

Title 8
HEALTH AND SAFETY

Chapters:

- 8.05 Petroleum Fuels**
- 8.10 Nuisances**
- 8.15 Impounding of Discarded Vehicles**
- 8.20 Uniform Fire Code**

**Chapter 8.05
PETROLEUM FUELS**

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- 8.05.020 Definitions.**
- 8.05.030 Delivery restrictions.**
- 8.05.040 Violation – Penalty.**

8.05.010 Unloading restrictions.

No vehicle having a combined maximum capacity of over 2,200 gallons shall be allowed to unload petroleum fuel with a flash point of less than 100 degrees Fahrenheit within the corporate limits of the city of Burns except at bulk distributing plants now in existence or hereafter authorized by the common council of the city of Burns. [Ord. 350 § 1, 1949]

8.05.020 Definitions.

The term “vehicle” or “unit of vehicles” shall include a truck and trailer or any other vehicle of whatever construction or any truck, vehicle, unit of trucks and trailers, or any other combination of vehicles. [Ord. 350 § 2, 1949]

8.05.030 Delivery restrictions.

It shall be unlawful for the owner or operator of a public garage, public service station, or other public dispensary of flammable liquids having a flash point below 100 degrees Fahrenheit to permit the delivery or the dispensing of such liquids into the fuel tanks of motor vehicles or other containers except by the owner, operator, or regularly authorized employee thereof. [Ord. 350 § 3, 1949]

8.05.040 Violation – Penalty.

Any person, firm, or corporation violating this chapter shall be guilty of a misdemeanor and, upon conviction thereof by the city clerk, shall be punished by a fine not less than \$100.00 and not more than \$500.00. [Ord. 350 § 4, 1949]

**Chapter 8.10
NUISANCES**

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Article I. General Provisions

8.10.010 Definitions.

As used in this chapter, the following terms mean:

(1) Environment committee: An authorized subcommittee of the safety committee appointed by the mayor, and shall include a member of the common council as chairman and at least three citizens of Burns.

(2) Native: A land area which has not been disturbed by mechanical or other means on which the vegetative cover is composed primarily of perennial plants expected to be found on the area.

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(3) Person: A natural person, firm, partnership, association or corporation.

(4) Person in charge of property: An agent, occupant, lessee, contract purchaser or other person having possession or control of property or supervision of a construction project.

(5) Person responsible: The person responsible for abating a nuisance includes:

(a) The owner;

(b) The person in charge of property, as defined in this section;

(c) The person who caused a nuisance, as defined in this chapter or another ordinance of the city, to come into or continue in existence.

(6) Public place: A building, way, place or accommodation, publicly or privately owned, open and available to the general public. [Ord. 637 § 1, 1988]

Article II. Nuisances Affecting Public Health

8.10.020 Nuisances affecting public health.

No person shall cause or permit a nuisance affecting public health on property owned or controlled by the person. The following are nuisances affecting public health and may be abated as provided in this chapter:

(1) Open vaults or privies constructed and maintained within the city, except those constructed or maintained in connection with construction projects in accordance with State Health Division regulations.

(2) Accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time and that affect the health of the city.

(3) Stagnant water that affords a breeding place for mosquitoes and other insect pests.

(4) Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water.

(5) Decayed or unwholesome food offered for human consumption.

(6) Premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition.

(7) Drainage of liquid wastes from private premises.

(8) Cesspools or septic tanks that are in an unsanitary condition or that cause an offensive odor.

(9) Mastics, oil, grease or petroleum products allowed to be introduced into the sewer system by a user connected to the sewer system. [Ord. 637 § 2, 1988]

Article III. Nuisances Affecting Public Safety

8.10.030 Creating a hazard.

No person shall create a hazard by:

(1) Maintaining or leaving, in a place accessible to children, a container with a compartment of more than one and one-half cubic feet capacity and a door or lid that locks or fastens automatically when closed and that cannot be easily opened from the inside.

(2) Being the owner or otherwise having possession of property on which there is a well, cistern, cesspool, excavation, or other hole of a depth of four feet or more, and a top width of 12 inches or more and failing to cover or fence it with a suitable protective construction. [Ord. 637 § 10, 1988]

8.10.040 Attractive nuisances.

(1) No owner or person in charge of property shall permit on the property:

(a) Unguarded machinery, equipment or other devices that are attractive, dangerous and accessible to children.

(b) Lumber, logs or pilings placed or stored in a manner so as to be attractive, dangerous and accessible to children.

(2) This section does not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children. [Ord. 637 § 11, 1988]

8.10.050 Noxious vegetation.

(1) No owner or person in charge of real property shall allow noxious vegetation on the property, except in native areas. Noxious vegetation is declared a nuisance.

(2) The owner or person in charge of real property shall abate noxious vegetation from the property, except in native areas. If weeds, grass, brush or other noxious vegetation, except in native areas, are allowed to exceed 10 inches in height after June 1st, the city may cut the vegetation or have it cut by a private contractor, if the owner or person in-charge of the property fails to do so or requests the city to do so. The owner and the person in charge shall be jointly and severally liable for the cost of abatement as provided in this chapter.

(3) If the owner or person in charge of the property fails to maintain the premises as required by this section and the city causes the vegetation on the property to be cut, there shall be filed with the city clerk an itemized copy of a statement to be sent to the offender based on charges specified in this section. The city clerk shall send a copy to the person by mail together with a notice that the statement is due and owing for the removal of weeds, grass, brush or other noxious vegetation.

(4) A person may comply with this section by having the city cut and remove weeds, grass, brush or other noxious vegetation. The person shall pay the costs of removal within 30 days from the date of removal. The cost shall be based on a schedule of charges to be established by the council by resolution on or before June 1st of each year. If the payment is not made within 30 days from the date of the billing, the city shall collect a late penalty of \$2.50 in addition to other charges.

(5) For purposes of this section, "noxious vegetation" means:

(a) Vegetation that is, or is likely to become:

(i) A health hazard;

(ii) A fire hazard;

(iii) A traffic hazard, because it impairs the view of the public thoroughfare, or otherwise makes use of the thoroughfare hazardous.

(b) Poison oak.

(c) Poison ivy.

(d) Blackberry bushes that extend into a public way, a pathway frequented by children, cross a property line, or that are used for a habitation by trespassers.

(6) No owner or person in charge of property shall allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. An owner or person in charge of property shall cut down or destroy noxious vegetation as often as needed to prevent it from becoming a health or fire hazard, or, in the case of weeds or other noxious vegetation, from maturing or from going to seed.

(7) The city clerk may cause to be published, in a newspaper of general circulation in the city, a copy of subsection (4) of this section as a notice to all owners and persons in charge of property of the duty to keep their property free from noxious vegetation.

(8) The notice provided for in subsection (7) of this section may be used in lieu of the notice required by BMC 8.10.170. [Ord. 637 § 12, 1988]

8.10.060 Scattering rubbish.

No person shall deposit, on public or private property, rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person, animal or vehicle traveling on a public way. [Ord. 637 § 13, 1988]

8.10.070 Trees.

(1) No owner or person in charge of property that abuts on a street or public sidewalk shall permit trees or bushes on the property to interfere with street or sidewalk traffic. An owner or person in charge of property that abuts on a street or public sidewalk shall keep all trees and bushes on the premises, including the adjoining parking strip, trimmed so that any overhanging portions are at least eight feet

above the sidewalk and at least 12 feet above the roadway.

(2) No owner or person in charge of property shall allow a dead or decaying tree to stand if it is a hazard to the public or to persons or property on or near the property. [Ord. 637 § 14, 1988]

8.10.080 Fences.

(1) No owner or person in charge of property shall construct or maintain a barbed wire fence, or permit barbed wire to remain as part of a fence, along a sidewalk or public way; except the wire may be placed above the top of other fencing not less than six feet, six inches high.

(2) No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person, without written permission of the manager. [Ord. 637 § 15, 1988]

8.10.090 Deposit of fuel waste.

No person shall place or deposit any deleterious substance, including but not limited to oil, grease, gasoline, kerosene or diesel fuel, upon any street, public parking or other public way, which mars the appearance or detracts from the cleanliness or safety of the street or public property. [Ord. 637 § 16, 1988]

8.10.100 Surface waters – Drainage.

(1) No owner or person in charge of a building or structure shall permit rainwater, ice or snow to fall from the building or structure onto a street or public sidewalk or to flow across the sidewalk.

(2) 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 overflow water accumulating on the roof or about the building is not carried across or on the sidewalk. [Ord. 637 § 17, 1988]

8.10.110 Defective sidewalks – Snow and ice.

(1) No owner or person in charge of property, improved or unimproved, abutting on a public sidewalk, shall permit:

(a) Snow to remain on the sidewalk for a period longer than the first two hours of daylight after the snow has fallen.

(b) Ice to remain on the sidewalk for more than two hours of daylight after the ice has formed unless the ice is covered with sand, ashes or other suitable material to assure safe travel.

(2) No owner of property, improved or unimproved, abutting on a public sidewalk, shall permit the sidewalk to deteriorate to such a condition that, because of cracks, chipping, weeds, settling, covering by dirt, or other similar occurrences, the sidewalk becomes a hazard to persons using it.

(3) The city shall not be liable to any person for loss or injury to a person or property suffered or sustained by reason of any accident on sidewalks caused by ice, snow, encumbrances, obstructions, cracks, chipping, weeds, settling, holes covered by dirt or other similar conditions. Abutting property owners shall maintain sidewalks free from such conditions and are liable for any and all injuries to persons or property arising as a result of their failure to so maintain the sidewalks. [Ord. 637 § 18, 1988]

Article IV. Nuisances Affecting Public Peace

8.10.120 Radio and television interference.

(1) No person shall operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.

(2) This section does not apply to devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission. [Ord. 637 § 21, 1988]

8.10.130 Junk.

(1) No person shall keep junk outdoors on a street, lot, or premises or in a building that is not wholly or entirely enclosed except for doors used for ingress and egress.

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(2) The term “junk,” as used in this section, includes all old motor vehicles, old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances or appliance parts, old iron or other metal, glass, paper, lumber, wood or other waste or discarded material.

(3) This section does not apply to junk kept in a licensed junk yard or automobile wrecking house. [Ord. 637 § 22, 1988]

8.10.140 Notices and advertisements.

(1) No person shall affix or cause to be distributed any placard, bill, advertisement or poster upon any real or personal property, public or private, without first securing permission from the owner or person in charge of the property. 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 location of signs and advertising.

(2) This section shall not be construed to prohibit the distribution of material during any parade or public gathering. [Ord. 637 § 23, 1988]

Article V. Unenumerated Nuisances

8.10.150 Unenumerated nuisances.

(1) The acts, conditions or objects specifically enumerated and defined in BMC 8.10.020 to 8.10.140 are declared public nuisances and may be abated by the procedures set forth in BMC 8.10.160 to 8.10.220.

(2) In addition to the nuisances specifically enumerated in this chapter, every other thing, substance or act that is determined by the council to be injurious or detrimental to the public health, safety or welfare of the city is declared a nuisance and may be abated as provided in this chapter. [Ord. 637 § 30, 1988]

8.10.160 Notice of nuisance determination.

At least five days prior to the meeting at which the nuisance determination described in BMC 8.10.170(1) is made, the clerk shall notify the owner or person in charge of the property involved of the time and place of the meeting. For the purposes of this section, notice is sufficient if it is:

- (1) Mailed to the last known address of the owner or person in charge; or
- (2) Posted at the site of the property involved. [Ord. 637 § 31, 1988]

Article VI. Abatement Procedure

8.10.170 Notice to abate.

(1) On determination by the council that a nuisance exists, the council shall cause a notice to be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance.

(2) At the time of posting, the city clerk shall cause a copy of the notice to be forwarded by registered or certified mail to the person responsible at the person's last known address.

(3) The notice to abate shall contain:

(a) A description of the real property, by street address or otherwise, on which the nuisance exists.

(b) A direction to abate the nuisance within 10 days from the date of the notice.

(c) A description of the nuisance.

(d) A statement that, unless the nuisance is removed, the city may abate the nuisance and the cost of abatement will be charged to the person responsible.

(e) A statement that failure to abate a nuisance may warrant imposition of a fine.

(f) A statement that the person responsible may protest the order to abate by giving notice to the city clerk within 10 days from the date of the notice.

(4) If the person responsible is not the owner, an additional notice shall be sent to the owner, stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.

(5) Upon completion of the posting and mailing, the persons posting and mailing shall execute and file certificates stating the date and place of the mailing and posting.

(6) An error in the name or address of the person responsible shall not make the notice void, and in such case the posted notice shall be sufficient. [Ord. 637 § 32, 1988]

8.10.180 Abatement by the person responsible.

(1) Within 10 days after the posting and mailing of notice as provided in BMC 8.10.170, the person responsible shall remove the nuisance or file a protest, as described in subsection (2) of this section.

(2) A person responsible, protesting that no nuisance exists, shall file a written statement that specifies the basis for the protest with the city clerk.

(3) The statement shall be referred to the council as a part of its regular agenda at its next succeeding meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the council. The council shall determine whether a nuisance in fact exists, and the determination shall be entered in the official minutes of the council. Council determination shall be required only in cases where a written statement has been filed as provided.

(4) If the council determines that a nuisance in fact exists, the person responsible shall abate the nuisance within 10 days after the council determination. [Ord. 637 § 33, 1988]

8.10.190 Joint responsibility.

If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the city in abating the nuisance. [Ord. 637 § 34, 1988]

8.10.200 Abatement by the city.

(1) If the nuisance has not been abated by the person responsible within the time allowed, the council may cause the nuisance to be abated.

(2) The officer charged with abatement of the nuisance shall have the right to enter into or upon property at reasonable times to investigate or cause the removal of a nuisance.

(3) The city clerk shall keep an accurate record of the expense incurred by the city in physically abating the nuisance and shall include a charge equal to five percent of those expenses for administrative costs. [Ord. 637 § 35, 1988]

8.10.210 Assessment of costs.

(1) The city clerk shall forward to the owner and the person responsible, by registered or certified mail, a notice stating:

(a) The total cost of abatement, including the administrative costs.

(b) That the costs as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.

(c) That if the owner or the person responsible objects to the cost of the abatement as indicated, a notice of objection may be filed with the city clerk not more than 10 days from the date of the notice.

(2) No sooner than 30 days after the date of the notice, the council, in the regular course of business, shall hear and make a decision on the objections to the costs assessed.

(3) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs, as stated or as decided by the council, shall be made by resolution and shall be entered in the docket of city liens. When the entry is made, it shall constitute a lien on the property from which the nuisance was removed or abated.

(4) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the current statutory interest rate. The interest shall begin to run from the date of entry of the lien in the lien docket.

(5) An error in the name of the owner or the person responsible or a failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property. [Ord. 637 § 36, 1988]

Article VII. General – Violation, Penalty

8.10.220 Summary abatement.

The procedure provided by this chapter is not exclusive, but is in addition to procedure provided by other ordinances. The chief of the fire department, a law enforcement officer, or any other city official may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers human life or property. [Ord. 637 § 37, 1988]

8.10.230 Penalties.

A violation of a provision of this chapter is punishable by a fine not to exceed \$500.00. [Ord. 637 § 38, 1988]

8.10.240 Separate violations.

(1) Each day's violation of a provision of this chapter constitutes a separate offense.

(2) The abatement of a nuisance is not a penalty for violation of this chapter, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance. However, abatement of a nuisance within 10 days of council determination that a nuisance exists will relieve the person responsible from the imposition of a penalty under BMC 8.10.230. [Ord. 637 § 39, 1988]

Chapter 8.15
IMPOUNDING OF DISCARDED VEHICLES

Sections:

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- 8.15.020** **Declaration of public nuisance.**
- 8.15.030** **Prohibited action.**
- 8.15.040** **Investigation.**
- 8.15.050** **Contents of notice.**
- 8.15.060** **Entry on private property.**
- 8.15.070** **Hearing by municipal judge.**
- 8.15.080** **Abatement by the city and appraisal.**
- 8.15.090** **Low-value vehicle.**
- 8.15.100** **Public sale notice.**
- 8.15.110** **Public sale.**
- 8.15.120** **Redemption before sale.**
- 8.15.130** **Assessment of costs.**

8.15.010 **Definitions.**

As used in this chapter, the following mean:

- (1) Costs: The expense of removing, storing, or selling a discarded vehicle.
- (2) Discarded vehicle:
 - (a) A vehicle that does not have an unexpired license plate lawfully affixed to it and is in one or more of the following conditions:
 - (i) Inoperative.
 - (ii) Wrecked.
 - (iii) Dismantled.
 - (iv) Partially dismantled.
 - (v) Abandoned.
 - (vi) Junked.
 - (b) Discarded vehicles include major parts of vehicles, including but not limited to bodies, engines, transmissions, and rear ends.
- (3) Law enforcement officer: Includes any authorized law enforcement officer of the city.
- (4) Person in charge of property: An agent, occupant, lessee, contract purchaser, owner, or person having possession, control, or title to property where a vehicle is located.
- (5) Vehicle: Every device in, upon, or by which a person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
- (6) Vehicle owner: An individual, firm, corporation, or unincorporated association with a claim, either individually or jointly, of ownership or an interest, legal or equitable, in a vehicle. [Ord. 659 § 1, 1988]

8.15.020 **Declaration of public nuisance.**

The open accumulation and storage of discarded vehicles is found to create a condition tending to reduce the value of private property; promote blight, deterioration, and unsightliness; invite plundering; create fire hazards; constitute an attractive nuisance causing a hazard to the health and safety of minors; create a harborage for rodents and insects; and to be injurious to the health, safety, and general welfare. Therefore, the presence of a discarded vehicle on private property is declared to be a public nuisance which may be abated in accordance with the provisions of this chapter. [Ord. 659 § 2, 1988]

8.15.030 Prohibited action.

No person shall store or permit the storage of a discarded vehicle upon private property within the city unless the vehicle is completely enclosed within a building or unless it is in connection with a lawfully conducted business dealing in junked vehicles. [Ord. 659 § 3, 1988]

8.15.040 Investigation.

(1) When a law enforcement officer investigates a discarded vehicle on private property and determines that “an apparent” nuisance exists which should be abated, the officer shall:

(a) Attempt to discover the owner of the vehicle and the person in charge of the property on which the vehicle is located; and

(b) Give written notice to them by personal service or by registered or certified mail that the vehicle is in violation of this chapter.

(2) If the owner of the vehicle is not found, the officer shall place a notice on the windshield or some other part of the vehicle or the property where it can be easily seen. [Ord. 659 § 4, 1988]

8.15.050 Contents of notice.

A notice issued under BMC 8.15.040 shall state:

(1) That a certain discarded vehicle is in violation of this chapter and that within 10 days after sending or posting the notice:

(a) The vehicle must be removed from the city or to the storage yard of a lawfully conducted business dealing in junked vehicles; or

(b) The vehicle must be completely enclosed within a building.

(2) That the alternative to compliance with subsection (1) of this section is to petition the city clerk within the 10-day period described in subsection (1) of this section and make a written request to appear before the municipal judge to show why the nuisance should not be immediately abated.

(3) That failure to comply with this chapter authorizes the city to remove the nuisance, charge the cost against the property from which it was removed, and to sell the vehicle to satisfy the costs of removal and storage. [Ord. 659 § 5, 1988]

8.15.060 Entry on private property.

(1) A law enforcement officer is authorized to enter onto private property at all reasonable times and examine a vehicle to determine whether it is in a discarded condition. Except when an emergency exists, before entering onto private property, the officer shall obtain the consent of an occupant or a warrant of the municipal court authorizing entry for inspection.

(2) No search warrant shall be issued under the terms of this chapter until an affidavit has been filed with the municipal court showing probable cause for the inspection by stating the purpose and extent of the proposed inspection, citing this chapter as the basis for the inspection, stating whether it is an inspection instituted by complaint, or giving other specific or general information concerning the vehicle in question or the property on which it is located.

(3) No person shall interfere with or attempt to prevent a law enforcement officer from entering onto private premises and inspecting a vehicle when an emergency exists or when the officer exhibits a warrant authorizing entry. [Ord. 659 § 6, 1988]

8.15.070 Hearing by municipal judge.

(1) Following a request, the municipal judge shall fix a time for a hearing to show cause why a vehicle should not be abated immediately and to receive evidence and the testimony of the law enforcement officer and other interested persons concerning the existence, location, and condition of the vehicle. After the hearing, the judge may order the vehicle removed by the city in accordance with the provisions of this chapter.

(2) The judge shall make its order in the form of a judgement declaring the vehicle to be a public nuisance. The judgement may order the removal of more than one vehicle and may consolidate the hearings and orders relating to more than one vehicle. Persons receiving the notice specified in BMC

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8.15.040 shall be sent copies of the judgement of the court.

(3) The court may impose conditions and take other action it considers appropriate under the circumstances to carry out the purposes of this chapter. It may delay the time for removal of the vehicle when, in its opinion, circumstances justify such action. It shall refuse to order removal of the vehicle when the vehicle, in the opinion of the court, is not subject to the provisions of this chapter. The court shall not be bound by technical rules of evidence in conducting the hearing. [Ord. 659 § 7, 1988]

8.15.080 Abatement by the city and appraisal.

(1) Ten days after giving the notice required in BMC 8.15.040 or, if a hearing is held, 10 days after a judgement declaring a vehicle to be a public nuisance as required in BMC 8.15.070, the city will have jurisdiction to abate the nuisance and may remove the vehicle by use of city employees or authorized independent contractors. No person shall interfere with, hinder or refuse to allow authorized persons to enter onto private property for the purpose of removing a vehicle under the provisions of this chapter.

(2) After removing the vehicle, the city shall have it appraised by a person reasonably acquainted with the value of such vehicles. [Ord. 659 § 8, 1988]

8.15.090 Low-value vehicle.

(1) If the vehicle is appraised at \$750.00 or less, the law enforcement officer shall file an affidavit with the Motor Vehicles Division describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle and stating that the vehicle will be junked or dismantled. The law enforcement officer may dispose of the vehicle and execute a certificate of sale without notice and public auction.

(2) The certificate of sale shall be on a form provided by the city clerk. [Ord. 659 § 9, 1988]

8.15.100 Public sale notice.

(1) If the vehicle is appraised over \$750.00, the law enforcement officer shall publish a notice of sale in a newspaper of general circulation within the city. The notice of sale shall state:

(a) The sale is of discarded property in possession of the city.

(b) A description of the vehicle, including the type, make, license number, identification number, and any other information that will aid in accurately identifying the vehicle.

(c) The terms of the sale.

(d) The date, time, and place of the sale.

(2) The notice of sale shall be published two times. The first publication shall be made not less than 15 days before the date of the proposed sale, and the second shall be made not less than seven days before the date of the proposed sale. [Ord. 659 § 10, 1988]

8.15.110 Public sale.

(1) If a vehicle is appraised over \$750.00, the law enforcement officer shall hold a sale at the time and place appointed, within view of the vehicle to be sold.

(2) The vehicle shall be sold to the highest and best bidder. However, if no bids are entered or the bids entered are less than the costs incurred by the city, the law enforcement officer may enter a bid on behalf of the city in an amount equal to the costs.

(3) At the time the purchase price is paid, the law enforcement officer shall execute a certificate of sale in duplicate; the original shall be delivered to the purchaser and a copy filed with the city clerk.

(4) The certificate of sale shall be on a form provided by the city clerk. [Ord. 659 § 11, 1988]

8.15.120 Redemption before sale.

(1) A vehicle impounded under the provisions of this chapter may be redeemed by its owner or by the person in charge of the property from which the vehicle was removed by applying to the law enforcement officer before sale or disposition has taken place. The person shall:

(a) Submit satisfactory evidence of ownership or interest in the vehicle to the law enforcement officer.

(b) Pay the costs owing at the time the application to redeem is made.

(c) Give evidence that the nuisance character of the vehicle will not be resumed.

(2) Upon compliance with subsection (1) of this section, the law enforcement officer shall execute a receipt and cause the vehicle to be returned. [Ord. 659 § 12, 1988]

8.15.130 Assessment of costs.

(1) After disposing of the discarded vehicle and deducting any money received from sale of the vehicle from the costs, the city clerk shall give notice by personal service or by registered or certified mail to the person in charge of the property from which the vehicle was removed:

(a) Of the unpaid costs of abatement.

(b) That the costs as indicated will be assessed to, and become a lien against, the real property unless paid within 30 days from the date of the notice.

(c) That if the person in charge of the property objects to the indicated costs of the abatement, a written notice of objection may be filed with the city clerk within 20 days from the date of the notice of unpaid costs.

(2) Within 40 days after the date of the notice of objection, objections to the proposed assessment will be heard and determined by the council.

(3) If the costs of the abatement are not paid within 30 days from the date of the notice, or within 10 days of a court's determination made under subsection (2) of this section, assessment of the costs shall be made by council resolution and be entered in the docket of city liens. When the entry is made, it shall constitute a lien on the real property from which the nuisance was removed or abated.

(4) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of nine percent per annum. Interest shall accrue from the date of the entry of the lien into the lien docket.

(5) An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive notice of the proposed assessment render the assessment void. The assessment shall remain a valid lien against the property. [Ord. 659 § 13, 1988]

Chapter 8.20
UNIFORM FIRE CODE

Sections:

- 8.20.010 Adoption of Uniform Fire Code.**
- 8.20.020 Establishment and duties of bureau of fire prevention.**
- 8.20.030 Definitions.**
- 8.20.040 Amendments made in Uniform Fire Code.**
- 8.20.050 Appeals.**
- 8.20.060 Penalties.**

8.20.010 Adoption of Uniform Fire Code.

There is hereby adopted by the city of Burns, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Uniform Fire Code recommended by the Western Fire Chiefs Association and the International Conference of Building Officials, being the 1979 Edition, except such portions as are deleted, modified or amended by BMC 8.20.040. Not less than three copies of said code have been and are now filed in the office of the city clerk-treasurer and said code is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the limits of the city of Burns. [Ord. 595 § 1, 1980]

8.20.020 Establishment and duties of bureau of fire prevention.

(1) The Uniform Fire Code shall be enforced by the bureau of fire prevention in the fire department of the city of Burns which is hereby established under this authority and which shall be operated under the supervision of the chief of the fire department.

(2) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. [Ord. 595 § 2, 1980]

8.20.030 Definitions.

(1) Wherever the word “jurisdiction” is used in the Uniform Fire Code, it shall be held to mean the legal limits of the city of Burns as said do now or may hereafter exist.

(2) Wherever the term “corporation counsel” is used in the Uniform Fire Code, it shall mean city attorney of the city of Burns.

(3) Wherever the words “chief of the bureau of fire prevention” are used they shall be held to include “fire marshal.” [Ord. 595 § 3, 1980]

8.20.040 Amendments made in Uniform Fire Code.

The Uniform Fire Code is amended and changed in the following respects:

(1) Section 9.108 is amended to read:

“Fireworks” means any combustible or explosive material, composition or substance, or any combination of such material, compositions or substances, or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, Roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents, or any other article containing any explosive substances or inflammable compounds; but does not include:

(a) Sparklers, paper caps, toy pistols, toy canes, toy guns, or the devices in which paper caps containing .25 grains or less expensive compound are used, and when the rate of burning and the explosive force of the materials in which such devices are not greater than an equivalent weight of F.F.F.G. Black powder, and when such devices are constructed that the hand cannot come in contact with

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the cap when in place for explosion, and the major explosive force is contained or dispelled within the house or shell of the device, there is no visible flame during discharge, there is no flaming or smoldering of any of the components or parts of the device after discharge, the device does not produce sufficient heat to readily ignite combustible materials upon which the device may be placed. The sale and use of such devices shall be permitted at all times.

(b) Snakes or similar smoke producing materials containing no more than 100 grains of combustible substances when there is no visible flame during discharge, there is no after smoldering, and the devices do not produce sufficient heat to readily ignite materials on which said devices may be placed. The sale and use of such devices shall be permitted at all times.

For purposes of this section "sparklers" means materials of a character that will, when ignited, sparkle without throwing or dropping hot residue capable of igniting combustible materials and attached to a wire or other noncombustible central support, with such materials arranged in a cylindrical shape not more than 10 inches in length nor more than 1/4 inch in diameter and which shall not burn more rapidly than 1 inch in ten seconds, but not including materials encased within a container of any character. "Explosive substance" or any "explosive mixture" as used in this section shall mean any substance so arranged as to burn less than 1 second.

(2) Section 11.101(b) of said code is amended by inserting 20 feet for 50 feet as it appears therein. Further, the following sentence is added:

An approved waster burner is one made of noncombustible materials with a 1/2 inch mesh cover and without openings into combustion chamber.

(3) Section 11.105 of said code is amended by deleting paragraph (c) and renumbering paragraphs (d) and (e) respectively.

(4) No person shall sell any fireworks within the city limits of Burns unless such fireworks have been inspected and approved by the fire marshal of the city of Burns. [Ord. 595 § 4, 1980]

8.20.050 Appeals.

Whenever the chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to the fire prevention board of appeals within 30 days from the date of the decision appealed. [Ord. 595 § 5, 1980]

8.20.060 Penalties.

(1) Any person who violates any provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment of not more than 100 days or both. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that the prohibited conditions are maintained shall constitute a separate offense.

(2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions, or abatement of such condition as a public nuisance. [Ord. 595 § 6, 1980]