

Wheeler Nuisance Code Changes



91.010 Carrying Loaded Firearm Unlawful

(A) No person shall knowingly carry a firearm, loaded or unloaded, in a park, school ground or public building.

(B) No person on a public street or in a public place shall knowingly carry a firearm upon the person, or in a vehicle under the person's control or in which the person is an occupant, unless all ammunition or missile has been removed from the chamber and from the cylinder, clip or magazine.

(C) Subsections (A) and (B) of this section shall not apply to:

(1) A peace officer acting within the scope of the officer's duty:

(2) Any government employee authorized or required by the employee's employment or office to carry or use firearms; or

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- (3) Any person having a valid permit issued to the person by lawful authority to carry or use concealed firearms;
 - (4) Any person whose primary business duty is the protection of financial institutions; or
 - (5) Any person whose primary business duty involves transporting for hire money, securities, negotiable instruments or similar commodities; or
 - (6) Any person justified in using deadly, physical force under the provisions of ORS Chapter 161.
- (D) It is unlawful for any person carrying a firearm upon the person, or in a vehicle under the person's control or in

91.035-91.040 Interfering with Public Justice

(1) No person may use or permit the use of property for planning or promoting criminal activities or for violation of this code.

(1) A person commits the offense hereinabove stated if that person intentionally and unreasonably interferes with, obstructs, or delays a person known by him to be a Peace Officer from discharging, or attempting to discharge his official duties.

(2) Definitions used with respect to this section:

(a) "Intentionally" means that a person acts with a conscious objective to cause the result or engage in conduct so described.

(b) "Interfere" means to impede or intervene either by use of physical force or by any instrumentality under an individual's personal control.

(c) "Obstruct" means to impede, hinder, or block, either by use of physical force or by any instrumentality under an individual's personal control.

91.035-91.040 Interfering with Public Justice

(d) "Delay" means to detain or cause to be late, either by use of physical force or by any instrumentality under an individual's personal control.

(e) "Peace Officer" means any municipal, county, or state employee authorized to act as a policeman, fireman, or emergency technician.

(f) "Unreasonably" means without good and justifiable cause.

91.060 Obstructions in Passageways

(B) Portable Signs. All portable signs must conform to the rules and regulations as set forth in the Zoning Ordinance enacted by the Planning Commission of Wheeler.

(C) Planter Boxes. Planter Boxes may be allowed on sidewalks and passageways lying within street rights-of-way...

(D) Miscellaneous Objects. Objects other than those described in this section or elsewhere in this Code may be allowed to be placed on sidewalks and passageways lying within street rights-of-way in accordance with the following:

(1) The object shall be placed adjacent to the building or site and extend no more than two (2) feet into the sidewalk area from the face of the building or site.

(2) The object will be kept clean and well-maintained.

(3) It is the responsibility of the permittee to position the object to provide an unobstructed passageway on the sidewalk in compliance with the Americans With Disabilities Act Administrative Guidelines (ADAAG).

91.060 Obstructions in Passageways

(G) Other Obstructions.

(1) No person may deposit earth, gravel, or debris on a street or sidewalk, except as otherwise authorized by this Code.

(2) No person may throw or deposit in the Nehalem River or on the tidelands of the Nehalem River any rubbish, refuse, ballast, sawdust, or other articles that may obstruct the channel of the Nehalem River or landings of the City.

(3) No person may permit a cellar door or grate located in or upon a sidewalk to remain open except when such entrance is being used and, when being used, such entrance has adequate safeguards to protect pedestrians using the sidewalks.

Offenses Involving Morals

(A) Generally. No person shall participate in, operate or assist in operating any gambling game or activity, including a lottery, except as permitted by O.R.S. 167.117 through 167.162. No person shall have in his or her possession any property, instrument or device designed or adapted for use in any type of gambling activity. Any such property, instrument or device is a nuisance and may be summarily seized by the city.

Social Game

(C) Application for license. From and after this date, it shall be lawful for any person, firm or corporation (hereafter referred to as “enterprise”) to engage in or carry on, or maintain or conduct, any card room in the city only if such enterprise has a valid card room license from said city. All persons having a financial interest in such enterprise shall file an application on forms provided by the city for such license with the City Manager and which shall be accompanied by a \$65 non-refundable deposit investigation fee.

All regulations and fees for social games can be found in the proposed ordinance.

91.400 Dog Control

Nuisances. A dog is a public nuisance if it:

- (1) Bites a person.
- (2) Habitually chases vehicles or persons.
- (3) Damages or destroys property of persons other than the owner of the dog.
- (4) Scatters garbage.
- (5) Habitually trespasses on private property of persons other than the owner of the dog.
- (6) Disturbs any person by frequent or prolonged noises.
- (7) Is running at large.

91.411 Animal Waste. The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks or any public right of way between the street curb and the adjacent public or private property line, recreation area, or private property.

91.415 Seizing Certain Dogs. A dog that bites a person or shows a propensity to bite persons may be summarily seized by any person and promptly delivered to any authorized law enforcement department or officer for impounding.

91.555 Smoke Control

No owner or person in charge of property may permit:

- (1) The emission or discharge of dense or thick black or gray smoke or soot or cinders from a chimney or smokestack into the open air.
- (2) Burning rubber, plastic, household garbage, or other material if the burning causes an unreasonable stench or otherwise pollutes the air.

91.615 Snow and Ice Removal

No owner or person in charge of property abutting on a public sidewalk may permit:

- (1) Snow to remain on the sidewalk for a period longer than the first four hours of daylight after the snow has ceased falling.
- (2) Ice to cover or remain on a sidewalk for a period longer than the first four hours of daylight after the ice has ceased to form. The person shall remove ice accumulating on the sidewalk or cover the ice with sand, ashes or other suitable material to assure safe travel.

91.630 Fences

- (1) No person may construct or maintain a barbed wire fence or allow barbed wire to remain as part of a fence along a sidewalk or public way, unless the wire is placed not less than six inches above the top of a fence that is not less than six feet high.
- (2) No person may install, maintain, or operate an electric fence along a street or sidewalk, or along the adjoining property line of another person.
- (3) Use of concertina or razor-style barbed wire is prohibited.

91.660 Notices and Advertisements

(1) No person may attach or cause to be attached a placard, bill, advertisement or poster on real or personal property, whether public or private, without first securing permission from the owner or person in control of the property. This section shall not be construed as an amendment to or a repeal of any city regulation of the use and location of signs.

(2) This section does not prohibit the distribution of noncommercial material.

(3) This section does not prohibit mail service or the distribution of advertising material during a parade or approved public gathering.

91.674 Derelict Buildings or Property

A structure or property in violation of the standards identified in the Property Maintenance, Vacant Building, and Derelict Building Ordinance shall be declared a derelict building/property and a nuisance. Derelict buildings or properties are subject to the requirements for Abatement of Nuisances, Housing Receivership, and/or other methods of enforcement available to the City. Derelict buildings may include demolition by neglect of historic buildings.