

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: Month Day, Year

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

**SUBJECT: Nuisance Abatement by the city at 516
& 516 ½ N Morton St**

Contact Person (Preparer) for this
Motion: Brad Allen, Code Compliance Officer
Dept.: City Attorney's Office
File No.: CC14-00312

RECOMMENDATION:

Motion to instruct staff to abate a nuisance at 516 & 516 ½ N Morton St.

RECOMMENDED MOTION: I move to instruct city staff to abate the public health nuisance at 516 & 516 ½ N Morton St. The enforcement officer and city employees assisting the enforcement officer charged with abatement of the nuisance shall:

1. **At reasonable times, enter into and upon the property in accordance with law to investigate or cause the removal of the nuisance; and**
2. **Keep an accurate record of the expense incurred by the city in physically abating the nuisance, and shall include therein a charge of 25 percent of the expense for administration overhead.**

EXECUTIVE SUMMARY:

The owner of the property located at 516 & 516 ½ N Morton St (a duplex) was notified on October 21, 2014 of violations of Newberg Municipal Code (NMC) requiring correction by October 31, 2014. Specifically, the sewer connection from the property to the city's wastewater system has been broken resulting in untreated wastewater, or raw sewage, draining into the ground in front of the house. This situation constitutes a nuisance pursuant to NMC § 8.15.030 and § 13.10.050. Because the property is currently in foreclosure, Notices of Violation were also sent to the loan servicer, trustee, and occupant.

The responsible parties were instructed to clean up the accumulation of human waste in the yard and repair the broken sewer connection. Because this has not been done within the time allowed, the nuisance may be abated by the city pursuant to the Uniform Nuisance Abatement Procedure found in NMC § 8.15.210.

FISCAL IMPACT: The cleanup costs for the city will likely be under \$400. The costs of repair are unknown until the extent of the damage and necessary repairs can be fully assessed. Total costs of abatement could be between \$5,000 and \$7,000.

The property owner has filed for bankruptcy, so costs of abatement will not likely be recovered from the owner. Costs may be assessed to and become a lien against the property per NMC 8.15.220.