

**ORDINANCE NO. 05-2021**

**AN ORDINANCE AMENDING LYONS MUNICIPAL CODE CHAPTER 8.10,  
NUISANCES, AND REPEALING LYONS MUNICIPAL CODE CHAPTER 8.05,  
HAZARDOUS VEGETATION**

WHEREAS, City staff conducted a review of the City's nuisance code to identify potential amendments that would clarify language, improve enforcement procedures, and include provisions to address hazardous vegetation ("Proposed Amendments"); and

WHEREAS, the City Council desires to adopt the Proposed Amendments to Lyons Municipal Code (LMC) Chapter 8.10, Nuisances, and to repeal LMC Chapter 8.05, Hazardous Vegetation.

Now, therefore,

The City of Lyons ordains as follows:

Section 1. LMC Chapter 8.10, Nuisances, is hereby amended to read as set forth in the attached Exhibit A.

Section 2. LMC Chapter 8.05, Hazardous Vegetation, is hereby repealed in its entirety.

Section 3. All unamended provisions of the LMC shall remain in full force and effect. Notwithstanding these amendments, LMC provisions in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said provision(s) or portions thereof were operative.

Section 4. This ordinance will go into full force and effect on the 30<sup>th</sup> day after City Council enactment.

Passed by the Council this \_\_\_\_ day of \_\_\_\_\_, 2021

Approved: \_\_\_\_\_  
Lloyd Valentine  
Mayor of the City of Lyons, Oregon

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Micki Valentine  
City Manager of the City of Lyons, Oregon

Date: \_\_\_\_\_

## EXHIBIT A

### Chapter 8.10 Nuisances

<b>Sections:</b>	<b>8.10.010</b>	<b>General definitions.</b>
	<b>8.10.020</b>	<b>Prohibition against nuisances.</b>
	<b>8.10.030</b>	<b>Declared generally.</b>
	<b>8.10.035</b>	<b>Hazardous vegetation and trees.</b>
	<b>8.10.040</b>	<b>Animals.</b>
	<b>8.10.050</b>	<b>Removal of animal carcasses.</b>
	<b>8.10.060</b>	<b>Nuisances affecting public health.</b>
	<b>8.10.070</b>	<b>Abandoned refrigerator or similar container.</b>
	<b>8.10.080</b>	<b>Nuisances attractive to children.</b>
	<b>8.10.090</b>	<b>Scattering or dumping rubbish or litter.</b>
	<b>8.10.100</b>	<b>Fences.</b>
	<b>8.10.110</b>	<b>Surface waters and drainage.</b>
	<b>8.10.120</b>	<b>Radio and television interference.</b>
	<b>8.10.130</b>	<b>Notices and advertisements.</b>
	<b>8.10.140</b>	<b>Nuisances affecting public safety.</b>
	<b>8.10.150</b>	<b>Junk.</b>
	<b>8.10.160</b>	<b>Inoperable motor vehicle.</b>
	<b>8.10.170</b>	<b>Noise.</b>
	<b>8.10.180</b>	<b>Raising or keeping of pets.</b>
	<b>8.10.190</b>	<b>Sale or use of fireworks.</b>
	<b>8.10.200</b>	<b>Abatement – Notice.</b>
	<b>8.10.210</b>	<b>Abatement – By owner.</b>
	<b>8.10.220</b>	<b>Joint responsibility.</b>
	<b>8.10.230</b>	<b>Enforcement and penalty.</b>
	<b>8.10.240</b>	<b>Abatement by the city.</b>

#### 8.10.010 General definitions.

Except where the context indicates otherwise, the singular number includes the plural and the masculine gender includes the feminine and the following definitions shall apply:

- A. "At large" means (1) an animal or bird that is on private, real, or personal property without the permission of the owner or person entitled to possession of the real or personal property, and not restrained by a physical control device and under the control of a person capable of physically restraining the animal or bird; or (2) an animal or bird that is on premises open to the public and not restrained by a physical control device and under the control of a person capable of physically restraining the animal or bird.
- B. "City" means the city of Lyons.
- C. "City recorder" means the city recorder or person authorized by the city recorder.
- D. "Council" means the governing body of the city.
- E. "Enforcement officer" means a person or persons appointed by the city council of the city of Lyons who is specifically designated to enforce the provisions of this chapter.
- F. "Inoperable motor vehicle" means a motor vehicle which:
  - 1. Has been left on a street for a period of more than 72 hours or on a specific parcel of public or private property for more than 30 days; and
  - 2. Has broken or missing windows or windshield; or one or more missing wheels; or one or more missing tires; or lacks a transmission or engine; or the transmission or engine is inoperable; or is not currently licensed or is missing one or more other parts so that the vehicle is inoperable.
- G. "Junk" means any manufactured or man-made object or material that is abandoned, discarded, or inoperable. Junk includes, but is not limited to, one of the following classifications:
  - 1. Inoperable household appliances such as washers, dryers, refrigerators, dishwashers, water heaters, stoves, and similar items, or parts thereof;
  - 2. Used household furniture such as sofas, beds, chairs, tables, mattresses, and similar items, or parts thereof;
  - 3. Used machinery or motor vehicle parts, including, but not limited to, motors, tires, wheels, chassis and similar items, or parts thereof;
  - 4. Used building materials such as lumber, stone, brick, plywood, wire, glass, metal, plumbing fixtures, lighting fixtures, heating fixtures, and similar items, or parts thereof;
  - 5. Discarded, useless or abandoned vehicles or recreation equipment, or parts thereof.
- H. "Motor vehicle" means a vehicle that is self-propelled or designed for self-propulsion.
- I. "Person" means a natural person, his or her heirs, executors, administrators or assigns; a firm, partnership, association, domestic or foreign corporation, its heirs, successors, or assigns; a trust estate, receiver, syndicate, or any group or combination acting as a unit; or the authorized agent of any of the aforementioned.

J. "Person responsible" means:

1. The person in charge of property on which a public nuisance exists; or
2. The person who causes a public nuisance to come into, or continue to be, in existence.

K. "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.

L. "Public place" means a building, place or accommodation, whether publicly or privately owned, open and available to the general public.

M. "Public nuisance" includes but is not limited to the following: violations of this chapter, violations of zoning regulations, building code standards and regulations, utility standards and regulations, or environmental standards and regulations; noncompliance with the city's comprehensive plan; illegal discharges of sewage; the operation of offensive, odoriferous or unsanitary businesses without required permits; accumulations of refuse constituting fire or safety hazards; any land use activity which depreciates land values, is unsightly, creates excessive noise, fumes, smoke, odors, or unsanitary conditions, creates danger from fire and/or explosion, creates traffic hazards, or activities which pose a danger to public health, safety or welfare or the economic well-being of the community.

N. "Right-of-way" means all property dedicated to the public for transportation and public utilities and administered by the City, including: City streets, roads, highways, alleys, sidewalks, public easements, and other similar public ways generally open to vehicular or non-vehicular transit, including the subsurface under and air space over these ways, but does not include parks, parkland, bridges unless approved as Right-of-way by the City, or other City property not generally open to public or vehicular transit.

O. "Roadway" is the improved portion of the right-of-way.

P. "Solid waste" means all decayable or non-decayable wastes, whether in solid or in liquid form, including but not limited to: garbage, rubbish, ashes, sewage sludge, street refuse, industrial wastes, swill, demolition and construction wastes, manure, vegetable or animal solid or semi-solid wastes, silage, dead animals, and other discarded solid materials.

Q. "Store" or "storage" means to keep, accumulate, or allow to remain, on any property, any vehicle, junk, solid waste, or other object or material subject to regulation by this chapter.

R. "Vehicle" means any device in, upon, or by which any person or property is or may be transported, or drawn upon a street, and includes vehicles that are propelled or powered by any means, but does not include a device propelled by human power. [Ord. G2-2015 § 1, 2015; Ord. G1-2006 § 9, 2006; Ord. 05-15 § 1, 2002. Amended during 2006 recodification.]

#### **8.10.020 Prohibition against nuisances.**

No person, property owner, or person in charge of property may create, permit or cause to be created a public nuisance affecting public health or safety as enumerated in this Chapter. [Ord. 05-15 § 2, 2002.]

### **8.10.30 Declared generally.**

A. The acts, conditions or objects specifically enumerated and defined in LMC 8.10.040 through 8.10.190 are declared to be public nuisances and such acts, conditions or objects may be abated by any of the procedures set forth in LMC 8.10.200 through 8.10.240.

B. The nuisances specifically enumerated within this chapter are not exclusive, but are in addition to nuisances established in other ordinances. Acts, conditions and objects that are similar in character but which are not defined specifically in LMC 8.10.040 through 8.10.190 may also be classified as nuisances by the City Council.

C. Matters pertaining to dog control are addressed in separate ordinances. [Ord. 05-15 § 3, 2002.]

### **8.10.35 Hazardous vegetation and trees.**

A. Hazardous Vegetation. Between June 1<sup>st</sup> and October 15<sup>th</sup> of any year, no owner or person in charge of property less than one acre in size shall permit hazardous vegetation to remain upon such property or upon Right-of-way abutting such property. An owner or person in charge of property shall cut down, remove, or destroy hazardous vegetation as often as needed to prevent it from becoming unsightly, becoming a fire hazard, or maturing and going to seed. Hazardous vegetation includes:

1. Weeds and grasses more than ten (10) inches high;
2. Poison oak and poison ivy;
3. Blackberry bushes that extend across property lines or into the Right-of-way;
4. Vegetation that, in the sole discretion of a city official, constitutes a health, fire, or traffic hazard.

B. Trees and Bushes. No owner or person in charge of property shall allow a dead, decaying, or hazardous tree to stand on such property if it poses a potential hazard to abutting property or Rights-of-way or to persons on abutting property or Rights-of-way. No owner or person in charge of property shall permit trees, bushes, or other vegetation to interfere with street or sidewalk traffic. An owner or person in charge of property shall have a duty to maintain compliance with this section and shall ensure that any trees or bushes are trimmed to a height of at least eight (8) feet, if above a sidewalk, or at least twelve (12) feet, if above a roadway.

C. Exception. Nothing in this section shall be construed to prohibit an owner or person in charge of property from maintaining lawns with grass less than ten (10) inches in height, ornamental bushes, trees, or shrubs, or any agricultural crop, so long as the provisions of subsections (A) and (B) of this section are satisfied.

### **8.10.40 Animals.**

A. Communicable Diseases in Animals. No person may permit an animal or bird owned or controlled by him to be at large within the city if the animal or bird is afflicted with a communicable disease.

B. Dangerous Animals. No person may permit a wild or domesticated dangerous animal to run at large.

C. Livestock, Poultry and Other Animals. No person may maintain a pigsty, slaughterhouse or tannery or permit livestock, poultry, or any other animal that he or she owns to run at large within the city.

D. Jurisdiction Regarding Impound and Disposal of Animals. Livestock, poultry, or other animals or fowl running at large in the city may be taken up and impounded by an Enforcement Officer or other authority with lawful jurisdiction and disposed of in accordance with all applicable laws and regulations.

E. 1. No person shall ride or lead livestock on sidewalks within the right-of-way of the city.

2. No person shall ride or lead livestock in any of the designated park areas or pathways of the city.

3. Any owner of, or person responsible for, any animal shall remove excrement deposited by that animal on public property. [Ord. G5-2007, 2007; Ord. 05-15 § 4, 2002.]

#### **8.10.050 Removal of animal 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. 05-15 § 5, 2002.]

#### **8.10.060 Nuisances affecting 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. Solid Waste on Private Property. Accumulations of solid waste, debris, rubbish, and other refuse located on private property that may or does offer a harborage for feeding, breeding or shelter for rats or other vermin and that otherwise affects the health, safety or welfare of the city.

B. Stagnant Water. Stagnant water that affords a breeding place for mosquitoes and other insect pests.

C. 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.

D. Food. Decayed or unwholesome food that is offered for human consumption at a restaurant or by a mobile food vendor at a public event or other similar circumstances.

E. Odor. Premises that are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition.

F. Surface Drainage. Drainage of liquid wastes from private premises.

G. Cesspools or Septic Tanks. Cesspools or septic tanks which are in an unsanitary condition or which cause an offensive odor.

H. Portable Toilets. Portable toilets shall be available at all construction sites for new construction during the entire time that the construction project is taking place, and for all other

construction projects when other toilet facilities are not available on site. The use of portable toilets for a public facility or as a part of a publicly approved project or activity, with provision for ongoing maintenance, shall be permitted within the city.

I. Other Conditions. All other conditions which are reasonably likely to cause injury or pose a health hazard to persons, property or animals. [Ord. G1-2006 § 10, 2006; Ord. 05-15 § 6, 2002.]

#### **8.10.070 Abandoned refrigerator or similar container.**

No person may leave, in a place accessible to children, a refrigerator or other appliance or container with a compartment of more than one and one-half cubic feet capacity and a door or lid that locks or fastens when closed and that cannot be opened from the inside. [Ord. 05-15 § 7, 2002.]

#### **8.10.080 Nuisances attractive to children.**

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. 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 without covering or fencing the area with a suitable protective construction to prevent such places from being used by children.

B. This section shall not apply to the above if, in the city council's discretion, reasonable safeguards are maintained to prevent injury or death to children. [Ord. 05-15 § 8, 2002.]

#### **8.10.090 Scattering or dumping rubbish or litter.**

No person may throw, dump or deposit upon public or private property any injurious or offensive substance or any kind of rubbish, trash, debris or refuse or any 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 an animal, vehicle or person traveling upon a public way. [Ord. 05-15 § 9, 2002.]

#### **8.10.100 Fences.**

No property owner or other person in charge may construct or maintain a barbed wire fence or install, maintain or operate an electric fence along or within 10 feet of the roadway of a street or of a public sidewalk, unless the barbed wire fence or electric fence is protected from the roadway or sidewalk by another fence or by landscaping that prevents reasonable public access to the barbed wire or electric fence. In addition, barbed wire may be placed six inches or higher above the top of a board or picket fence that is six feet or more in height. [Ord. 05-15 § 10, 2002.]

#### **8.10.110 Surface waters and drainage.**

The property owner or person in charge of property shall install and maintain adequate drainpipes or a drainage system so that any overflow water from the roof or from other parts of the property is not carried onto or across the street or a public sidewalk. [Ord. 05-15 § 11, 2002.]

#### **8.10.120 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 other radios or televisions of good engineering design. This section does not apply to electrical and radio devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.

B. No person shall operate any generator or electromagnetic wave device or cause a disturbance of a magnitude that interferes with the proper functioning of a police or fire department radio communication system. Interference caused by equipment operated in compliance with Federal Communications System regulations does not violate this section. [Ord. 05-15 § 12, 2002.]

#### **8.10.130 Notices and advertisements.**

No property owner or other person in charge of property may scatter, or cause to be scattered, on public or private property, or place on the windshield or any other portion of a motor vehicle, any placards, advertisements, or other similar material. Such material may be displayed on private property if the person in charge of the property secures the material to a building or other structure in such a manner that it will not litter the surrounding area. [Ord. 05-15 § 13, 2002.]

#### **8.10.140 Nuisances affecting public safety.**

No person may cause a nuisance affecting public safety or permit such a nuisance to exist. The following are nuisances affecting the public safety and may be abated as provided in this chapter:

A. **Obstruction of Fire Hydrants.** No owner or person in charge of property adjacent to a street upon which a fire hydrant is located shall place or maintain a bush, shrub, tree or other obstruction within 10 feet of the fire hydrant.

B. **Obstructing Passageways.** No person shall, except as otherwise permitted by ordinance, or with permission of the city council, obstruct, cause to be obstructed, or assist in obstructing pedestrians, bicyclists or vehicular traffic on a street or street right-of-way or sidewalk, or place any object or vehicle in such a manner so as to diminish visibility of pedestrians, bicyclists or vehicular traffic entering a street or street right-of-way. The provisions of this section shall not apply to the delivery of merchandise or equipment. However, no person shall permit such merchandise or equipment to remain on a street or sidewalk beyond a reasonable time.

C. **Hauling.** No person shall haul sand, gravel, rock, wood or other substance in a manner that allows the sand, gravel, rock, wood or other substance to fall on or litter public streets or rights-of-way.

D. **Blasting.** No person shall blast rock, stone, or other earth material within the city of Lyons unless permission has been obtained from the city council and evidence is provided to the city council that the blasting is to be done in a manner which will safeguard all persons and property in the surrounding area from flying rock, stone and other debris, and that the blasting shall occur between the hours of 8:00 a.m. and 5:00 p.m. on a nonholiday weekday. Blasting



referred to in this section involves the firing of powder, dynamite, or other explosive as a part of a blasting operation.

E. Damaged Buildings. All buildings, walls, and other structures in such condition that the structure would have to be replaced or repaired to make habitable or structurally sound, or which are so situated as to endanger the safety of the public.

F. Explosives. All explosives, flammable liquids and other dangerous substances stored in an improper manner.

G. Wires. All wires, cables, signs, or other similar items strung or erected in a manner which endangers or interferes with the public. [Ord. 05-15 § 14, 2002.]

#### **8.10.150 Junk.**

A. No person shall keep junk outdoors on a public or private street, lot, premises or in a building that is not wholly enclosed by fencing or landscaping that prevents public view and access.

B. This section does not apply to junk kept in a junkyard or automobile wrecking yard that complies with all applicable zoning and permit requirements of the city. [Ord. 05-15 § 15, 2002.]

#### **8.10.160 Inoperable motor vehicle.**

A. No owner or person in charge of property shall store or permit the storage of more than two inoperable vehicles on real property within the city of Lyons, unless (1) the vehicles are stored as a part of a commercial business operation that has been approved by the city, or (2) they are stored in an enclosed building.

B. It shall be unlawful to disassemble, construct, reconstruct, repair and/or service motor vehicles of any kind in or upon any street, road, alley or public thoroughfare in the city of Lyons or in the yard of any resident, except for emergency service; provided, that said emergency service shall not extend over a period of 12 hours and does not interfere with or impede the flow of traffic.

C. The parking of inoperable vehicles, machinery, equipment or similar objects for a time period in excess of 72 hours on the right-of-way of any street within the city shall not be permitted. [Ord. G1-2006 § 12, 2006; Ord. 05-15 § 16, 2002.]

#### **8.10.170 Noise.**

No person shall create unreasonably loud or raucous noise that disturbs, injures, or endangers the comfort, peace, or safety of reasonable individuals of ordinary sensitivity without first securing written permission from the City.

#### **8.10.180 Raising or keeping of pets.**

No person shall raise or keep in excess of six cats, dogs, other domestic animals other than livestock in zones that permit livestock, or any combination thereof, which are six months of age and older, on a lot or premises within the city of Lyons unless such lot or premises is the location of a kennel or veterinarian's office or clinic which has been approved by the city. [Ord. 05-15 § 18, 2002.]

### **8.10.190 Sale or use of fireworks.**

The sale or use of fireworks, by or to an unsupervised minor, of whatever kind or nature, is hereby prohibited. No parent shall permit or allow, knowingly or otherwise, his or her child to use or set off fireworks, unless the minor is under the direct supervision of an adult. [Ord. 05-15 § 19, 2002.]

### **8.10.200 Abatement – Notice.**

A. Upon determination by the enforcement officer that a nuisance as defined in this or any other ordinance of the city exists, the enforcement officer shall cause a notice to be delivered by first class mail to the owner or person in charge of the property or posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate such nuisance.

B. If the notice was posted on the property or was delivered to someone other than the owner, the enforcement officer shall cause a copy of such notice to be forwarded by registered or certified mail to the owner of the property at the last known address of such owner as shown on the county tax records.

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 a time period of not less than five days nor more than 60 days from the date of the notice, the time period to be set at the discretion of the enforcement officer based on the nature and seriousness of the nuisance;

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 the abatement shall be a lien against the property;

5. A statement that the property owner or other person in charge of the property may protest the abatement by giving notice, in writing, stating the reasons for the protest, to the enforcement officer within 10 days from the date of the notice, or such lesser time period as specified by the enforcement officer for abatement of the nuisance.

D. Upon completion of the mailing and/or posting, the enforcement officer shall place a record of the time and date of notification and a copy of the notification in the file.

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 the person shall not make the notice void. In such a case, the posted notice shall be sufficient.

F. Under emergency circumstances, the time period for abatement of the nuisance may be reduced by the enforcement officer. [Ord. 05-15 § 20, 2002.]

#### **8.10.210 Abatement – By owner.**

A. Within the time period specified by the notice, after the mailing and/or posting of the notice as provided in LMC 8.10.200, the owner or person in charge of the property shall either 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 enforcement officer a written statement that shall specify the basis for so protesting.

C. The statement shall be referred to the city 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 the 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 city council determines that a nuisance does in fact exist, the owner or person in charge of the property shall abate such nuisance within the time period as specified by the city council.

E. If, within the time allowed, the property owner or person in charge of the property has not abated the nuisance, the enforcement officer may commence proceedings before the Linn County justice court or Linn County circuit court in accordance with the provisions of Chapter 1.25 LMC to require abatement. [Ord. 05-15 § 21, 2002.]

#### **8.10.220 Joint responsibility.**

If more than one person is 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. 05-15 § 22, 2002.]

#### **8.10.230 Enforcement and penalty.**

A violation of this chapter may be enforced pursuant to Chapter 1.25 LMC or the procedures contained in this chapter. Any individual, firm, or corporation, whether as principal, agent, or employee, violating any provision of this chapter shall be punished, upon conviction thereof, by a fine of not less than \$50.00 nor more than \$1,000. A failure to comply with a provision of this chapter shall be considered a separate offense for each day the violation continues. In addition to the imposition of any fine, the city council, the Lebanon Justice Court or the Linn County circuit court may order the abatement of the nuisance. [Ord. G1-2006 § 13, 2006; Ord. 05-15 § 23, 2002.]

#### **8.10.240 Abatement by the city.**

A. If the city council determines that a nuisance exists and the person responsible fails to abate the nuisance within the time provided, the city council may cause the nuisance to be abated.

B. The enforcement officer may enter into or upon the property at reasonable times to investigate or cause the removal of a nuisance if he or she first obtains permission to enter from the person in charge of the property or an administrative warrant.

C. The enforcement officer shall keep an accurate record of the expense incurred by the city in physically abating the nuisance and shall include a charge of \$10.00, or 10 percent of those expenses, whichever is greater, for administrative costs.

D. The enforcement officer shall forward to the owner, by registered or certified mail, a notice stating:

1. The total cost of the abatement, including the administrative costs;
2. 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; and
3. That if the owner objects to the cost of the abatement as indicated, a notice of objection may be filed with the enforcement officer not more than 10 days from the date of the notice.

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

F. 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.

G. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest to be established by resolution. The interest shall begin to run from the date of entry of the lien in the lien docket.

H. 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 shall remain a valid lien against the property. [Ord. 05-15 § 24, 2002.]