

BINGEN MUNICIPAL CODE

Chapter 8.28

JUNK AND JUNK VEHICLES

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8.28.010 Nuisance.

It is unlawful for any person to keep or store or to permit any other person in possession of their real property to keep or store junk on any real property within the city, but only if such junk is either visible from the street or adjoining property. For purposes of this chapter, junk is not visible from the street of adjoining property if it is in a shed, carport or garage, whether or not fully enclosed or if on a porch. Any person violating this chapter shall be guilty of maintaining a nuisance and is subject to the penalties set forth herein. (Ord. 411(part), 1992).

8.28.020 Junk defined.

For the purposes of this chapter, “junk,” except as may be excluded herein in Section 8.28.040, means all articles such as old appliances, and furniture, parts thereof, boxes, cardboard, paper, glass, old wood, tires, mattresses, building materials, beyond their reasonable useful life as intended at the time of their manufacture, and also includes all trash and debris other than that which has been collected for and has been properly placed to await arrival of the city’s garbage collector. (Ord. 411(part), 1992).

8.28.030 Notice to remove.

Before any person is charged with a violation of this chapter he or she shall have been advised by certified or registered letter from the city, or its designee, that a complaint is contemplated and by such a letter shall have been given not less than thirty days to cause the removal of such junk. The recipient shall state in a written response whether he or she is claiming that the material is exempt from this regulations. (Ord. 411(part), 1992).

8.28.040 Exemptions/affirmative defenses.

The following items are not “junk” for purposes of this chapter:

- A. Cut firewood;

- B. Any motor vehicle which is operable or has a current registration plate affixed to it;
- C. Material stored on premises of any manufacturing enterprise for use in connection with such enterprise so long as such enterprise is conducted in compliance with all applicable zoning and business ordinances;
- D. Items of a legitimate historic or artistic nature.

It shall be an affirmative defense to a charged violation of this chapter that under the terms of this section and the burden of providing this affirmative defense shall rest on the accused. (Ord. 411(part), 1992).

8.28.050 Penalty for violations.

Any person found guilty of this chapter shall be fined not to exceed five hundred dollars and/or sentenced to not exceed sixty days in the jail; and in addition the court may order such nuisance abated by causing removal of such junk either by the defendant or other person or by the use of city employees with the guilty person responsible for the cost of abatement. The city shall be entitled to judgment against a convicted defendant for the cost of abating the nuisance. (Ord. 411(part), 1992).