used for ingress or egress.
 2. In a yard of a residential property if the discarded motor vehicle:
 - a. Is screened by a sight-obscuring fence so that it is not visible from adjoining properties, streets and public rights-of-way; and/or
 - b. Is covered by an approved car cover, that is maintained free of deterioration, tearing, dirt and dust accumulation; and
 - c. Is maintained in a manner that does not attract vermin, produce an offensive odor, or otherwise become a danger to public health or safety.
 3. In connection with an authorized and permitted business dealing in junked vehicles.
- B. For the purpose of this section, “discarded motor vehicle” means any motor vehicle that:
1. Has been inoperative for a period of more than 30 days;
 2. Is wrecked;
 3. Is dismantled, in whole or part;
 4. Is junked or abandoned; or
 5. Has a vehicle registration sticker expired for more than two months.
- C. A person in charge of a premises in a residential zone must not permit, allow or cause to exist motor vehicles, RVs, boats or trailers to be parked or placed in front yards or exterior side yards of the premises, unless the area used for parking or storage consists of non-erodible surfaces such as asphalt, concrete or pavers, or gravel with a minimum depth of four inches that consists of traffic-bound or dense-grade gravel.
- D. A person in charge of a premises in a residential zone must not permit, allow or cause to exist parking or storage areas consisting of non-erodible surfaces in front or exterior side yards of the premises to use more than 40 percent of the yard area. For the purposes of this section, “yard area” is measured as the space between the front and side building lines to the property line of the premises.
- E. A person in charge of a premises in a residential zone must not permit, allow or cause to exist parking or storage areas that are less than 20 feet in depth from the property line of the premises when the parking or storage area is perpendicular to the property line.

F. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5093 §1 (Exh. A (part)), 2020; Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.260 Noise.

A. A person in charge of a premises must not permit, allow or cause to exist any loud, disturbing or unnecessary noise that is injurious or detrimental to the health, safety or peace of other persons or property.

B. It is prohibited for any person on a public way to cause to exist any loud, disturbing or unnecessary noise that either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of other persons or property.

C. For the purposes of this section, noise exceeding the following thresholds when measured 25 feet from the source if in the right-of-way or 25 feet from the property line if the source is on private property, is presumed to be a nuisance in violation of subsection [A](#) of this section:

ZONE	7:00 a.m. to 8:00 p.m.	8:00 p.m. to 7:00 a.m.
Residential	55 dBA	50 dBA
Commercial	60 dBA	55 dBA
Light Industrial	70 dBA	65 dBA
Industrial	80 dBA	75 dBA

D. For the purposes of this section, “loud, disturbing or unnecessary noise” includes but is not limited to the following substances, conditions or acts:

1. *Animals and Birds.* The keeping of any bird or animal that disturbs the comfort and repose of any person in the vicinity by causing frequent or long continued noise;
2. *Dog Barking.* The keeping of a dog that barks for more than 10 minutes during any one-hour period when such barking is audible off the premises of the dog’s owner or keeper;
3. *Animal Bells.* The attaching of a bell to any animal or allowing a bell to remain on any animal that is disturbing to any person in the immediate vicinity;
4. *Vehicle Noises.* The use of any vehicle or engine, either stationary or moving, in a manner that causes or creates any loud or unnecessary grating, grinding, rattling or other noise, including the discharge in the open air of the exhaust of any steam engine, internal combustion engine, motor boat or motor vehicle except

through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;

5. *Horns and Signaling Devices.* The sounding of any horn or signaling device on any vehicle on any street, public or private place, except as a necessary warning of danger;

6. *Nonemergency Signaling Devices.* The sounding of any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place for more than 10 consecutive seconds in any hourly period, except that the reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the city for traffic control purposes are exempt;

7. *Construction Noise.* The erection, including excavation, demolition, alteration or repair, of any building in residential districts, other than between the hours of 7:00 a.m. and 8:00 p.m., except upon special permit granted by the city manager or designee;

8. *Noise Sensitive Areas: Adjacency to Schools, Churches and Hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm which unreasonably interferes with the operation of such institution, or which disturbs or unduly annoys patients;

9. *Loudspeakers, Amplifiers, Public Address Systems and Similar Devices.* The use or operation of any automatic or electric piano, phonograph, radio, television, loudspeaker or any instrument for sound producing or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance; provided, however, that upon application to the city manager, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches or general entertainment;

10. *Blowers and Similar Devices.* The operation of any noise-creating blower, power fan, power tools, or any internal combustion engine in a manner the operation of which causes noise due to the explosion of operating gases or fluids:

- a. In a residential district or noise sensitive areas between the hours of 8:00 p.m. and 7:00 a.m.; and
- b. In a manner that can be heard by persons on nearby residential property.

11. *Commercial Establishments Adjacent to Residential Property.* Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 10:00 p.m. and 7:00 a.m., that is plainly audible to persons on any nearby residential property.

E. The prohibition described in this section do not apply to:

1. Activities occurring within the scope of any permit issued by the city under the provisions of the McMinnville Municipal Code;

2. Emergency response activities;
3. Vehicles performing repairs or upgrades in the right-of-way, including but not limited to street sweeping, sewer cleaning, construction and maintenance activities occurring between the hours of 7:00 a.m. and 8:00 p.m.

F. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.270 Public health.

- A. It is prohibited for any person to offer decayed or unwholesome food for human consumption on any premises or public way.
- B. A person in charge of a premises must not permit, allow or cause to exist any offensive odor to emanate from the premises that is injurious or detrimental to the health, safety or peace of other persons or property.
- C. A person in charge of a premises must not permit, allow or cause any sewage, industrial wastes or other harmful substances to drain from the premises onto any surrounding premises or public way.
- D. A person in charge of a premises must not permit, allow or cause any stagnant water to exist on the premises that affords a breeding place for mosquitoes, insects or other disease carrying animals.
- E. It is prohibited for any person to permit, allow or cause the carcass of an animal owned or controlled by the person to remain exposed upon a public way or premises for a period of time longer than is reasonably necessary to remove or dispose of the carcass.
- F. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 4 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.280 Radio and television interference.

- A. It is prohibited for any person to operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.
- B. The prohibitions described in this section do not apply to devices licensed, approved, and operated under the rules and regulations of Federal Communications Commission.

C. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 6 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.290 Rats.

A. A person in charge of a premises must not permit, allow or cause to exist any substance, act or condition that allows for the harborage of rats.

B. Each person in charge of a premises has an independent duty to maintain the premises in a rat-free condition and to repair all breaks or leaks that may occur in the rat proofing.

C. A person in charge of a premises must institute:

1. Ratproofing measures within 15 days after they have discovered or been notified by the city manager or designee of evidence of the need of ratproofing the premises.
2. Rat eradication measures within five days after they have discovered or been notified by the city manager or designee of an actual or suspected rat infestation on the premises, and must continuously maintain the measures until the premises is declared free of rat infestation by the city manager or designee.

D. A person in charge of a premises must not permit or allow the removal of ratproofing from any premises that is not closed or sealed against the entrance of rats.

E. For the purposes of this section, "rat harborage" includes but is not limited to the following substances, conditions or acts on a premises that provide shelter or protection for rats, thus favoring their multiplication and continued existence on the premises:

1. Floors in basements of buildings that are not constructed from cement or similar ratproofing material.
2. Animal food and feed that is not stored in rat-free and ratproof containers, compartments, rooms or building.
3. Accumulated garbage, trash, dead animals, waste vegetables, or animal matter of any kind.
4. Accumulated lumber, boxes, barrels, bricks, stones, scrap metal, motor vehicle bodies or parts, or similar materials, rubbish or articles of junk.

F. For the purposes of this section:

1. "Rat eradication" means the elimination or extermination of rats within buildings of any kind by any or all measures, such as poisoning, fumigation, trapping or clubbing.
2. "Ratproofing" means and applies to a form of construction to prevent the ingress of rats into buildings from the exterior or from one building to another. It consists of the closing of all actual or potential openings

in the exterior walls, ground or first floors, basements, roofs and foundations that may be reached by rats from the ground by climbing or by burrowing, with material or equipment impervious to rat-gnawing.

G. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 4 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.300 Sidewalks.

A. A person in charge of a premises must maintain all sidewalks adjacent to that premises in good repair and safe condition.

B. A person in charge of a premises must not permit, allow or cause to exist on a public sidewalk adjoining the premises any defective or dangerous condition that impedes the public use of the sidewalk, including but not limited to the following:

1. Any accumulations of snow and/or ice on sidewalks on commercial property.
2. Sand or cinders (except when temporarily used to cover ice), rocks, leaves, or other debris.
3. Cracks, holes, unevenness that impairs pedestrian traffic per the Americans with Disability Act (ADA) standards.
4. Drainage, drainpipes or a drainage system that permits, allows or causes water accumulating on the premises to flow or be carried across the sidewalk.
5. Property, debris, or any other accumulation or activity.

C. A person in charge of a premises must not permit, allow or cause to exist on a public sidewalk adjoining the premises any substance, condition or act that the city manager or designee deems injurious or detrimental to the public health, welfare or safety.

D. A person in charge of a premises must not permit, allow or cause to exist any dumping or storage of dirt, sand, rocks, gravel, bark dust, or other similar material on any sidewalk adjacent to the premises.

E. A person in charge of a premises must not permit, allow or cause to exist any ice or snow to fall onto any public way adjacent to the premises from any building or structure located on the premises.

F. The city is not liable to any person for loss or injury to a person or property suffered or sustained by reason of any accident on sidewalks caused by ice, snow, encumbrances, obstructions, cracks, chipping, weeds, settling, holes covered by dirt or other similar conditions.

G. All sidewalk repairs made by any person must be performed in accordance with all requirements of the city.

H. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.305 Storage.

A. Unless otherwise specifically allowed by state regulations or this code, a person in charge of a premises must not permit, allow or cause to exist any storage of items of personal property out-of-doors, or outside a building or structure that is not enclosed or screened from public view.

B. Notwithstanding subsection [A](#) of this section, the following items of personal property may be stored outside of a building or structure:

1. Firewood that is stacked and usable. "Usable" firewood has more wood than rot and is cut to lengths that will fit a lawful fireplace or wood stove on the premises;
2. Construction material, if the construction material is temporarily stored and is stored in a manner to protect its utility and to prevent its deterioration and the construction material is to be used for construction on the premises;
3. All other items of personal property which are of a type, condition or quantity consistent with normal and intended outside use. By way of illustration, but not limitation, as used in this section, items of personal property include barbeque grills, lawn furniture, and solid waste disposal receptacles.

C. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5093 §1 (Exh. A (part)), 2020).

8.10.310 Trash, recycling and yard debris containers.

A. A person in charge of a premises must not permit, allow or cause any trash, recycling or yard debris collection container serving the premises to:

1. Obstruct sidewalks or bike lanes.
2. Blow, spread, or otherwise disseminate from the container any garbage, rubbish, waste, debris or other materials onto nearby properties or public ways.
3. Remain on a public way for more than 24 hours before and after the scheduled collection time for the premises.

B. For the purposes of this section, “collection container” means a bin that is provided by a waste collection company to service a premises and that is placed by a person in charge of the premises on a public way adjacent to the premises to be serviced by the company.

C. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 6 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.320 Trees.

A. A person in charge of a premises must not permit, allow or cause to exist a dead or decaying tree to stand on the premises that is a hazard to the public or to persons or property on or near the premises.

B. A person in charge of a premises must not permit, allow or cause to exist a tree that is diseased or insect infested, if the disease or infestation:

1. Compromises the tree’s health or longevity;
2. Is capable of being transmitted to other trees; and
3. Is a hazard to persons, trees or property located on any public way or real property adjacent to the premises.

C. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

8.10.490 Other public nuisances.

A. In addition to the public nuisances specifically enumerated within this chapter, every other substance, condition or act that is determined by the city council to be injurious or detrimental to the public health, welfare or safety of the city may be declared a public nuisance by the city manager or designee and may be abated by any of the procedures set forth in this chapter.

B. Unless otherwise specified by the council in its determination, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

This is a nonfinal proof copy of the McMinnville Municipal Code for client review only. It should not be relied upon for any purpose.

The McMinnville Municipal Code is current through Ordinance 5111, passed March 8, 2022.

Disclaimer: The city recorder's office has the official version of the McMinnville Municipal Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

[City Telephone: \(503\) 434-2342](tel:5034342342)

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