

AN ORDINANCE AMENDING CHAPTER 8.28, NUISANCES, OF THE TROUTDALE MUNICIPAL CODE

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Section 8.28.020 of the Troutdale Municipal Code defines abandoned vehicles but the definition does not currently include vehicles deemed to be abandoned by failure to register or renew the registration for the vehicle. These vehicles which are being stored and accumulated on locations within the city constitute a public nuisance and detract from the livability and property value of the neighborhoods. The council finds that the definition of abandoned vehicle should be amended to include vehicles that are not registered.
2. Section 8.28.140 of the Troutdale Municipal Code contains the procedures the city must follow to abate nuisances in the event a property owner fails to abate a nuisance on his or her property. Pursuant to this section, if the city abates the nuisance, a billing for the amount of costs is forwarded to the property owner; however, there is no requirement that the owner be notified that these costs may be imposed as a lien if they are not timely paid. Therefore, the council finds that Section 8.28.140 should be amended to require notice that a lien may be imposed.
3. The Director of Community Development or his authorized designee may file charges in municipal court to force the owner to abate a nuisance under Section 8.28.140. However, the Director of Community Development or his authorized designee does not have the authority to impose liens for the costs of abatement under Section 8.28.170. The council finds that it is more efficient and in the city's best interest to give the Director of Community Development or his authorized designee the authority to impose liens for the costs of nuisance abatement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Subsection 8.28.020(A) of the Troutdale Municipal Code is amended to read as follows:

8.28.020 Definitions

- A. "Abandoned vehicle" means any vehicle which reasonably appears to be inoperative, wrecked, discarded, displays expired vehicle registration plates, has no vehicle registration plates displayed, or is totally or partially dismantled.

Section 2. Section 8.28.140 of the Troutdale Municipal Code is amended to read as follows:

8.28.140 Abatement by city - assessments

If an owner fails to abate a nuisance as required under this chapter, the director may cause abatement of the nuisance and/or file charges against the owner in Troutdale Municipal Court. If the city abates the nuisance, an accurate record of the abatement costs shall be kept and shall include a surcharge of twenty-five percent of the cost of the abatement for administrative overhead. A billing for the

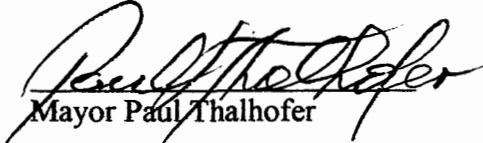
amount of the costs, and notice that those costs may be imposed as a lien should payment not be timely received, shall be forwarded by certified or registered mail, return receipt requested, to the owner. Payment shall be due to the department of community development within fifteen days from the date of the billing.

Section 3. Section 8.28.170 of the Troutdale Municipal Code is amended to read as follows:

8.28.170 Liens against property

- A. The director shall file a lien against the property if payment is not made as provided in Section 8.28.140 of this chapter or waived under Section 8.28.150 of this chapter.
- B. The lien provided for in subsection A of this section shall be given priority over all liens except those for taxes and assessments and shall include interest at the legal rate accruing from the date billing is sent to the owner of the property.
- C. The lien provided for in subsection A of this section shall be foreclosed in the manner prescribed by state law for the enforcement of liens and collection of assessments.

YEAS 6
NAYS 0
ABSTAINED 0


Mayor Paul Thalhofer

9-27-00
Dated


Debbie Stickney, City Recorder

9-26-00
Adopted