

Vegetation Obstructions Nuisance Abatement Response Process

Obstructions of streets, sidewalks, and other public rights of way

It is the responsibility of the owner of any property, improved or unimproved, to keep the adjacent rights of way free of anything that obstructs or interferes with the normal flow of pedestrian or vehicular traffic. This document includes the City Code relevant to obstructions of public rights of way and the nuisance abatement response process regarding complaints about those obstructions.

City Code

29.20.010 Outdoor maintenance requirements

(Amended by Ordinance No. 176381, effective May 10, 2002.) It is the responsibility of the owner of any property, improved or unimproved, to maintain the outdoor areas of the property and adjacent rights of way in a manner that complies with the following requirements:

- J. Obstructions to sidewalks, streets, and other rights of way.** Keep the adjacent rights of way free of anything that obstructs or interferes with the normal flow of pedestrian or vehicular traffic, unless specifically authorized by ordinance to do otherwise. This responsibility includes, but is not limited to, removal of earth, rock, and other debris, as well as projecting or overhanging bushes and limbs that may obstruct or render unsafe the passage of persons or vehicles.

This responsibility also includes, but is not limited to, the obligation to maintain all rights of way referenced in this subsection to meet the following minimum clearances:

- 1. Sidewalks.** All sidewalks must be clear of obstructions by earth, rock, or vegetation from edge to edge and to an elevation of 7-1/2 feet above sidewalk level. For example, bushes that encroach on or over any part of a sidewalk area must be cut back or removed and limbs of trees that project over the sidewalk area at an elevation of less than 7- 1/2 feet above the sidewalk level must be removed.
- 2. Improved streets.** All improved streets must be clear of obstructions to vehicle movement and parking from edge to edge and to an elevation of 11 feet above street level. For example, bushes that encroach on or over any part of a street must be cut back or removed; limbs of trees that project over a street at an elevation of less than 11 feet above street level must be removed; and no wires or other things shall be maintained over the street level at any elevation less than 11 feet.
- 3. Alleys and unimproved rights of way.** All alleys, unimproved streets, and other public rights of way must be clear of obstructions that may hinder the normal flow of traffic or render the right of way unsafe for its current and necessary use.

Nuisance abatement response process

The Portland Bureau of Development Services Neighborhood Inspections section responds to Nuisance Complaints regarding vegetation obstructions of sidewalks, paths, streets, and other rights of way. If the property owner is not compliant, the entire process takes about 45 days from the initial complaint to the actual property abatement by the contractor.

1. Complainant calls the **Neighborhood Inspections Complaint Line at 503-823-2633(CODE)** to make a Nuisance Complaint regarding vegetation obstruction of the public right of way. Caller is asked to provide their name, address, phone or email, and nature of complaint (address, if known, of the property or the lot between properties; if specific address is unknown, then a description of the property location; and a description of the issue of concern). Complainant may also enter a **Neighborhood Nuisance Online Complaint Form** at <http://www.portlandonline.com/bds/index.cfm?c=47599>.
2. Complaint information is kept confidential.
3. Within 10 to 14 days, the City responds to the complaint by sending an inspector to inspect the property.
4. If the inspector confirms that there is a problem, the inspector leaves a Posting Notice at the property, identifying the nature of the problem and required action to address it.
5. The City will mail a Nuisance Notice to the property owner and/or occupant, stating that the property owner has 15 days to make the correction.
6. After the 15 days have expired, the inspector re-checks the property.
7. If the correction has not been made, the inspector issues and/or mails a Work Order Notice to the property owner and occupant.
8. Within 5 to 10 days later, the City conducts a final inspection, at which time an Administrative Search Warrant is obtained for an abatement, or a monthly fee is assessed until the violation is corrected and a lien is placed against the property.
9. The Search Warrant and Nuisance Work Order are issued to a private contractor to abate the nuisance.

If a contractor abates, the City liens the property for the costs, which include contractor costs, City overhead, a civil penalty, a work order inspection fee, a search warrant abatement fee, a possible additional penalty, and auditor's costs.

Vegetation obstructions of traffic signs and signals

The Portland Bureau of Transportation Data Collection group responds to vegetation obstructions of signs and signals. Such a complaint can be made to the City by calling the Bureau of Maintenance at 503-823-1700.