CHAPTER 8.30

Nuisance Abatement

Sections:

8.30.010 Short title. This chapter shall be referred to as the “Nuisance Abatement Ordinance.”

8.30.020 Purpose. This chapter is enacted to provide authority and procedures for nuisance abatement by County action and for the recovery of the cost of such abatement. None of the remedies available to the County as set forth in this chapter are exclusive. Nothing in this chapter shall preclude any remedy otherwise available to the County, either in law or equity.

8.30.030 Definitions. For the purpose of this chapter, words used in the present tense include the future, the singular number includes the plural, the word “shall” is mandatory and not directory, and the term “this chapter” shall be deemed to include all amendments hereafter made to this chapter. The definitions applicable to this chapter are:

A. “Abate” means to stop an activity and/or to repair, replace, remove, rehabilitate, destroy, demolish, or otherwise remedy a condition where such activity or condition constitutes a nuisance.

B. “Abatement cost” includes but is not limited to the expenses incurred by the County for any and all contractors, materials, equipment, disposal fees, title search charges, staff time, process service fees, publication fees, and reasonable attorney fees to abate a nuisance.

C. “Board” means the Board of Commissioners for Douglas County, Oregon.

D. “County” means Douglas County, Oregon.

E. “Director” means the Douglas County Planning Department Director.
F. “Hearings Officer” means a person appointed by the Board to hear proceedings under this chapter.

G. “Nuisance” consists of doing an act or omitting to perform a duty, including permitting an action or condition to occur or exist, which act or omission violates any provision of law, including but not limited to the Land Use and Development Ordinance and the following substantive chapters of the Douglas County Code: the Environmental Health Enforcement Ordinance (chapter 8.20); the Sanitation Code (chapter 8.25); the Parking and Towing Code (chapter 10.08); the Salmon Harbor Ordinance (chapter 12.08); the County Parks Ordinance (chapter 12.12); the Solid Waste Management and Recycling Ordinance (division II of title 13); and the Building Code (chapter 15.25). Any such violation shall be deemed a nuisance within the scope of this Nuisance Abatement chapter, even if it is not called a “nuisance” by the applicable substantive chapter(s).

H. “Person in charge of the property” means any owner, agent, contract purchaser, lessee, occupant, or other person having possession or control of a particular property. More than one person can be a person in charge of the property for a particular property.

I. “Record Owner” means the person or entity listed as the owner on the last certified assessment roll of the County.

8.30.040 Delegation; Consultation.
A. The Director shall be and is empowered to enforce the provisions of this chapter. The Director is delegated the authority to designate, from time to time, specific County employees that are authorized to assist the Director in enforcing this chapter.

B. The Director shall consult with the Liaison Commissioner to the Planning Department prior to commencing proceedings under the provisions of this chapter.

8.30.050 Area of Application. This chapter applies in unincorporated Douglas County, including within the urban growth boundaries of the cities, unless such application is precluded by the applicable urban growth management agreement (UGMA).

8.30.060 Investigations.
A. The first step in abatement proceedings under this chapter is an investigation, which may be conducted whenever the County receives a complaint or becomes aware that a nuisance may exist.

B. As part of an investigation, the Director may apply for an inspection warrant as provided in Section 8.30.065.

8.30.065 Inspection warrants.
A. General:
(1) Any justice court justice of the peace or circuit court judge within Douglas County, Oregon shall have authority to issue an inspection warrant pursuant to the provisions of this chapter.

(2) Application for an inspection warrant may be made only by the Director, or his or her designee, whenever entry onto private property is necessary to inspect or investigate a nuisance.
B. Grounds for issuance of inspection warrant:
(1) The warrant shall be issued only upon cause, supported by affidavit, particularly setting forth the following facts and circumstances:
   (a) the affiant’s status in applying for the warrant;
   (b) the statute, ordinance or regulation requiring or authorizing the inspection or investigation;
   (c) a description of the property sufficient for identification of the property to be inspected or investigated;
   (d) the purpose for which the inspection or investigation is to be made, including the basis upon which cause exists to inspect or investigate;
   (e) a statement that entry has been sought and refused by a person in charge of the property, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.
(2) Cause shall be deemed to exist to issue the warrant if there is probable cause to believe:
   (a) that a nuisance exists on the designated property; or
   (b) that an inspection or investigation is reasonably believed to be necessary to discover or verify the nuisance conditions that exist on the property.

C. Procedure for issuance of inspection warrant:
(1) A warrant shall issue only if the justice of the peace or judge is satisfied that cause exists for granting the warrant after review of the affidavit.
(2) The warrant shall state, or describe with particularity:
   (a) the identity of the justice of the peace or judge issuing the warrant and the date the warrant was issued;
   (b) the persons authorized to execute the warrant;
   (c) a description of the property sufficient for identification of the property to be entered and upon which the inspection or investigation will occur;
   (d) a direction that the warrant be executed between the hours of 8 a.m. and 6 p.m. and within five days from the date of issuance; and
   (e) the period of time, not to exceed five days, within which the warrant is to be returned to the issuing judge.

D. Execution of investigation warrant:
(1) Before entry into the property subject to the warrant, the person in charge of the execution of the warrant shall give notice of the person’s identity, credentials, authority, and purpose to any occupants or persons in apparent control of the property, if any such persons are present on the property.
(2) Before undertaking any inspection or investigation pursuant to the warrant, the person in charge of the execution of the warrant shall read and give a copy of the warrant to any occupants or persons in apparent control of the property. If the property is unoccupied or there is no one in apparent control, the person charged with execution shall leave a copy of the warrant suitably affixed in a conspicuous location on the property.
(3) Any peace officer, as defined in Oregon Revised Statutes, may assist in the execution of the warrant as may be reasonably necessary for the successful execution of the warrant with all practicable safety, including but not limited to the removal of any person or obstacle that is necessary to enter the property and inspect or investigate.

(4) The person in charge of executing the warrant, and any others assisting with the execution, may use any means as is reasonably necessary to effect an entry onto the property, including but not limited to cutting locks or chains and removing obstacles, barriers, fences, and gates.

E. Return of inspection warrant:

   (1) If the warrant is not executed within the time specified by the warrant, the affiant shall forthwith return the warrant to the issuing justice of the peace or judge.

   (2) As soon as is reasonably possible after execution of the warrant and in no event later than the date specified in the warrant, the affiant shall return the warrant to the issuing justice of the peace or judge and setting forth the date and time of the execution of the warrant.

8.30.070  Commencement of proceedings; Order; Service.

A. Commencement of Proceedings: Whenever the Director has inspected or caused to be inspected any property and has found and determined that a nuisance exists, the Director may, with approval from the Liaison Commissioner to the Planning Department, commence proceedings under the provisions of this chapter to abate the nuisance. The Director shall issue and serve an order directing the person in charge of the property and/or the record owner of the property if different to abate the nuisance.

B. Content of Order:

   (1) The order shall contain:

      (a) a legal description of the property sufficient for identification of the property upon which the nuisance is located;
      (b) a statement that the Director has determined that a nuisance exists, with a description of the conditions creating the nuisance;
      (c) a description of the action required to be taken to abate the nuisance and the date by which such action must be completed;
      (d) statements advising that if the nuisance is not abated within the time specified in the order, the County may abate the nuisance and:
         (i) sell, recycle, or discard any items removed from the property to abate the nuisance;
         (ii) charge the abatement costs as a personal obligation of the person in charge of the property and/or the record owner of the property if different, or as an assessment against the property involved; and
         (iii) may obtain a nuisance abatement warrant to enter the property and abate the nuisance, unless consent to enter the property is provided; and
      (e) statements advising:
(i) that any person aggrieved by the order may appeal from such order, provided the appeal is made in writing as provided in this chapter and filed with the Director within the time specified in the order;

(ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and adjudication of the order; and

(iii) that enforcement of any order issued by the Director may be stayed by the Director in his discretion during the pendency of a timely filed appeal.

C. Service of Order:

(1) The order, and any amended or supplemental order, shall be:
   (a) posted at the property upon which the nuisance is located; and
   (b) served upon the person in charge of the property and the record owner of the property if different.

   (i) the failure of the Director to serve all persons in charge of property and/or the record owner shall not invalidate any proceedings hereunder as to any person duly served or relieve any such person from any duty or obligation imposed on him or her by the provisions of this chapter.

   (ii) service of the order shall be made either personally or by mailing a copy of such order by first class and certified mail, postage prepaid, return receipt requested, to a person at his or her address as it appears on the last certified assessment roll of the County or as known to the Director. If no address of any person so appears or is known to the Director, then a copy of the order shall be so mailed, addressed to the person, at the address of the property involved in the proceedings. The failure of any person to receive such order shall not affect the validity of any proceedings taken under this chapter. Service by first class and certified mail in the manner herein provided shall be effective on the date of mailing.

(2) If necessary under the circumstances, the order, and any amended or supplemental order, shall be published once in a newspaper of general circulation in Douglas County.

(3) Upon completion of the posting and service of the order, the person effecting the posting and service shall certify by a written declaration or affidavit under penalty of perjury declaring the date, time, and location of posting and the date, time and manner of service. The declaration or affidavit, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the order retained by the Director.

8.30.080 Nuisance abatement.

A. If after any order of the Director or the Hearings Officer has become final and the person subject to such order fails, neglects or refuses to obey the order within the time specified in the order, the Director may direct the abatement of the nuisance, either by using County personnel and equipment or by engaging other personnel and
equipment for that purpose. Any items removed from the property by the County to
abate the nuisance may be sold, recycled, or discarded at the discretion of the County.

B. No abatement by the County on private property shall occur unless preceded
by issuance of a nuisance abatement warrant issued pursuant to this chapter or, in the
alternative, written consent and release of liability by the person in charge of the
property and/or the record owner of the property if different.

8.30.090  Appeals on orders of abatement.
A. Any person aggrieved by an order issued by the Director may appeal from
such order by filing at the office of the Director, within the time specified in the order, a
written appeal containing:
   (1) A heading in the words: “Before the Nuisance Abatement Hearings
       Officer of Douglas County;”
   (2) A caption reading: “Appeal of,” giving the names of all appellants
       participating in the appeal;
   (3) A brief statement setting forth the legal interest of each of the
       appellants in the property involved in the order;
   (4) A brief statement of the specific order or action protested, together with
       any material facts claimed to support the contentions of the appellant;
   (5) A brief statement of the relief sought and the reasons why it is claimed
       the protested order or action should be reversed, modified or otherwise set aside;
   (6) The signatures of all persons named as appellants and their official
       mailing addresses; and
   (7) The verification (by declaration or affidavit under penalty of perjury) of
       each appellant as to the truth of the matters stated in the appeal.
B. Failure of any person to file an appeal in accordance with the provisions of this
section shall constitute a waiver of his or her right to an administrative hearing and
adjudication of the order.
C. If no timely appeal is filed with the Director, the order shall be final. The
effective date of the order shall be the day following the expiration of the time to file an
appeal.
D. An untimely appeal shall not be considered by the Hearings Officer.
E. Enforcement of any order issued by the Director may be stayed by the
Director in his discretion during the pendency of a timely filed appeal.

8.30.100  Appeal hearing scheduling.
A. The Director shall, upon receipt of a timely filed appeal, promptly notify the
Hearings Officer. The Hearings Officer shall set a time and place for hearing the appeal,
which shall not be less than ten days nor more than thirty days from the date the appeal
was filed with the Director.
B. Written notice of the time and place of the hearing shall be given to each
appellant by the Director either by either personally or by mailing a copy thereof by first
class and certified mail, postage prepaid, return receipt requested, addressed to the
appellant at his or her address shown on the appeal. Notice may also be given to such
persons as the Hearings Officer determines to be interested persons. The notice shall
be substantially in the following form, but may include other information:
“You are hereby notified that a hearing will be held before (name of Hearings Officer) on (date) at (time), upon the order served upon you. You may be present at the hearing. You may be but need not be represented by counsel. You may present any relevant evidence.”

C. The Hearings Officer may grant continuances for good cause shown. A request for a continuance must be in writing and received by the Hearings Officer no later than three business days prior to the scheduled hearing date.

D. An appellant who fails to appear at the hearing is not entitled to another hearing unless the appellant provides reasons satisfactory to the Hearings Officer for the appellant’s failure to appear.

8.30.110 Appeal hearing procedure.
A. General:
   (1) The Hearings Officer shall exercise all powers relating to the conduct of hearings, including the power to administer oaths and affirmations and certify to official acts.
   (2) The hearing shall be recorded by tape recording or any other means of recording determined to be appropriate by the Hearings Officer. The Director shall retain a copy of the recording and all materials submitted at the hearing as required by state law.
   (3) The Hearings Officer shall only consider those matters or issues specifically raised in the appeal at the hearing.
   (4) The standard or proof shall be upon the County by a preponderance of the evidence.
B. Conduct of Hearing:
   (1) Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
   (2) Oral evidence shall be taken only on oath or affirmation.
   (3) Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
   (4) Irrelevant and unduly repetitious evidence shall be excluded.
   (5) Each party shall have these rights, among others:
       (a) to call and examine witnesses on any matter relevant to the issues of the hearings;
       (b) to introduce documentary and physical evidence;
       (c) to rebut the evidence against him or her; and
       (d) to represent himself or herself or to be represented by anyone of his or her choice who is lawfully permitted to do so.
   (6) Official notice may be taken as follows:
       (a) official notice may be taken before submission of the case for decision of any fact which may be judicially noticed by the courts of this state, of official records of the Board or County departments, of ordinances of the County, or of rules and regulations of the Board.
(b) parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

(c) parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the matter of such refutation to be determined by the Hearings Officer.

(7) The Hearings Officer may inspect any premises involved in the appeal during the course of the hearing, provided that:

(a) notice of such inspection shall be given to the parties before the inspection is made;

(b) the parties are given an opportunity to be present during the inspection; and

(c) the Hearings Officer shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Hearings Officer.

C. Method and Form of Order:

(1) The Hearings Officer shall within thirty days from the date the hearing is closed prepare a written order. All Hearings Officer orders shall be matters of public record. The order shall contain findings of fact, a determination of the issues presented, and if nuisance abatement is ordered, the actions required to be taken to abate the nuisance and the date by which such action must be completed. A copy of the order shall be given to each appellant personally or by mailing a copy thereof by first class and certified mail, postage prepaid, return receipt requested to each appellant at the address shown on the appeal.

(2) The order of the Hearings Officer shall be final. The effective date of the order shall be as stated therein.

8.30.120 Recovery of abatement cost.

A. Content of Cost Report: The Director shall keep an itemized account of the abatement cost incurred by the County in the abatement of any nuisance done pursuant to the provisions of this chapter. Upon the completion of the nuisance abatement, the Director shall prepare a cost report of the abatement cost, which shall include the following:

(1) A brief description of the work done;

(2) The itemized and total cost of the work;

(3) A description of the property sufficient for identification of the property upon which the nuisance was located;

(4) Statements advising:

   (a) whether the abatement cost shall be made a personal obligation of the person in charge of the property and/or record owner of the property if different, and/or an assessment against the property involved;

   (b) that any person aggrieved by the abatement cost may appeal from the imposition of such cost, provided the appeal is made in writing as
provided in this chapter and filed at the office of the Director within the
time specified in the cost report; and
    (c) that failure to appeal will constitute a waiver of all right to an
administrative hearing and adjudication of the abatement cost.
B. Service of Cost Report:
   (1) A copy of the cost report shall be:
       (a) posted at the property upon which the nuisance was
located; and
       (b) served upon the person in charge of the property and/or the
record owner of the property if different.
           (i) the failure of the Director to serve all persons in charge of
property and/or record owner shall not invalidate any proceedings
hereunder as to any person duly served or relieve any such person
from any duty or obligation imposed on him or her by the provisions
of this chapter.
           (ii) service of the cost report shall be made either personally
or by mailing a copy of such report by first class and certified mail,
postage prepaid, return receipt requested, to a person at his or her
address as it appears on the last certified assessment roll of the
County, as known to the Director, or at the address as shown on
any appeal if any appeal was made. If no address of any person so
appears or is known to the Director, then a copy of the cost report
shall be so mailed, addressed to the person, at the address of the
property involved in the proceedings. The failure of any person to
receive such cost report shall not affect the validity of any
proceedings taken under this chapter. Service by first class and
certified mail in the manner herein provided shall be effective on the
date of mailing.
   (2) If necessary under the circumstances, the cost report shall be
published once in a newspaper of general circulation in Douglas County.
   (3) Upon completion of the posting and service of the cost report, the
person effecting the posting and service shall certify by a written declaration or
affidavit under penalty of perjury declaring the date, time, and location of posting
and the date, time and manner of service. The declaration or affidavit, together
with any receipt card returned in acknowledgment of receipt by certified mail,
shall be affixed to the copy of the cost report retained by the Director.
C. Appeals of Abatement Cost:
   (1) Any person aggrieved by the abatement cost may appeal from the
imposition of such cost by filing at the office of the Director, within the time
specified in the cost report, a written appeal containing:
       (a) a heading in the words: “Before the Nuisance Abatement
Hearings Officer of Douglas County;”
       (b) a caption reading: “Abatement Cost Appeal of,” giving the
names of all appellants participating in the appeal;
       (c) a brief statement setting forth the legal interest of each of the
appellants in the property involved in the cost report;
(d) a brief statement of the relief sought and the reasons why it is claimed the cost report should be modified, corrected or otherwise rejected, together with any material facts claimed to support the contentions of the appellant;

(e) the signatures of all persons named as appellants and their official mailing addresses; and

(f) the verification (by declaration or affidavit under penalty of perjury) of each appellant as to the truth of the matters stated in the appeal.

(2) Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of all right to an administrative hearing and adjudication of the cost report.

(3) If no timely appeal is filed with the Director, the cost report shall be final. The effective date of the cost report shall be the day following the expiration of the time to file an appeal.

(4) An untimely appeal shall not be considered by the Hearings Officer.

D. Appeal Hearing Scheduling:

(1) The Director shall, upon receipt of a timely filed appeal, promptly notify the Hearings Officer. The Hearings Officer shall set a time and place for hearing the appeal, which shall not be less than ten days nor more than thirty days from the date the appeal was filed with the Director.

(2) Written notice of the time and place of the hearing shall be given to each appellant by the Director either personally or by mailing a copy thereof by first class and certified mail, postage prepaid, return receipt requested, addressed to the appellant at the address shown on the appeal. Notice may also be given to such persons as the Hearings Officer determines to be interested persons. The notice shall be substantially in the following form, but may include other information:

“You are hereby notified that a hearing will be held before (name of Hearings Officer) on (date) at (time), upon the cost report served upon you. You may be present at the hearing. You may be but need not be represented by counsel. You may present any relevant evidence.”

(3) The Hearings Officer may grant continuances for good cause shown. A request for a continuance must be in writing and received by the Hearings Officer no later than three business days prior to the scheduled hearing date.

(4) An appellant who fails to appear at the hearing is not entitled to another hearing unless the appellant provides reasons satisfactory to the Hearings Officer for the appellant’s failure to appear.

E. Appeal Hearing Procedure: The hearing shall be conducted in accordance with the provisions of Section 8.30.110, subparagraphs A. and B.

F. Method and Form of Order:

(1) The Hearings Officer shall within thirty days from the date the hearing is closed prepare a written order. The Hearings Officer may modify, correct or reject the cost report as the Hearings Officer may deem just. The Hearings Officer may thereupon order that said cost shall be made a personal obligation of the appellant and/or assess said charge against the property involved.
A copy of the order shall be delivered to the appellant personally or by
mailing by first class and certified mail, postage prepaid, return receipt requested
to the address on the appeal.

(3) The order of the Hearings Officer shall be final. The effective date of
the order shall be as stated therein.

(4) All Hearings Officer orders shall be matters of public record.

G. Assessment of Abatement Cost:

(1) If the abatement cost is made a personal obligation of the person in
charge of the property and/or record owner of the property if different, then such
person shall have thirty days from the effective date of the cost report or the
Hearings Officer order to pay the abatement cost. If full payment is not timely
made, then County Counsel shall collect the same by use of all appropriate legal
remedies.

(2) If the abatement cost is made an assessment against the property, the
record owner of the property shall have thirty days from the effective date of the
cost report or the Hearings Officer order to pay the abatement cost. If full
payment is not timely made, then County Counsel shall confirm the assessment,
cause the same to be recorded in the County Clerk’s real property lien records,
and thereafter said assessment shall constitute a lien upon the property.

(a) the validity of any lien made under the provisions of this chapter
shall not be contested in any action or proceeding unless the same is
commenced within thirty days after the lien is placed upon the County
Clerk’s real property lien records as provided herein.

(b) all such liens remaining unpaid after thirty days from the date of
recording in the County Clerk’s real property lien records shall become
delinquent and shall bear interest at the rate of nine percent per annum
from and after said date.

(c) all such liens may be foreclosed as provided by law.

8.30.130 Joint Responsibility. A record owner is responsible for any nuisance
on the property regardless of whether another person possesses or occupies the
property. If there is more than one person in charge of the property, such persons shall
be jointly and severally liable for abating the nuisance and for the abatement costs
incurred by the County in abating the nuisance.

8.30.140 Nuisance abatement warrants.
A. General:

(1) Any justice court justice of the peace or circuit court judge within
Douglas County, Oregon shall have authority to issue a nuisance abatement
warrant pursuant to the provisions of this chapter.

(2) Application for a nuisance abatement warrant may be made only by
the Director, or his or her designee, whenever entry onto private property is
necessary to abate any nuisance.

B. Grounds for issuance of nuisance abatement warrant:

(1) The warrant shall be issued only upon cause, supported by affidavit,
particularly setting forth the following facts and circumstances:
(a) the affiant’s status in applying for the warrant;  
(b) the statute, ordinance or regulation requiring or authorizing the 
abatement of the nuisance;  
(c) a description of the property sufficient for identification of the 
property upon which the nuisance is located;  
(d) the basis upon which cause exists to abate the nuisance;  
(e) a statement of the conditions to be abated and the general 
types and estimated quantity of the items to be removed; and  
(f) a statement that the person subject to an abatement order 
issued by pursuant to this chapter has failed, neglected or refused to obey 
such order.  
(2) Cause shall be deemed to exist to issue the warrant if there is 
probable cause to believe:  
(a) that a nuisance exists on the designated property;  
(b) that a properly served abatement order was issued pursuant to 
this chapter, which provided the person in charge of the property and/or 
the record owner of the property if different with notice of the nuisance 
conditions and an opportunity to abate such nuisance; and  
(c) that the person in charge of the property and/or the record 
owner if different have not abated the nuisance pursuant to the abatement 
order.  
C. Procedure for issuance of nuisance abatement warrant:  
(1) A warrant shall issue only if the justice of the peace or judge is 
satisfied that cause exists for granting the warrant after review of the affidavit.  
(2) The warrant shall state, or describe with particularity:  
(a) the identity of the justice of the peace or judge issuing the 
warrant and the date the warrant was issued;  
(b) the persons authorized to execute the warrant;  
(c) a description of the property sufficient for identification of the 
property to be entered and upon which the nuisance is located;  
(d) the conditions authorized to be abated, and the general types 
and estimated quantity of items authorized to be removed;  
(e) a direction that the warrant be executed between the hours of 8 
a.m. and 6 p.m. and within five days from the date of issuance; and  
(f) the period of time, not to exceed five days, within which the 
warrant is to be returned to the issuing judge.  
D. Execution of nuisance abatement warrant:  
(1) Before entry into the property subject to the warrant, the person in 
charge of the execution of the warrant shall give notice of the person’s identity, 
credentials, authority, and purpose to any occupants or persons in apparent 
control of the property, if any such persons are present on the property.  
(2) Before undertaking any nuisance abatement pursuant to the warrant, 
the person in charge of the execution of the warrant shall read and give a copy of 
the warrant to any occupants or persons in apparent control of the property. If the 
property is unoccupied or there is no one in apparent control, the person charged
with execution shall leave a copy of the warrant suitably affixed in a conspicuous location on the property.

(3) Any peace officer, as defined in Oregon Revised Statutes, may assist in the execution of the warrant as may be reasonably necessary for the successful execution of the warrant with all practicable safety, including but not limited to the removal of any person or obstacle that is necessary to enter the property and abate the nuisance.

(4) The person in charge of executing the warrant, and any others assisting with the execution, may use any means as is reasonably necessary to effect an entry onto the property, including but not limited to cutting locks or chains and removing obstacles, barriers, fences, and gates.

E. Return of nuisance abatement warrant:

(1) If the warrant is not executed within the time specified by the warrant, the affiant shall forthwith return the warrant to the issuing justice of the peace or judge.

(2) As soon as is reasonably possible after execution of the warrant and in no event later than the date specified in the warrant, the affiant shall return the warrant to the issuing justice of the peace or judge, together with a signed description of the conditions that were abated and the general types and estimated quantity of items that were removed and setting forth the date and time of the execution of the warrant.

***History:
Ord. 2020-07-01, 2020
Ord. 2023-07-01, 2023