



CITY OF MILWAUKIE

"Dogwood City of the West"

Ordinance No. 2101

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 8.04 NUISANCES, BY ADDING SECTION 8.04.125 HABITAT PILES AND AMENDING SECTION 8.04.010 DEFINITIONS.

WHEREAS, the Milwaukie City Council values the natural environment and recognizes the benefit of maintaining habitat for native birds and wildlife; and

WHEREAS, the City Council recognizes that habitat piles have a positive impact on sustaining birds and wildlife in the City; and

WHEREAS, the City Council must balance the natural habitat with the potential for habitat piles to become nuisances; and

WHEREAS, it is recognized that size, location and content of habitat piles must be regulated to prevent other nuisances from occurring.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Chapter 8.04 Nuisances of the Milwaukie Municipal Code is hereby amended as shown in attachment A.

Section 2. Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 3. Effective Date and Publication

This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

Read the first time on 5/19/15, and moved to second reading by 4:0 vote of the City Council.

Read the second time and adopted by the City Council on 6/2/15.

Signed by the Mayor on 6/2/15.



Wilda Parks, Mayor

ATTEST:

APPROVED AS TO FORM:

Jordan Ramis PC



Pat DuVal, City Recorder



City Attorney

ATTACHMENT A

8.04.010 DEFINITIONS

“Habitat Pile” means a pile of limbs and branches constructed for the purpose of attracting birds or wildlife. A habitat pile shall not include lumber or any treated or previously treated wood.

8.04.125 HABITAT PILES

No person may permit or cause a property to have a habitat pile in violation of this Section. The following things, practices, or conditions on any real property are nuisances and may be abated as provided in this chapter:

A. Location.

Habitat pile is visible from a pedestrian level from the developed public right-of-way.

B. Dimensions.

Habitat pile is greater than 4ft tall or 10ft long or 10ft wide at any point.

C. Setbacks.

Habitat pile is less than:

1. 20ft from any dwelling; or
2. 5ft from any accessory structure; or
3. 5ft from any property line.

D. Volume.

Total size of a habitat pile is greater than the size allowed by Table 8.04.125 for that specific lot size. The definition of “Lot” as defined in Section 19.201 shall be used.

Lot Size	Total space allowed for habitat piles
0 to 10,000 sq ft	200 cubic feet
10,001 sq ft to 1 acre	400 cubic feet
1.01 acre to 1.5 acres	800 cubic feet
1.51 acres to 2 acres	1,200 cubic feet
Larger than 2 acres	1,600 cubic feet