

# City of Grants Pass Municipal Code



## Title 5

### NUISANCES AND OFFENSES

#### Chapters:

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Chapter 5.04

ANIMAL NUISANCES

Sections:

- 5.04.020 Exotic, Wild or Dangerous Animals
- 5.04.030 Livestock and Poultry--Generally
- 5.04.040 Livestock and Poultry--Impoundment
- 5.04.050 Removal of Carcasses

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## 5.04.020 Exotic, Wild or Dangerous Animals

(Ord. 18-5737 2018)

- A. No person shall keep or maintain one or more exotic, wild or dangerous animals within the City except as set forth below. The keeping or maintenance of an exotic, wild or dangerous animal is a public nuisance and shall be abated in conformity with the requirements of this ordinance.
- B. For purposes of this ordinance, the term “exotic, wild or dangerous animals” means and includes any animal which, because of its size, vicious nature, poisonous bite or sting, or other characteristics, would constitute a danger to human life or property if not kept or maintained under the immediate control of the owner. Exotic, wild or dangerous animals include, but are not limited to:
1. Any nonhuman primate under 50 lbs;
  2. Any poisonous reptile, any crocodilian or lizard whose average adult length is greater than two feet, any snake whose average adult length is greater than six feet, or any snapping turtle;
  3. Any kangaroo;
  4. Any eagle, hawk, buzzard or similar predatory bird; and
  5. Any poisonous or stinging insect or arachnid; and
  6. Any de-scented skunk.
- C. The following animals are considered examples of exotic, wild or dangerous animals that would not be allowed under any circumstances under Section 5.04.020A:
1. Any nonhuman primate over 50 lbs;
  2. Any cat other than the *Felis Catus*;
  3. Any wolf, coyote, or other canine not of the species *Canis familiaris*;
  4. Any skunk (except as noted above), weasel, badger, fox, mammals of the raccoon family, deer, elk, moose, mountain goat, mountain sheep, muskrat, otter, or
  5. Any wild boar or wild pig; and
  6. Any bear.
- D. So long as the activities described below are in compliance with all federal and state regulations regarding the keeping of animals as described below, the provisions of this section shall not apply to the keeping of exotic, wild or dangerous animals:
1. The keeping of such animals in zoos, as part of a bona fide educational or medical institution, museum or any other place where such animals are kept as live specimens for the public to view or for the purposes of instruction, rehabilitation, or study;

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2. The keeping of such animals by a circus, carnival or other exhibit or show; or
3. The keeping of such animals in a bona fide, licensed veterinary hospital for treatment.

### 5.04.030 Livestock and Poultry--Generally

No person may maintain a pigsty, slaughterhouse or tannery, or permit livestock or poultry owned by him to run at large within the City. The provisions of this Section shall not apply to persons keeping cats, dogs or other household pets. (Ord. 2901 §4(1), 1960)

### 5.04.040 Livestock and Poultry--Impoundment

Livestock and poultry or other animals or fowls running at large in the City shall be taken up and impounded by a police officer and disposed of in accordance with the procedure provided by ordinance for the disposition of abandoned property. (Ord. 2901 §4(2), 1960)

### 5.04.050 Removal of Carcasses

No person may permit any fowl or animal carcass owned by him or under his control to remain upon the public streets or places, or to be exposed on private property, for a period of time longer than is reasonably necessary to remove or dispose of such carcass. (Ord. 2901 §5, 1960)

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## Chapter 5.08

### DOGS

#### Sections:

- 5.08.010 Nuisance Dog Defined
- 5.08.020 License Requirement
- 5.08.030 Summary Seizure of Nuisance Dog
- 5.08.040 Summary Killing of Rabid Dog
- 5.08.050 Impoundment Procedure--Redemption Fee

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## 5.08.010 Nuisance Dog Defined

A dog is a nuisance and may be impounded, and its owner or custodian fined as provided in this Chapter, if it:

- A. Howls or barks in such a manner as to deprive any person of peace and quiet; or
- B. Be on property not owned by the owner or custodian of said dog unless the dog is restrained by a leash not longer than eight feet, except with the prior consent of the recreation division of the field services department, dogs may participate in off-leash organized activities in the City parks; or
- C. Injures, damages or destroys any property, whether real, personal or mixed, not owned by or under the control or custody of the owner or custodian of the dog; or
- D. Bites a person; or
- E. Shows a propensity to bite a person; or
- F. Habitually chases vehicles of any kind, or persons; or
- G. Injures or kills an animal or fowl belonging to a person other than the owner or custodian of the dog. (Ord. 4327 §1, 1980)
- H. Notwithstanding Subsection B of this Section, dogs are hereby prohibited and may be impounded from Riverside Park, during the Boatnik weekend and during the Frog O'Faire. During Boatnik weekend, the prohibition will start on Thursday at noon, and operate continuously until Monday night at midnight. During Frog O'Faire, the prohibition will start on the day of the event one hour before the event opens until one hour after the event closes. (Ord. 5554 §18, 2012)

This prohibition does not apply to:

- 1. Dogs for the handicapped; or
- 2. Dogs used for law enforcement purposes; or
- 3. Dogs that are participating in official events or programs. (Ord. 4590 §1, 1987)
- I. Defecates in a public park, on public property, or on private property without the consent of the private property owner. It is a defense to this subsection if the owner or custodian of the dog immediately cleans up the defecation without being instructed to do so. (Ord. 4949 §1, 1998, Ord. 5555 § 16, 2012)

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- J. Subsections A, B and I of 5.08.010 are subject to 1.36.010(K). The remaining subsections are subject to the base fine in 1.36.010(J). (Ord. 5555 § 16, 2012)

## 5.08.020 License Requirement

A dog shall be licensed according to the laws of the state and no person shall own or have custody of a dog not so licensed. (Ord. 4327 §2, 1980)

## 5.08.030 Summary Seizure of Nuisance Dog

A dog which is a nuisance, as defined in Section 5.08.010, may be summarily seized by any person, who shall then promptly notify the City's designated animal control officer. (Ord. 4327 §3, 1980)

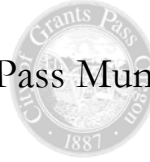
## 5.08.040 Summary Killing of Rabid Dog

A dog which is rabid may be summarily killed by any person.  
(Ord. 4327 §4, 1980)

## 5.08.050 Impoundment Procedure--Redemption Fee

- A. All dogs taken up and impounded under this chapter shall be held in an adequate and sanitary pound to be provided by the County. Unless claimed by the owner, a dog shall be impounded for at least three days if the dog is found without a license or identification tag and for at least five days if it has a license or identification tag. A reasonable effort shall be made to notify the owner of a dog before the dog is removed from impoundment.
- B. If the dog owner appears and redeems the dog, he shall pay a sum of not less than ten dollars for the first impoundment and not less than twenty dollars for each subsequent impoundment and also pay the expense of keeping the dog during the time it was impounded. If the dog is unlicensed the owner shall also purchase a license and pay the applicable penalty for failure to have a license.
- C. If no owner appears to redeem a dog within the allotted time, or if the dog has been impounded as a public nuisance for killing or injuring a person, it shall be killed in a humane manner.
- D. If, in the opinion of the County Dog Control Board or County Commissioners, the dog is not dangerous and can be safely kept, the Board or County Commissioners may release the dog to a responsible person upon receiving assurance that the person will properly care for the dog and not allow it to become a nuisance and upon payment of the sums established in this section.

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- E. Notwithstanding the provisions of this section, any dog impounded for biting a person shall be held for not less than ten days before redemption or destruction to determine if the dog is rabid. (Ord. 4327 §5, 1980)



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## Chapter 5.12

### NUISANCES

#### Sections:

5.12.010	Definitions
5.12.020	Nuisances Affecting the Public Health
5.12.030	Abandoned Ice Boxes
5.12.040	Attractive Nuisances
5.12.050	Weed, Grass, Snow and Ice Removal
5.12.060	Weeds and Noxious Growth
5.12.070	Scattering Rubbish
5.12.075	Burning Rubbish
5.12.080	Fences
5.12.090	Drainage of Surface Waters
5.12.100	Radio and Television Interference
5.12.110	Unnecessary Noise
5.12.115	Graffiti
5.12.120	Commercial Notices and Advertisements
5.12.121	Chronic Nuisance Property
5.12.122	Violation
5.12.123	Procedure
5.12.124	Burden of Proof; Defenses; Mitigation of Civil Penalty
5.12.125	Closure During Pendency of Action; Emergency Closure
5.12.126	Commencement of Actions; Remedies
5.12.127	Enforcement
5.12.128	Severability
5.12.130	Declaration of Nuisance
5.12.140	Abatement--Notice
5.12.150	Abatement--By Owner
5.12.160	Abatement--By City
5.12.170	Abatement--Assessment of Costs
5.12.180	Summary Abatement
5.12.200	Separate Violations

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## 5.12.010 Definitions

- A. Except where the context indicates otherwise, the singular number includes the plural and the masculine gender includes the feminine.
- B. For the purposes of the ordinance codified in this Chapter, the following words and phrases shall have the meanings set forth below:
  - 1. "City" means the City of Grants Pass.
  - 2. "City Manager" means the City Manager or person authorized by the City Manager.
  - 3. "Council" means the governing body of the City.
  - 4. "Person" means a natural person, firm, partnership, association or corporation.
  - 5. "Person in Charge of Property" means an agent, occupant, lessee, contract purchaser or person, other than the owner, having possession or control of the property.
  - 6. "Public Place" means a building, place or accommodation, whether publicly or privately owned, open and available to the general public. (Ord. 2901 §1, 1960)

## 5.12.020 Nuisances Affecting the Public Health

No person may permit or cause a nuisance affecting public health. The following are nuisances affecting the public health and may be abated as provided in this Chapter:

- A. Privies. An open vault or privy constructed and maintained within the City, except those constructed or maintained in connection with construction projects in accordance with the Oregon State Board of Health regulations.
- B. Debris on Private Property. Accumulations of debris, rubbish, manure and other refuse located on private property that are not removed within a reasonable time and that affect the health, safety or welfare of the City.
- C. Stagnant Water. Stagnant water which affords a breeding place for mosquitoes and other insect pests.
- D. Water Pollution. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.



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- E. Food. Decayed or unwholesome food, which is offered for human consumption.
- F. Odor. Premises which are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition.
- G. Surface Drainage. Drainage of liquid wastes from private premises.  
(Ord. 2901 §6, 1960)

5.12.030 Abandoned Ice Boxes

No person may leave in a place accessible to children an abandoned, unattended or discarded ice box, refrigerator, or similar container which has an airtight door with a snap lock or lock or other mechanism which may not be released for opening from the inside, without first removing such lock or door from such ice box, refrigerator, or similar container. (Ord. 2901 §7, 1960)

5.12.040 Attractive Nuisances

- A. No owner or person in charge of property may permit:
  - 1. Unguarded machinery, equipment, or other devices on such property which are attractive, dangerous, and accessible to children.
  - 2. Lumber, logs, or piling placed or stored on such property in a manner so as to be attractive, dangerous, and accessible to children.
  - 3. An open pit, quarry, cistern, or other excavation without erecting adequate safeguards or barriers to prevent such places from being used by children.
- B. This section shall not apply to authorized construction projects, if during the course of construction reasonable safeguards are maintained to prevent injury or death to playing children. (Ord. 2901 §8, 1960)

5.12.050 Weed, Grass, Snow and Ice Removal

- A. No owner or person in charge of property, improved or unimproved, abutting on a public sidewalk or right of way adjacent to a public sidewalk may permit:
  - 1. Snow to remain on the sidewalk for a period longer than the first two hours of daylight after the snow has fallen.

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2. Ice to cover or remain on the sidewalk, after the first two hours of daylight after the ice has formed. Such person shall remove ice accumulating on the sidewalk or cover the ice with sand, ashes, or other suitable material to assure safe travel. (Ord. 2901 §9, 1960)
  3. Weeds or grass from growing or remaining on the sidewalk for a period longer than two weeks or consisting of a length greater than 6 inches.
- B. Property owners and persons in charge of property, improved or unimproved, abutting on right of way adjacent to a public sidewalk shall be responsible for the maintenance of said right of way, including but not limited to: keeping it free from weeds; watering and caring for any plants and trees planted herein; maintaining any groundcover placed by the City; maintaining any groundcover as required by other sections of the Municipal Code or the Grants Pass Development Code. (Ord. 5380 § 18, 2006)

### 5.12.060 Weeds and Noxious Growth

No owner or person in charge of any property may permit weeds or other noxious vegetation to grow upon their property. It is the duty of an owner or person in charge of property to cut down or to destroy noxious weeds or other vegetation from becoming unsightly, or from maturing or going to seed, or from becoming a fire hazard. Accumulated waste vegetation shall be disposed of in a manner so as not to create a fire hazard or spread vegetation to other properties.

A noxious weed is a weed that has been designated by an agricultural authority as one injurious to agriculture or horticulture, natural habitats or ecosystems, or humans or livestock. They grow aggressively and multiply quickly without natural controls. They displace desirable plants and contribute significantly to the spread of wildfire. The State of Oregon has developed a specific list of plants considered noxious vegetation. (Ord. 2901 §10,1960) (Ord. 15-5641, 2015)

### 5.12.070 Scattering Rubbish

No person may throw, dump, or deposit upon public or private property, and no person may keep on private property, any injurious or offensive substance or any kind of rubbish, (including but not limited to garbage, trash, waste, refuse, and junk), appliances, motor vehicles or parts thereof, building materials, machinery, or any other substance which would mar the appearance, create a stench, or detract from the cleanliness or safety of such property, or would be likely to injure any animal, vehicle, or person traveling upon any public way. (Ord. 2901 §11, 1960; Ord. 4397 §1, 1981) (Ord. 5379 §18, 2006)

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## 5.12.075 Burning Rubbish

No person may burn any of the following materials inside a building (including a fireplace): rubbish (including but not limited to garbage, trash, waste, refuse, and junk), explosives or blasting agents, fireworks, hazardous materials, pesticides, toxic substances, noxious materials, or any material which causes a stench. (Ord. 5379 § 18, 2006)

## 5.12.080 Fences

- A. No person may construct or maintain a barbed-wire fence or allow barbed wire to remain as a part of a fence along a sidewalk or public way, unless such wire is placed not less than six inches above the top of a board or picket fence which is not less than six feet high.
- B. No person may install, maintain, or operate an electric fence along a street or sidewalk, or along the adjoining property line of another person except in accordance with Section 23.037(5) of the Grants Pass Development Code. (Ord. 2901 §12, 1960, Ord. 19-5774, 2020)

## 5.12.090 Drainage of Surface Waters

- A. No owner or person in charge of any building or structure may suffer or permit rainwater, ice, or snow to fall from such building or structure on to a street or public sidewalk or to flow across such sidewalk.
- B. The owner or person in charge of property shall install and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about such building is not carried across or upon the sidewalk. (Ord. 2901 §13, 1960)

## 5.12.100 Radio and Television Interference

- A. No person may operate or use an electrical, mechanical or other device apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception; provided that the radio or television receiver interfered with is of good engineering design.
- B. This section does not apply to electrical and radio devices licensed, approved, and operated under the rules and regulations of the Federal Communications Commission. (Ord. 2901 §14, 1960)

## 5.12.110 Unnecessary Noise

- A. No person may make, assist in making, continue or cause to be making any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others.

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- B. Loud, disturbing, and unnecessary noises in violation of this section include but are not limited to the following:
1. The keeping of any bird or animal, which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity.
  2. The attaching of a bell to an animal or allowing a bell to remain on an animal.
  3. The use of a vehicle or engine, either stationary or moving, so out of repair, loaded or operated as to create any loud or unnecessary grating, grinding, rattling, or other noise.
  4. The sounding of a horn or signaling device on a vehicle on a street, or public, or private place, except as a necessary warning of danger.
  5. The blowing of a steam whistle attached to a stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger, or upon request of proper City authorities.
  6. The use of a mechanical device operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled.
  7. The erection, including excavation, demolition, alteration, or repair of a building in residential districts, other than between the hours of 7:00 a.m. and 6:00 p.m., except in case of urgent necessity in the interest of the public welfare and safety, and then only with a permit granted by the City Auditor for a period not to exceed ten days. The permit may be renewed for periods of five days while such emergency continues to exist. If the City Manager shall determine that the public health, safety, and welfare will not be impaired by the erection, demolition, alteration, or repair of any building between the hours of 6:00 p.m. and 7:00 a.m. and if he shall further determine that loss or inconvenience would result to any person unless such work were permitted within those hours, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. upon application therefore being made at the time the permit for the work is awarded or during the progress of the work. The actual owner of property may do work on property actually occupied by him between the hours of 6:00 p.m. and 10:00 p.m. without obtaining a permit as required in this chapter.

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8. The use of a gong or siren upon a vehicle, other than police, fire, or other emergency.
9. The creation of an excessive noise on a street adjacent to a school, institution of learning, church, or court of justice while the same are in use, or adjacent to a 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.
10. The discharge in the open air of the exhaust of a 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.
11. The use or operation of an automatic or electric piano, phonograph, gramophone, Victrola, 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. However, upon application to the Council permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches, or general entertainment as a part of a national, state, or City event, public festivals or outstanding events of a noncommercial nature. The broadcast or amplification shall not be audible for a distance of more than one thousand (1,000) feet from the instrument, speaker, or amplifier, and in no event shall a permit be granted where any obstruction to the free and uninterrupted traffic, both vehicular and pedestrian, will result.
12. The making of a noise by crying, calling or shouting, or by means of a whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for the purpose of advertising goods, wares or merchandise, or of attracting attention, or of inviting patronage of a person to a business. However, newspaper carriers may sell newspapers and magazines by public outcry.
13. The conducting, operating, or maintaining of a garage within one hundred feet of a private residence, apartment, rooming house, or hotel in such manner as to cause loud or disturbing noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m. (Ord. 2901 §15, 1960)
14. Noises Created by Dynamic or Compression Braking Devices. A

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dynamic or compression braking device, commonly referred to as a Jake or Jacob Brake, is a device used primarily on trucks and buses to convert the motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the necessity of using wheel brakes. However, it is not a violation if the device is used to avoid imminent danger to persons or property.  
(Ord. 4703 §1, 1991)

- C. Noise related to howling or barking dogs will be enforced under 5.08.010.  
(Ord. 5555 § 16, 2012)

### 5.12.115 Graffiti

- A. No owner or person in charge of a building or structure may permit or tolerate paint marks or marking pen marks, commonly referred to as graffiti, to remain on said building or structure for a period in excess of ten days.
- B. This section shall not apply to painting or marking which:
  - 1. Is part of the general color scheme of the building or structure; and
  - 2. Does not contain words or symbols; and
  - 3. Was applied by the owner or person in charge, or an agent thereof; or
  - 4. Is part of a sign which has been previously approved by the Community Development Department, with the painting or marking reviewed by the Department, prior to issuance of the sign permit.  
(Ord. 4786 §1, 1994)

### 5.12.120 Commercial Notices and Advertisements

- A. No person may affix or cause to be distributed any placard, handbill, advertisement, or poster of a commercial nature upon real or personal property, public or private, without first securing permission.
- B. No person, either as principal or agent, may scatter or cause to be scattered any placard, handbill, or advertisement or other similar material.
- C. This section does not prohibit the distribution of commercial material during parades or other approved public gatherings.
- D. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the City regulating the use of and the location of signs and advertising. (Ord. 2901 §16, 1960)



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## 5.12.121 Chronic Nuisance Property

(Ord. 16-5699, 2016)

- A. The City, by virtue of its authority to protect the health, safety and welfare of the community, has the power to abate a public nuisance by way of an injunctive decree or order and to impose a penalty upon the person or persons responsible for creating or maintaining a public nuisance.
- B. The abatement of a single nuisance is ineffective in protecting the health, safety and welfare of the community at large when conditions or activities related to the use of property give rise to a series of public nuisance over time.
- C. A process and means to hold property owners accountable for adverse conditions and activities that repeatedly occur in connection with their property is needed to help maintain and improve the quality of life in the City.
- D. Pursuant to the City's regulatory authority to help maintain and improve the quality of life in the City, this Section is enacted to establish the rights, duties and procedures necessary to hold property owners and persons in charge of property accountable for adverse conditions and activities that repeatedly occur in connection with their property.

For purposes of Sections 5.12.121 through 5.12.128, the following words and phrases shall have the meanings as set forth below:

Chronic Nuisance Property: When the Public Safety Department has reasonable grounds to believe any combination of nuisance activities has occurred at or near a subject premises:

- Three or more of the nuisance activities listed below have occurred at or near the premises during any 30-day period; or
- Four or more of the nuisance activities listed below have occurred at or near a premises during any 90-day period; or
- Five or more of the nuisance activities listed below have occurred at or near a premises during any 365-day period.

Nuisance Activities: Any of the following activities, behaviors, or criminal conduct:

1. Harassment as defined in ORS 166.065(1)(a);
2. Intimidation as provided in ORS 166.155 through 166.165;
3. Disorderly conduct as provided in ORS 166.025;
4. Assault or menacing as provided in ORS 163.160, ORS 163.165, ORS 163.175, ORS 163.185, or ORS 163.190;

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5. Sexual abuse, contributing to the delinquency of a minor, or sexual misconduct as provided in ORS 163.415, ORS 163.425, ORS 163.427, ORS 163.435 or ORS 163.445;
6. Public indecency as provided in ORS 163.465;
7. Prostitution or related offenses as provided in ORS 167.007, 167.012, and ORS 167.017;
8. Alcoholic liquor violations as provided in ORS 471.105 through 471.482 or Grants Pass Code 5.68;
9. Theft as provided in ORS 164.015 through 164.140;
10. Arson or related offenses as provided in ORS 164.315 through 164.335;
11. Possession, manufacture, or delivery of a controlled substance or related offenses as provided in ORS 167.203, ORS 475.005 to 475.285, 475.940 to 475.980;
12. Illegal gambling as provided in ORS 167.117, ORS 167.122, and ORS 167.127;
13. Criminal mischief as provided in ORS 164.345 through 164.365; any attempt to commit (as defined by ORS 161.405), or conspiracy to commit (as defined by ORS 161.455), any of the above offenses;
14. Discharge of a firearm as provided in ORS 166.220 or Grants Pass Code 5.32;
15. Unlawful operation of sound producing or reproducing equipment or unnecessary noise as provided in Grants Pass Code 5.12.110; unlawful drinking in public as provided in Grants Pass Code 5.68.
16. Any other violation of the Grants Pass Code.

**Control:** The ability to regulate, restrain, dominate, counteract or govern conduct that occurs on a property.

**Person in Charge:** Any person, in actual or constructive possession of a property, including but not limited to, an owner, occupant, or tenant.

**Permit:** To suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

**Person:** Any natural person, agent, association, firm, partnership or corporation capable of owning, occupying or using property in the City of Grants Pass.

**Property:** Any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to, any business or residential premises, room, house, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For property consisting of more than one unit, property is limited to the unit or the portion of the property on which any nuisance abatement has occurred or is occurring, but includes areas of the property used

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in common by all units of property including without limitation other structures erected on the property and areas used for parking, loading and landscaping.

Person Associated With: Any person who, on the occasion of a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a property or person present on a property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner thereof.

### 5.12.122 Violation

- A. Any property within the City of Grants Pass, which is a chronic nuisance property, is in violation of these provisions and subject to the remedies prescribed.
- B. Any person in charge who permits property to be a chronic nuisance property shall be in violation of these provisions and subject to the remedies prescribed.

### 5.12.123 Procedure

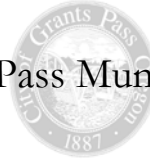
- A. When the Public Safety Department receives two or more police reports documenting the occurrence of a nuisance activity on or within 200 feet of a property within the City, the Public Safety Department shall independently review such reports to determine whether they describe any acts enumerated under Nuisance Activities above. Following such review, the Public Safety Department may notify the person in charge in writing that the property is in danger of becoming a chronic nuisance property. The notice shall contain the following information:
  - 1. The street address or a legal description sufficient for identification of the property.
  - 2. A statement that the Public Safety Department has information that the property may be a chronic nuisance property, with a concise description of the nuisance activities that may exist, or that have occurred. The Public Safety Department shall offer the person in charge an opportunity to propose a course of action that the Public Safety Department agrees will abate the nuisance activities giving rise to the violation.
  - 3. Demand that the person in charge respond to the Public Safety Department within ten (10) business days to discuss the nuisance activities.

## City of Grants Pass Municipal Code



- B. After notification of Nuisance Activities to a person in charge, when the Public Safety Department receives a police report documenting the occurrence of a third nuisance activity at or within 200 feet of a property and determines that the property has become a chronic nuisance property, the Public Safety Department shall notify the person in charge in writing that the property has been determined to be a chronic nuisance property. The notice shall contain the following information:
1. The street address or a legal description sufficient for identification of the property.
  2. A statement that the Public Safety Department has determined the property to be a chronic nuisance property with a concise description of the nuisance activities leading to the Public Safety Department's findings.
  3. Demand that the person in charge respond within ten (10) business days to the contact person designated by the Public Safety Department and propose a course of action that the Public Safety Department agrees will abate the nuisance activities giving rise to the violation.
  4. Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the person in charge at the address of the property, or such other place which is likely to give the person in charge notice of the determination by the Public Safety Department.
  5. A copy of the notice shall be served on the owner at such address as shown on the tax rolls of the county, and/or the occupant at the address of the property, if these persons are different than the person in charge, and shall be made either personally or by first class mail, postage prepaid.
  6. A copy of the notice shall also be posted at the property if ten (10) business days has elapsed from the service or mailing of the notice to the person in charge and the person in charge has not contacted the contact person designated by the Public Safety Department.
  7. The failure of any person to receive notice that the property may be a chronic nuisance property shall not invalidate or otherwise affect the proceedings under these provisions.
- C. If after the notification, but prior to the commencement of legal

# City of Grants Pass Municipal Code



proceedings by the City pursuant to these provisions, a person in charge stipulates to the Public Safety Department that the person in charge will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation, the Public Safety Department may agree to postpone legal proceedings for a period of not less than ten (10) or more than thirty (30) days.

- D. Concurrent with any notification procedures set forth above, the Public Safety Department shall send copies of the notice, as well as any other documentation, which supports legal proceedings against the property, to the City Attorney.

## 5.12.124 Burden of Proof; Defenses; Mitigation of Civil Penalty

- A. In an action for a chronic nuisance property, the City shall have the initial burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property. It is not necessary to obtain convictions for nuisance activities to support a finding that a property is a chronic nuisance property.
- B. It is a defense to an action for a chronic nuisance property that the person in charge at all material times could not, in the exercise of reasonable care or diligence, determine that the property had become a chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the determination that the property is a chronic nuisance property. Notwithstanding the foregoing, landlords are responsible for the conduct of their tenants.
- C. In establishing the amount of any civil penalty requested, the Court may consider any of the following factors and shall cite those found applicable:
  - 1. The actions taken by the person in charge to mitigate or correct the nuisance activities at the property;
  - 2. The financial condition of the person in charge;
  - 3. Whether the problem at the property was repeated or continuous;
  - 4. The magnitude or gravity of the problem;
  - 5. The cooperativeness of the person in charge with the city;
  - 6. The cost of the City of investigating and correcting or attempting to correct the nuisance activities.

## City of Grants Pass Municipal Code



7. Any other factor deemed by the Court to be relevant.

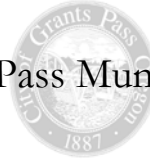
### 5.12.125 Closure During Pendency of Action; Emergency Closures

Any emergency closure proceeding initiated under this provision shall be based on evidence showing that nuisance activities have occurred on the property and that emergency action is necessary to avoid an immediate threat to public welfare and safety. Proceedings to obtain an order of emergency closure shall be governed by the provisions of Oregon Rules of Civil Procedure (ORCP) 79 for obtaining temporary restraining orders. In such an event, the notification procedures set forth above need not be complied with.

### 5.12.126 Commencement of Actions; Remedies

- A. The City Manager may authorize the City Attorney to commence legal proceedings in a court of competent jurisdiction to enjoin or abate a chronic nuisance property and to seek closure, the imposition of civil penalties against any or all of the persons in charge thereof, and any such other relief deemed appropriate.
- B. If after the commencement but prior to the trial of any action or suit brought by the City, a person in charge of chronic nuisance property stipulates to the City that he or she will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation, the City may agree to stay proceedings for a period of not less than ten (10) or more than sixty (60) days, except in the case of nuisance activity involving drugs where a search warrant was executed at the property. The person in charge or the City may thereafter petition the court for such additional periods of time as may be necessary to complete the action(s) to abate the nuisance activities. However, in the event that the City reasonably believes the person in charge of a property is not diligently pursuing the action(s) necessary to abate the nuisance activities, the City may apply to the court for release from the stay and may seek such relief as is deemed appropriate.
- C. In the event a court determines property to be a chronic nuisance property, the court shall order that the property be closed and secured against all access, use and occupancy for a period of not less than six (6) months, nor more than one (1) year. The court shall retain jurisdiction during any period of closure. The person in charge may petition the court for an order reducing the period of closure if the person in charge and the City stipulate that the nuisance has been and will continue to be abated.
- D. If a property is found to be a chronic nuisance property, the person in charge of the chronic nuisance property is subject to a civil penalty of up to \$100 per day for each day nuisance activities occurred on the property

# City of Grants Pass Municipal Code



following notice.

- E. The provisions of Section 5.12.121 through 5.12.128 are separate and distinct remedies from those specified in Sections 5.12.130 through 5.12.170. Nothing in these provisions shall require any conviction for criminal activities prior to the commencement of any action provided herein.

## 5.12.127 Enforcement

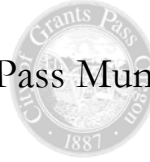
- A. The court may authorize the City to physically secure the property against all access, use or occupancy in the event that the person in charge fails to do so within the time specified by the court. In the event that the City is authorized to secure the property, all costs reasonably incurred by the City to physically secure the property shall be paid to the City by the person in charge and may be included in the City's money judgment. As used in this section, all costs mean those costs actually incurred by the City for physically securing the property, including attorney fees incurred in legal proceedings, as well as tenant relocation costs pursuant to this section. (Ord. 17-5722)
- B. The City department(s) physically securing the property shall prepare a statement of costs, including its attorney fees and the City shall thereafter submit that statement to the court for its review. If no objection to the statement is made within the period prescribed by ORCP 68, the statement of costs shall be included in the City's money judgment. (Ord. 17-5722)
- C. Judgments imposed by this chapter shall bear interest at the rate of nine percent (9%) per year from the date the judgment is entered.
- D. Any person who is assessed the costs of physically securing the property by the court shall be personally liable for the payment thereof to the City.
- E. The person in charge shall pay reasonable relocation costs of a tenant if, without actual notice, the tenant moved into the property after either:
  - 1. A person in charge received a notice from the Public Safety Department's determination that the property may be a chronic nuisance property; or
  - 2. A person in charge received notice of an action brought to close a chronic nuisance property.

## 5.12.128 Severability

The provisions of Sections 5.12.121 through 5.12.127 are intended to be consistent with

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# City of Grants Pass Municipal Code



any applicable provisions of state law. If any provision or its application to any person, or circumstances is held to be invalid for any reason, the remainder of these provisions, or the application of them to other persons or circumstances shall not in any way be affected.

## 5.12.130 Declaration of Nuisance

- A. The acts, conditions, or objects specifically enumerated and defined in Chapter 5.04 and Sections 5.12.020 through 5.12.120 are declared to be public nuisances and such acts, conditions, or objects may be abated by any of the procedures set forth in Sections 5.12.140 through 5.12.180.
- B. In addition to those nuisances specifically enumerated within this chapter every other thing, substance, or act which is determined by the Council to be injurious or detrimental to the public health, safety, or welfare of the City is hereby declared to be a nuisance and may be abated as provided in this ordinance. (Ord. 2901 §17, 1960)

## 5.12.140 Abatement--Notice

- A. Upon determination by the City Manager that a nuisance as defined in this chapter or any other ordinance of the City exists, the City Manager shall forthwith cause a notice to be posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate such nuisance.
- B. At the time of posting, the City Auditor shall cause a copy of such notice to be forwarded by registered or certified mail, postage prepaid, to the owner or person in charge of the property at the last known address of such owner or other person.
- C. The notice to abate shall contain:
  - 1. A description of the real property, by street address or otherwise, on which such nuisance exists.
  - 2. A direction to abate the nuisance within ten days from the date of the notice.
  - 3. A description of the nuisance.
  - 4. A statement that unless such nuisance is removed the City may abate the nuisance and the cost of abatement shall be a lien against the property.
  - 5. A statement that the owner or other person in charge of the property may protest the abatement by giving notice to the City



# City of Grants Pass Municipal Code



Auditor within ten days from the date of the notice.

- D. Upon completion of the posting and mailing the person posting and mailing the notice shall execute and file a certificate stating the date and place of such mailing and posting.
- E. An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner or other person shall not make the notice void and in such a case, the posted notice shall be sufficient. (Ord. 2901 §18, 1960)

## 5.12.150 Abatement--By Owner

- A. Within ten days after the posting and mailing of the notice as provided in Section 5.12.140, the owner or person in charge of the property shall remove the nuisance or show that no nuisance exists.
- B. The owner or person in charge protesting that no nuisance exists shall file with the City Auditor a written statement, which shall specify the basis for so protesting.
- C. The statement shall be referred to the Council as a part of the Council's regular agenda at the next succeeding meeting. At the time set for consideration of the abatement, the owner or other person may appear and be heard by the Council and the Council shall thereupon determine whether or not a nuisance in fact exists and such determination shall be entered in the official minutes of the Council. Council determination shall be required only in those cases where a written statement has been filed as provided.
- D. If the Council determines that a nuisance does in fact exist, the owner or other person shall within ten days after such Council determination abate the nuisance. (Ord. 2901 §19, 1960)

## 5.12.160 Abatement--By City

- A. If within the time allowed the nuisance has not been abated by the owner or person in charge of the property, the City Manager may cause the nuisance to be abated.
- B. The officer charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.
- C. The City Auditor shall keep an accurate record of the expense incurred by the City in abating the nuisance and shall include therein a charge of 20% of the expense for administrative overhead. (Ord. 2901 §20, 1960)

## City of Grants Pass Municipal Code



### 5.12.170 Abatement--Assessment of Costs

- A. The City Auditor by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:
1. The total cost of abatement including the administrative overhead and attorney fees. (Ord. 17-5722)
  2. That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice.
  3. That if the owner or person in charge of the property objects to the cost of the abatement as indicated, he may file a notice of objection with the City Auditor not more than ten days from the date of the notice.
- B. Upon the expiration of ten days after the date of the notice, the Council in the regular course of business shall hear and determine the objections to the costs to be assessed.
- C. If the costs of the abatement are not paid within thirty days from the date of the notice, as assessment of the costs as stated or as determined by the Council shall be made by resolution and shall thereupon be entered in the docket of City liens, and upon such entry being made shall constitute a lien upon the property from which the nuisance was removed or abated.
- D. The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate of 6% per annum. Such interest shall commence to run from date of the entry of the lien in the lien docket.
- E. An error in the name of the owner or person in charge of the property shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property. (Ord. 2901 §21, 1960)

### 5.12.180 Summary Abatement

The procedure provided by this chapter is not exclusive but is in addition to procedure provided by other ordinances and the health officer, the chief of the fire department and 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. (Ord. 2901 §22, 1960)

# City of Grants Pass Municipal Code



## 5.12.200 Separate Violations

- A. The abatement of a nuisance shall not constitute a penalty for violating this chapter or Chapter 5.04, but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance. (Ord. 2901 §24, 1960)

City of Grants Pass Municipal Code



Chapter 5.20

INOPERABLE MOTOR VEHICLES

Sections:

- 5.20.010 Purpose
- 5.20.020 Definitions
- 5.20.030 Inoperable Vehicle on Private Property
- 5.20.040 Deposit of Inoperable Vehicle on Private Property of Another and on Public Property
- 5.20.050 Abatement – Towing and Storage
- 5.20.060 Notice Requirement
- 5.20.070 Hearing Procedures
- 5.20.080 Disposition of Unclaimed Vehicles
- 5.20.090 Summary Abatement



# City of Grants Pass Municipal Code

## 5.20.010 Purpose

The purpose of this chapter is to prohibit the deposit or storage of inoperable motor vehicles and parts thereof upon private or public property since such vehicles or parts create fire hazards and other safety and health hazards to children and adults, invite plundering, interfere with the comfort and well-being of the public, are offensive to sight, interfere unreasonably with the use and enjoyment of adjacent properties, depreciating the value thereof, and hinder proper and orderly residential and commercial development and use; and therefore such inoperable motor vehicles and parts thereof are a nuisance to be abated. The City or other persons throughout the City generally may enforce this chapter. (Ord. 3683 §2, 1969)

## 5.20.020 Definitions

- A. Except where the context indicates otherwise, the singular number includes the plural and the masculine gender includes the feminine.
- B. For the purposes of this chapter, the following words and phrases shall have the meanings set out below:
  - 1. "City" means the City of Grants Pass.
  - 2. "Inoperable Motor Vehicle" means any vehicle including the parts thereof which is discarded, dismantled, partially dismantled, stripped, rusted, junked, wrecked, non-operating, not currently licensed for operation, or no longer safely usable for the purposes for which it was manufactured. (Ord. 3683 §1, 1969)
  - 3. "Manager" means the City Manager or person authorized by the Manager.
  - 4. "Person" means a natural person, firm, partnership, association, or corporation.
  - 5. "Person in charge of property" means an agent, occupant, lessee, contract purchaser, or person other than the owner, having possession or control of real property upon which a wrecked motor vehicle is located.
  - 6. "Registered Owner" means the last registered owner of the inoperable motor vehicle according to the records of the State Department of Motor Vehicles, and does not include a conditional vendor, mortgagee, vehicle lessor, or other similarly interested person who is not the registered owner.
  - 7. "Vehicle" means any automobile, truck, or piece of mechanical

## City of Grants Pass Municipal Code



equipment designed to move of its own power, or to be towed by another piece of equipment, and which uses or used wheels or tracks.

### 5.20.030 Inoperable Vehicle on Private Property

- A. It is unlawful for any person who is the owner of or in charge of private real property within the City to keep, wreck, store, or allow to remain thereon any inoperable motor vehicle, or part thereof, unless the same is completely enclosed within a building or so located as not to be readily visible from any public place or from surrounding private property (e.g. in a closed garage or behind a completely sight obscuring fence 6 feet or more in height), or unless it is on such private real property in connection with a business enterprise, lawfully licensed by the City, and properly operated in the appropriate business zone, pursuant to the zoning laws of the City. An inoperable vehicle covered with a tarp or similar covering is readily visible as noted herein and is therefore in violation.
- B. For the purposes of this section, if an inoperable motor vehicle or part thereof is permitted to remain upon property 72 hours after the registered owner or owner of the property is notified of the violation, it shall be deemed to have been kept, stored, or allowed to remain thereon. After the expiration of the 72-hour period, each day during which the vehicle or part thereof remains on the property in violation of this chapter shall be punishable as a separate offense and may be abated as provided herein. (Ord. 3683 §3, 1969; Ord. 4336 §1, 1980)

### 5.20.040 Deposit of Inoperable Vehicle on Property of Another and on Public Property

- A. It is unlawful for the owner of an inoperable vehicle, or any other person, to deposit such vehicle, or part thereof, upon the private real property of another without the consent of the property owner or the person in charge of the property, or upon public property, (including, but not limited to parking lots, streets, parklands, and vacant public property). Note, a violation of this section does not provide for a 72-hour grace period as noted in Section 5.20.030B.
- B. In any trial for violation of this section, the last registered owner of the vehicle according to the records of the Oregon State Department of Motor Vehicles shall be presumed to be the person who so deposited the inoperable motor vehicle, but this presumption may be rebutted by evidence to the contrary. (Ord. 3683 §4, 1969)



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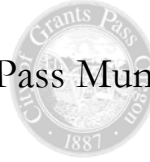
5.20.050 Abatement – Towing and Storage

- A. The Manager may cause an inoperable motor vehicle to be removed by a commercial towing company if it remains on the property for longer than 72 hours after the owner of the vehicle is sent a notice of the violation.
- B. The notice shall declare the inoperable motor vehicle is in violation of this chapter and is subject to towing.

5.20.060 Notice Requirement

- A. When the Manager orders an inoperable vehicle towed pursuant to this chapter, the Manager shall cause a sticker to be posted on the vehicle and at any residence at the address where the vehicle is located stating the first date on which the vehicle could be towed if it continues to be in violation of the inoperable vehicle ordinance. The sticker posting shall be completed not less than 3 days of the actual towing, not including Saturdays, Sundays, and holidays.
- B. When the Manager orders an inoperable vehicle towed pursuant to this chapter, the Manager shall also cause a notice to be sent to the registered owner and to any persons holding a security interest in the vehicle as shown by the records of the Oregon State Department of Motor Vehicles.
- C. The notice shall be sent by certified or registered mail or delivered personally not less than 3 days of the actual towing, not including Saturdays, Sundays, and holidays or shall be delivered personally
- D. The notice shall indicate:
  - 1. The vehicle's license number or general description if a license is not present.
  - 2. The vehicle will be towed under the authority of the City, together with the name of the City employee ordering the tow and the reason for the tow.
  - 3. The business name, address, and telephone number of the commercial towing company where the vehicle will be towed.
  - 4. The vehicle is subject to towing and storage charges;
  - 5. The vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents are subject to sale to recover the charges if not paid;
  - 6. The registered owner or person having a security interest in the

## City of Grants Pass Municipal Code



vehicle is entitled to a hearing to contest the validity of the towing and to contest the reasonableness of the charges for towing and storage.

7. A statement that a request for hearing to appeal the validity of the towing or to contest the reasonableness of the towing and storage charges must be made in writing and delivered to the Manager, together with a statement describing the basis of the appeal or contest, within 7 calendar days of the date the vehicle is towed.
8. The vehicle and its contents will be released upon payment of the applicable towing and storage charges of the towing company.

### 5.20.070 Hearing Procedures

- A. The registered owner or person having a security interest in the inoperable vehicle is entitled to a hearing to contest the validity of the towing and to contest the reasonableness of the towing and storage charges. The request must be made in writing and delivered to the Manager within 7 calendar days of the date the vehicle is towed.
- B. Upon receiving a timely request, the City shall schedule a hearing to be conducted by the Manager. The hearing shall be set within 31 days of the date of receipt of the written request for a hearing or at a later date with the consent of the appellant.
- C. At the hearing the City shall have the burden of proving by a preponderance of evidence that there were reasonable grounds to believe the vehicle was stored, kept, or deposited in violation of this chapter.
- D. If the Manager finds the towing of the vehicle was proper (or that the towing and storage charges are reasonable), an order shall be entered supporting the towing and storage charges and that the owner or person having a security interest is liable for the charges. If the Manager finds the towing of the vehicle was not supported by the evidence, the City shall pay any towing and storage charges (or if found not to be reasonable, shall pay any excessive charges).

### 5.20.080 Disposition of Unclaimed Vehicles

A vehicle towed and stored under this chapter, which is not reclaimed within 45 days after it is towed, may be disposed of according to the laws of the State of Oregon. The person or persons towing and storing said vehicle shall have a lien on said vehicle.



# City of Grants Pass Municipal Code



## 5.20.090 Summary Abatement

The abatement procedure provided by this chapter is not exclusive but is in addition to the issuance of one or more citations for violation of this chapter and is also in addition to any procedures provided by other ordinances or state statutes. The Manager 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. (Ord. 3683 §10, 1969)

City of Grants Pass Municipal Code



Chapter 5.32

DISCHARGE OF WEAPONS

Section:

5.32.010 Discharge of Weapons

5.32.010 Discharge of Weapons

- A. No person other than a police officer shall without authority of the Chief of Police fire or discharge a gun or other weapon, including spring or air-actuated pellet gun, or weapon which propels a projectile by use of gunpowder or other explosive or jet or rocket propulsion.
- B. The provisions of this section shall not be construed to prohibit the firing or discharging of a weapon by any person in the defense or protection of his property, person or family. (Ord. 4354 §3, 1980)

City of Grants Pass Municipal Code



Chapter 5.35

PROHIBITED ACTIVITY ON BRIDGES

Section:

5.35.010 Prohibited Activity

5.35.010 Prohibited Activity

It is unlawful to jump from any bridge, which spans the Rogue River.

# City of Grants Pass Municipal Code



Amend by (Ord. 5362, 2006) (Ord. 5398, 2007)

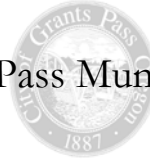
## Chapter 5.36

### OBJECTS OR MATERIALS ON PASSAGEWAYS

#### Sections:

- 5.36.010 Obstructing Traffic
- 5.36.020 Objects or Materials on Streets, Sidewalks or any other Public Way
- 5.36.030 Debris on Streets, Sidewalks, or any other Public Way

# City of Grants Pass Municipal Code



## 5.36.010 Obstructing Traffic

(Ord. 5398 2007)

- A. No person shall, except as otherwise permitted by ordinance, obstruct, cause to be obstructed or assist in obstructing pedestrian or vehicular traffic on any sidewalk, street, or other public place.
- B. The provisions of this chapter shall not apply to the delivery of merchandise or equipment, provided that no person shall permit such merchandise or equipment to remain on any street or sidewalk beyond a reasonable time.

## 5.36.020 Objects or Materials on Streets, Sidewalks or any other Public Way

- A. No person shall permit any merchandise, equipment or other obstruction to remain on any street or sidewalk, except as specifically authorized by Subsection C. (Ord 5422, 2007)
- B. No person shall use any street or sidewalk or any portion thereof for selling, storing or displaying merchandise or equipment except as may be otherwise provided by ordinance, or as might be specifically authorized by the Council, or Subsection C. (Ord 5422, 2007).
- C. Merchandise and display fixtures will be allowed in the Central Business District on sidewalks only as follows:
  - 1. Merchandise and display fixtures may be sold, stored, or displayed directly in front of that business selling, storing or displaying the merchandise.
  - 2. Merchandise and display fixtures may not be located any further than 3 feet at any height from the exterior wall of the business.
  - 3. Merchandise and display fixtures shall be contained within one continuous area 12 feet in length or a maximum of two areas not exceeding 6 feet in length each.
  - 4. Merchandise and display fixtures must be placed to allow a minimum of 4 feet of clearance on the sidewalk.
  - 5. In no case may merchandise or display fixtures be sold, stored, or displayed when a business is closed.
  - 6. The City disclaims any liability for any person or property injured by, as a result of, or in connection with any merchandise or display fixtures placed pursuant to this section. The business owner shall indemnify the City for any claims for injury to persons or property

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## City of Grants Pass Municipal Code

resulting from or in connection with any merchandise or display fixtures placed pursuant to this section. If the City is required to pay damages for the injury to persons or property as a result of any merchandise or display fixtures placed pursuant to this section, such business owners shall compensate the City for all costs incurred by the City including, but not limited to any damages paid, attorney fees, investigation costs and court costs and fees. The City may maintain an action in any court of competent jurisdiction to enforce the provisions of this section. (Ord 5422, 2007)

### 5.36.030 Debris on Streets, Sidewalks or any other Public Way

- A. It shall be prohibited to track, drag, drop, place, cause or allow to be deposited in any manner any mud, dirt, gravel, rock or other such debris upon the surface of any street, sidewalk, public way or into any part of the public storm and surface water system without authorization from the City of Grants Pass.
- B. No material shall be washed or flushed into any part of the storm and surface water system, and any such action shall be an additional violation.

City of Grants Pass Municipal Code



Chapter 5.38

TRASH

Section:

5.38.010 Placing Trash in Trash Receptacle of Another.

5.38.010 Placing Trash in Trash Receptacle of Another

No person shall place or cause to be placed trash or other matter upon public or private property or in another person's trash receptacle. This provision shall not apply to the placing of litter in trash receptacles provided for that purpose.

(Ord. 4354 §9, 1980; Ord. 4402 §1, 1981)

# City of Grants Pass Municipal Code



## Chapter 5.40

### SHOPPING CARTS IN PUBLIC RIGHTS OF WAY AND WATERWAYS

#### Sections:

- |          |  |
|----------|--|
| 5.40.010 | Short Title                                    |
| 5.40.020 | Requirements of Shopping Cart Providers        |
| 5.40.030 | Retrieval and Disposal of Shopping Carts; Fees |



# City of Grants Pass Municipal Code



## 5.40.10 Short Title

Municipal Code Sections 5.40.010 through 5.40.030 shall be known and may be cited as the “Shopping Cart Ordinance.”

## 5.40.020 Requirements of Shopping Cart Providers

- A. A person that supplies shopping carts for public use at the person’s business shall:
1. Post signs in sufficient number to give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is a crime under ORS 164.015, and provide a toll-free or local telephone number that members of the public may use to report abandoned shopping carts; and
  2. Identify the person’s business on each shopping cart and post a sign on the shopping cart that:
    - a. Notifies any member of the public using the shopping cart that unauthorized appropriation of a shopping cart is a crime under ORS 164.015; and
    - b. Provides a toll free or local telephone number for use in reporting an abandoned shopping cart; and
  3. Establish, maintain and make available to the public, at the person’s own expense, a toll-free or local telephone line for the purpose of reporting abandoned shopping carts. If the person who provides the carts has a contractor who receives the calls concerning abandoned shopping carts, that contractor shall forward each report the contractor receives concerning an abandoned shopping cart to the owner of the shopping cart and to the City’s Code Enforcement Office within one business day after the contractor receives the report.
  4. Retrieve or contract for the retrieval of abandoned shopping carts.

## 5.40.030 Retrieval and Disposal of Shopping Carts; Fees

- A. A person may agree with other persons to share and to pay expenses related to the toll-free telephone line described in Section 5.40.020(A)(1). The agreement shall provide that any person designated to operate the toll-free telephone line and receive reports concerning abandoned shopping carts must forward the reports in accordance with 5.40.020(A)(1).

## City of Grants Pass Municipal Code



- B. A person shall retrieve a shopping cart that the person owns within 72 hours after receiving notification that the shopping cart has been abandoned.
- C. If the City identifies, salvages or reclaims an abandoned shopping cart, it shall use the toll-free or local telephone line described in Section 5.40.020(A)(1) to report the existence and location of an abandoned shopping cart to the owner of the shopping cart, if the owner is identifiable.
- D. The City may take custody of an abandoned shopping cart and impose a fine of \$50 on the owner of the shopping cart if the owner does not retrieve the shopping cart within 72 hours after the City makes a report under Subsection (C) or after the owner receives a report under Section 5.40.020(A)(1).
- E. The City may release a shopping cart held in custody of the City of Grants Pass to the owner upon payment of the \$50 fine.
- F. The City may take title to a shopping cart in custody of the City of Grants Pass and dispose of the shopping cart, as the City of Grants Pass deems appropriate, if the owner does not claim the shopping cart within 30 days.
- G. A City Code Enforcement Officer may issue citations for the commission of a violation of this shopping cart ordinance. A violation proceeding under this ordinance shall be processed in accordance with ORS Chapter 153.

# City of Grants Pass Municipal Code



## Chapter 5.57

### REGULATING CITY PARKS AND CITY PROPERTIES

#### Sections:

- 5.57.010 Authority to Regulate Occupancy
- 5.57.020 Criminal Trespass on City Property

#### 5.57.010 Authority to Regulate Occupancy

Police Officers of the Public Safety Department are authorized to close all or portions of City Parks or City properties prior to or in lieu of any regular closure. The Public Safety Department shall attempt to notify occupants of the closed area of the closure. This Chapter shall not be construed to modify the unlawful entering or remaining in a building, which is subject to State laws regarding burglary and criminal trespass.

#### 5.57.020 Criminal Trespass on City Property

A person commits the crime of CRIMINAL TRESPASS ON CITY PROPERTY if the person enters or remains unlawfully in City Parks or on other City properties:

- A. After the regular closure of the park or property, or after having knowledge of the closure provided in section 5.57.010; or
- B. While under the influence of intoxicants, as that condition is defined by the motor vehicle laws of the State of Oregon, after being advised to leave the park or property by a Police Officer of the Public Safety Department; or
- C. While continuing to operate any sound amplification system which is plainly audible from 50 or more feet (unless that system is being operated to request assistance or warn of a hazardous situation), after being advised to cease said operation by a Police Officer of the Public Safety Department.

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Chapter 5.60

CURFEW FOR MINORS

Sections:

5.60.010 Hours of Curfew--Parental Responsibility

5.60.010 Hours of Curfew--Parental Responsibility

- A. No minor shall idle, wander, stroll, or play in or upon the public streets, sidewalks, parks, playgrounds, or other unsupervised places between the hours of 11:00 p.m. and 6:00 a.m. of the following day, unless accompanied by an adult, parent, guardian or other person having the care and custody of the minor, or unless such minor is engaged in legitimate business or school work, or his employment makes it necessary to be in such place.
  
- B. No adult, parent or guardian having the care and custody of a minor shall permit such minor to violate the provisions of subsection A of this section.  
(Ord. 4354 §11, 1980)

# City of Grants Pass Municipal Code



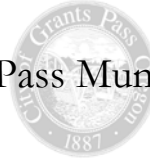
## Chapter 5.61

### PROHIBITED CAMPING

#### Sections:

- 5.61.010 Definitions
- 5.61.020 Sleeping on Sidewalks, Streets, Alleys, or Within Doorways  
Prohibited
- 5.61.030 Camping Prohibited
- 5.61.050 Removal of Campsite on Private Property
- 5.61.060 Disposition and Release of Personal Property
- 5.61.070 Mitigation

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## 5.61.010 Definitions

Unless the context requires otherwise the following definitions apply to Chapter 5.61.

- A. "To Camp" means to set up or to remain in or at a campsite.
- B. "Campsite" means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

## 5.61.020 Sleeping on Sidewalks, Streets, Alleys, or Within Doorways Prohibited

- A. No person may sleep on public sidewalks, streets, or alleyways at any time as a matter of individual and public safety.
- B. No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.
- C. In addition to any other remedy provided by law, any person found in violation of this section may be immediately removed from the premises.

## 5.61.030 Camping Prohibited

No person may occupy a campsite in or upon any sidewalk, street, alley, lane, public right of way, park, bench, or any other publicly-owned property or under any bridge or viaduct, unless (i) otherwise specifically authorized by this Code, (ii) by a formal declaration of the City Manager in emergency circumstances, or (iii) upon Council resolution, the Council may exempt a special event from the prohibitions of this section, if the Council finds such exemption to be in the public interest and consistent with Council goals and notices and in accordance with conditions imposed by the Parks and Community Services Director. Any conditions imposed will include a condition requiring that the applicant provide evidence of adequate insurance coverage and agree to indemnify the City for any liability, damage or expense incurred by the City as a result of activities of the applicant. Any findings by the Council shall specify the exact dates and location covered by the exemption. (Ord. 5475 §7, 2009)

## 5.61.050 Removal of Campsite on Public Property

(Ord. 19-5752)

Upon discovery of a campsite on public property, removal of the campsite by the Public Safety Department may occur under the following circumstances:



## City of Grants Pass Municipal Code

- A. Prior to removing the campsite, the City shall post a notice, 24-hours in advance.
- B. At the time a 24-hour notice is posted, the City shall inform a local agency (delivering social services to homeless individuals) of the location of the campsite.
- C. After the 24-hour notice period has passed, the Public Safety Department is authorized to remove the campsite and all personal property related thereto.

### 5.61.060 Disposition and Release of Personal Property

For purposes of this Chapter, “personal property” means any item reasonably recognizable as belonging to a person and having apparent utility or monetary value. Items having no apparent utility or monetary value and items in an unsanitary condition may be immediately discarded. Weapons, drug paraphernalia, items appearing to be stolen, and evidence of a crime may be retained as evidence by the Public Safety Department until an alternate disposition is determined. All personal property removed from the campsite which is not retained, disposed of, or held as evidence (as provided above) shall be stored by the Public Safety Department for a minimum of 30 days, , during which time it shall be reasonably available for and released to an individual confirming ownership. (Ord. 19-5752)

### 5.61.070 Mitigation

Upon conviction for a violation of this Chapter, in addition to any other factors deemed appropriate by the Court, the Court shall consider in mitigation whether or not the person immediately removed all personal property and litter, including but not limited to bottles, cans, and garbage from the campsite after being informed it was in violation of the law.

# City of Grants Pass Municipal Code



## Chapter 5.62

### ILLEGAL POSSESSION OF SPRAY PAINT

#### Sections:

- 5.62.010 Violation by Juvenile
- 5.62.020 Violation by Parents of Juvenile

#### 5.62.010 Violation by Juvenile

It is unlawful for persons under 18 years of age to possess one or more cans of spray paint, marking pens (which pens have a marking width of 3/4 inches or more), glass cutting devices, or glass etching devices either personally or in any vehicle which they are operating, during the hours of 5:00 p.m. and 6:00 a.m. unless said juvenile is in the immediate company of the juvenile's parent (or legal guardian), or unless said juvenile is on private property with the permission of the owner.

#### 5.62.020 Violation by Parents of Juvenile

It is unlawful for the parent (or legal guardian), of a person under 18 years of age, either through action or failure to act, to permit or allow the juvenile to possess the materials specified in 5.61.010, either personally or in any vehicle which the juvenile is operating, during the hours of 5:00 p.m. and 6:00 a.m. unless said juvenile is in the immediate company of the juvenile's parent (or legal guardian), or unless said juvenile is on private property with the permission of the owner.



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Chapter 5.64

CHILDREN CONFINED IN VEHICLES

Sections:

5.64.010 Confinement of Children in Vehicles Prohibited

5.64.010 Confinement of Children in Vehicles Prohibited

- A. No person who has under his control or guidance a child under twelve years of age shall at any time lock or confine, or permit to be locked or confined, or shall leave such child unattended, in an automobile, truck, bus or other vehicle in any public or private place for a period longer than thirty consecutive minutes.
  
- B. It is the duty of any police officer finding a child or children confined in violation of subsection A of this section to enter such automobile, truck, bus or other vehicle and to remove such child or children, using such force as may be necessary to effect an entrance to said vehicle in order to remove the child or children. (Ord. 4354 §12, 1980)

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Chapter 5.67

ALARM SYSTEMS

Sections:

5.67.010 Programmed Alarm System Restrictions

5.67.010 Programmed Alarm System Restrictions

No alarm system shall be programmed to select any telephone line for which the user of said line has not consented to such programming.

# City of Grants Pass Municipal Code



## Chapter 5.68

### DRINKING IN PUBLIC PLACES

#### Sections:

5.68.010 Restrictions on Public Consumption of Alcoholic Beverages

#### 5.68.010 Restrictions on Public Consumption of Alcoholic Beverages

- A. It is unlawful for any person to drink alcoholic beverages upon any street, sidewalk, alley, or any other place to which the general public has access unless permitted as a sidewalk café (see Title 6 of the Municipal Code, Chapter 6.47) and in accordance with the Oregon Liquor Control Commission. (Ord 5410 §1, 2007).
- B. It is unlawful for any person to drink or dispense alcoholic beverages in any public stadium or park unless first authorized by the City Council.
- C. It is unlawful for any person to have in his possession while upon any street, sidewalk, alley, or any other place to which the general public has access, any bottle, can, or other receptacle containing any alcoholic beverage which has been opened or a seal broken or the contents of which has been partially removed unless permitted as part of a sidewalk café (see Title 6 of the Municipal Code, Chapter 6.47) and in accordance with the Oregon Liquor Control Commission. (Ord. 4354 §13, 1980) (Ord 5410 §1, 2007).

# City of Grants Pass Municipal Code



## Chapter 5.70

### OFFENSIVE SUBSTANCES

#### Section:

#### 5.70.010 Violation

#### 5.70.010 Violation

- A. It is unlawful for any person, including a person in the possession or control of any land, to discard any dead animal carcass or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious, or offensive substance into or in any other manner befoul, pollute, or impair the quality of any spring, river, brook, creek, branch, well, irrigation drainage ditch, irrigation ditch, cistern, or pond of water.
- B. It is unlawful for any person to place or cause to be placed any polluting substance listed in this section into any road, street, alley, lane, lot, field, meadow, or common. It is unlawful for an owner thereof to knowingly permit any polluting substances to remain in any of the places described in this subsection to the injury of the health or to the annoyance of any citizen of this state. Every twenty-four hours after conviction for violation of this subsection during which the violator permits the polluting substances to remain is an additional offense against this subsection.
- C. Nothing in this section shall apply to the storage or spreading of manure or like substance for agricultural, silvicultural, or horticultural purposes, except that no sewage sludge, septic tank, or cesspool pumpings shall be used for these purposes unless treated and applied in a manner approved by the Department of Environmental Quality. (Ord. 4510 §1, 1984)

City of Grants Pass Municipal Code



Chapter 5.71

MEDICAL MARIJUANA FACILITIES PROHIBITED

Section:

5.71 Medical Marijuana Facilities

5.71 Medical Marijuana Facilities

Medical marijuana facilities, dispensaries, or similar locations that dispense or distribute marijuana pursuant to ORS 475.314 are prohibited in the City of Grants Pass.

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CHAPTER 5.72

HOMEGROWN AND MEDICAL MARIJUANA

Sections:

- 5.72.010 Intent and Purpose
- 5.72.020 Definitions
- 5.72.030 Homegrown and Medical Marijuana Subject to Regulation
- 5.72.040 Public Nuisance Remedy
- 5.72.050 Violation
- 5.72.060 Conflict of Laws
- 5.27.070 Severability

# City of Grants Pass Municipal Code



## 5.72.010 Intent and Purpose

The City Council of the City of Grants Pass recognizes that citizens of the State of Oregon may engage in both recreational and medicinal use of marijuana in accordance with State law. However, the City Council also recognizes that cultivating, drying, producing, processing, keeping, or storage of marijuana, without appropriate safeguards in place, can have a detrimental effect upon public safety and neighboring citizens. The City Council finds and declares that the health, safety, and welfare of its citizens are promoted by requiring marijuana cultivators engaged in recreational or medicinal cultivation, drying, producing, processing, keeping, or storage of marijuana to ensure that said marijuana is not accessible, visible, or odorous to other persons or property, or otherwise illegal under Oregon state law.

## 5.72.020 Definitions

"Homegrown Marijuana" means any marijuana cultivated, dried, produced, processed, kept or stored for personal recreational use by a person 21 years of age or older in accordance with State law.

"Household" means a housing unit, and includes any indoor structure or accessory dwelling unit in or around the housing unit at which the occupants of the housing unit are cultivating, drying, producing, processing, keeping, or storing homegrown marijuana.

"Housing unit" means a house; a mobile home; a manufactured home; and/or a group of rooms, or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall including an individual residential unit in an apartment, duplex, townhome, condominium, or senior living facility.

"Indoors/Indoor Structure" means within a fully enclosed and secure structure that complies with the Oregon Residential Specialty Code (ORSC) or Oregon Structural Specialty Code (OSSC), as adopted by the City of Grants Pass, which has a complete roof enclosure supported by connecting walls extending from the foundation/slab to the roof. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2" x 4" or larger wood studs covered with 3/8" or thicker weather-resistant siding or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Marijuana" means all parts of the plant Cannabis family Moraceae, including, but not limited to, its dried leaves and flowers, any marijuana products derived therefrom. The term includes any and all homegrown marijuana, medical marijuana, non-medical



# City of Grants Pass Municipal Code

marijuana, and marijuana products as defined in this section.

"Marijuana cultivator" means a medical marijuana grower, recreational marijuana home grower, patient, and any landlord or property owner allowing marijuana to be cultivated, dried, produced, processed, kept or stored at a premises.

"Marijuana products" means products that contain marijuana or marijuana extracts and are intended for human consumption.

"Medical Marijuana" means the marijuana cultivated, dried, produced, processed, kept or stored for medicinal use in accordance with the OMMA.

"Medical Marijuana Grower" means any person engaged in the cultivation, drying, production, processing, keeping or storage of medical marijuana in accordance with state law, and includes, but is not limited to the meaning set out at OAR 333-008-0010 (11)&(21).

"Medical Marijuana Grow Site" means a location registered pursuant to ORS 475.304 where medical marijuana is produced for use by a patient.

"Recreational Marijuana Home grower" means a person 21 years of age and older engaged in the cultivation, drying, production, processing, keeping, or storage of homegrown marijuana in accordance with State law.

"Homegrown Marijuana Grow Site" means a location in which a person 21 years of age and older cultivates, dries, produces, processes, keeps or stores homegrown recreational marijuana in accordance with State law.

"Patient" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

"Premises" means a household, medical marijuana grow site, homegrown marijuana grow site, and/or primary residence of a patient.

"Property" means any home, business or public right-of-way.

## 5.72.030 Homegrown and Medical Marijuana Subject to Regulation

- A. Marijuana Cultivators shall be allowed to cultivate, produce, and/or process homegrown marijuana and medical marijuana subject to the following conditions:



## City of Grants Pass Municipal Code



1. Cultivation, production, and processing of marijuana must be in full compliance with all applicable provisions of OMMA and Measure 91;
2. All cultivation, drying, curing, storage, production, or processing of marijuana shall be conducted indoors; except that medical marijuana may be cultivated outdoors, in accordance with state law, until December 31, 2015. Such outdoor cultivation shall be prohibited thereafter;
3. Cultivation, production, processing, or storage of marijuana shall not be perceptible from the exterior of the household, housing unit, and/or indoor structure including but not limited to:
  - a. Common visual observation, which would prohibit any form of signage;
  - b. Odors, smells, fragrances, or other olfactory stimulus;
  - c. Light pollution, glare, or brightness that disturbs the repose of another;
  - d. Undue vehicular or foot traffic, including excess parking within a residential zone; and
  - e. Excessive noise that disturbs the repose of another in violation of GPMC 5.12.110.
4. Cultivation, production, or processing of marijuana shall be within a secure, defined area;
5. Cultivation, production, or processing of marijuana shall meet the requirements of all adopted City building and life/safety codes;
6. Cultivation, production, or processing of marijuana shall meet the requirements of all adopted water and sewer regulations promulgated by the City or any special district having jurisdiction;
7. Disposal of any excess or unused marijuana, marijuana products, or other byproducts thereof, shall meet any and all local and state requirements for disposal, and shall be disposed of in a secure fashion so as to avoid access by children, visitors, casual passersby, vandals or anyone not licensed or authorized to possess medical or homegrown marijuana;

## City of Grants Pass Municipal Code



8. Cultivation, production, or processing of marijuana in a commercial or industrial structure located in a commercial or industrial zone shall meet the following requirements:
  - a. The use must be conducted indoors;
  - b. The premises must not be vacant and there shall be an actual daily presence, use, and occupancy of the premises by an owner, tenant, employee or agent thereof.
  
9. Cultivation, production, or processing of marijuana in residential zones or in a housing unit shall meet the following requirements:
  - a. Cultivation, production, or processing of marijuana shall only be conducted within the primary residence of the marijuana cultivator;
  - b. Marijuana plants shall not be cultivated, processed, or produced in the common areas of a multi-family or attached residential development such as townhomes, apartments, and condominiums;
  - c. For purposes of this ordinance, "primary residence" means the place that a person, by custom and practice, makes his or her principal domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one primary residence, which may include an indoor structure or accessory dwelling unit, provided that the indoor structure or accessory dwelling unit is located on the same tax lot as the primary residence.
  
10. For purposes of this ordinance, "a secure" area means an area within the primary residence or indoor structure accessible only to the patient or primary caregiver, or marijuana cultivator. Secure premises shall be locked or partitioned off to prevent access by minors, visitors, casual passersby, vandals, or anyone not licensed and authorized to possess medical or homegrown marijuana.

# City of Grants Pass Municipal Code



- B. Licensed commercial grows, as defined in Measure 91, are prohibited in all residential zones.

## 5.72.040 Public Nuisance Remedy

- A. Any household, housing unit, premises, property, building, structure or place of any kind where medical or homegrown marijuana is grown, processed, manufactured, bartered, distributed or given away in violation of state law or this chapter, or any place where medical or homegrown marijuana is kept or possessed for sale, barter, distribution or gift in violation of state law or this chapter, is a public nuisance per Chapter 8.04.
- B. In addition to the foregoing, two or more violations in a 30-day period may be deemed a Chronic Nuisance Property subject to the provisions of Chapter 5.12.
- C. In addition to any remedies provided in Chapters 5.12, the City may institute an action in municipal or circuit court in the name of the City to abate, and to temporarily and permanently enjoin, such nuisance. The court has the right to make temporary and final orders as in other injunction proceedings. The City shall not be required to give bond in such an action.

## 5.72.050 Violation

In addition to treatment as a nuisance, all violations of this title are subject to punishment under the general penalty provisions in Chapter 1.36. Each day in which a violation continues shall constitute a separate violation.

## 5.72.060 Conflict of Laws

In the event of any conflict between the provisions of this Ordinance and the provisions of any other applicable state or local law, the more restrictive provision shall control.

## 5.72.070 Severability

The sections, subsections, paragraphs and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.