

City of Brookings

MEETING AGENDA

CITY COUNCIL SPECIAL MEETING

Monday, December 2, 2024, 5:00PM

City Hall Chambers, 898 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Staff Reports

1. Certification of November 5, 2024 Election Abstract [Pg. 1]

E. Adjournment

CITY COUNCIL WORKSHOP

Monday, December 2, 2024, to immediately follow Special Meeting

EOC, 888 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Roll Call

C. Topics

1. Vacant Commercial Property Ordinance [Pg. 2]
 - a. City of St. Helens [Pg. 4]
 - b. City of Sweet Home [Pg. 21]
 - c. City of Scappoose [Pg. 35]
 - d. City of Veneta [Pg. 45]

D. Council Member Requests for Workshop Topics

E. Adjournment

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 541-469-1102 if you have any questions regarding this notice.

You can view City Council meetings LIVE on television on Charter PEG Channel 181, or stream/view on the City's YouTube Channel: <https://www.youtube.com/@cityofbrookingsoregon8039>, or search 'City of Brookings Oregon YouTube' in your browser.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: December 2, 2024

Originating Dept: City Manager

Signature (submitted by)

City Manager Approval

Subject:

Certification of November 5, 2024 Election Abstract

Recommended Motion:

Motion to adopt Resolution 24-R-1267 authorizing accepting the Abstract of Votes regarding the ballots cast in the State of Oregon General Election held Tuesday, November 5, 2024; and directing the City Recorder to issue Certificates of Election.

Background/Discussion:

With each election, the Curry County Clerk prepares and mails an Abstract of votes cast in the City of Brookings to the Brookings Election Officer.

Pursuant to Oregon Revised Statutes (ORS) 254.565, a certificate of election shall be prepared and delivered to each qualified candidate having the most votes for election to a city office.

**CITY OF BROOKINGS
STATE OF OREGON**

RESOLUTION 24-R-1267

A RESOLUTION AUTHORIZING ACCEPTING THE ABSTRACT OF VOTES REGARDING THE BALLOTS CAST IN THE STATE OF OREGON GENERAL ELECTION HELD TUESDAY, NOVEMBER 5, 2024; AND DIRECTING THE CITY RECORDER TO ISSUE CERTIFICATES OF ELECTION.

WHEREAS, a general city election was held on November 5, 2024, during which time legal voters of the City of Brookings considered the election of a Mayor and two City Councilors; and

WHEREAS, pursuant to state law, the Curry County Clerk prepared an Abstract of Votes cast in the City of Brookings election, said certification having been issued on the 2nd day of December, 2024, attached hereto as "Exhibit A"; and

WHEREAS, pursuant to Oregon Revised Statutes (ORS) 254.565, a certificate of election should be prepared and delivered to each qualified candidate having the most votes for election to a city office; and

WHEREAS, as the City Elections Officer, the City Recorder shall prepare and deliver a Certificate of Election to each qualified candidate having the most votes for election.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Brookings, Curry County, Oregon, that:

1. The Abstract of Votes is hereby accepted.

TOTAL CERTIFIED

Mayor: Two-year term beginning January 13, 2024, and ending January 12, 2026.

Total Votes

Isaac S Hodges	1,974	Elected
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Councilor: Four-year terms beginning January 13, 2024, and ending January 10, 2028.

Total Votes

Clayton Malmberg	1,794	Elected
Phoebe Pereda	1,816	Elected

2. The City Recorder is hereby directed to prepare and deliver a certificate of election to each qualified candidate having the most votes for election to a city office.

BE IT FURTHER RESOLVED that

Passed by the City Council December 2, 2024.

Attest:

Mayor Isaac Hodges

City Recorder Brooklyn Osterhage



Exhibit A

Curry County Clerk's Office
Shelley Denney
County Clerk

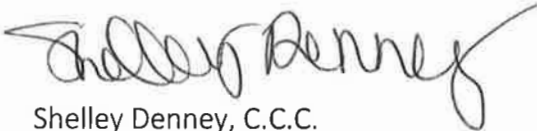
Recording • Elections • Vital Records • Board of Property Tax Appeals • Passports

December 2, 2024

Enclosed you will find the Abstract of Votes for the November 5, 2024, General Election.

Please let me know if you have any questions.

Regards,



Shelley Denney, C.C.C.

Statement of Votes Cast by Geography
Curry County, OR, November 5, 2024 General Election
All Precincts, All Districts, All Counter Groups, All ScanStations, 8-115 - Prohibits Psilocybin Product
Manufacturing, City of Brookings, Council, Position 1, City of Brookings, Council, Position 2, City of
Brookings, Mayor, All Boxes
Official

Page: 1 of 1
2024-11-27
13:37:07

City of Brookings
Total Ballots Cast: 3580, Registered Voters: 19358, Overall Turnout: 18.49%
4 precincts reported out of 4 total

Choice	Votes	Vote %
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All Precincts

City of Brookings, Mayor (Vote for 1)

3580 ballots (1 over voted ballots, 1 overvotes, 1488 undervotes), 5091 registered voters, turnout 70.32%

Isaac S Hodges	1974	94.40%
Write-in	117	5.60%
Total	2091	100.00%
Overvotes	1	
Undervotes	1488	

City of Brookings, Council, Position 1 (Vote for 1)

3580 ballots (1 over voted ballots, 1 overvotes, 1740 undervotes), 5091 registered voters, turnout 70.32%

Clayton Malmberg	1794	97.55%
Write-in	45	2.45%
Total	1839	100.00%
Overvotes	1	
Undervotes	1740	

City of Brookings, Council, Position 2 (Vote for 1)

3580 ballots (1 over voted ballots, 1 overvotes, 1719 undervotes), 5091 registered voters, turnout 70.32%

Phoebe Pereda	1816	97.63%
Write-in	44	2.37%
Total	1860	100.00%
Overvotes	1	
Undervotes	1719	

8-115 - Prohibits Psilocybin Product Manufacturing (Vote for 1)

3579 ballots (0 over voted ballots, 0 overvotes, 272 undervotes), 5091 registered voters, turnout 70.30%

Yes	1970	59.57%
No	1337	40.43%
Total	3307	100.00%
Overvotes	0	
Undervotes	272	

I certify the votes recorded on this abstract correctly summarize the tally of votes cast for the November 5, 2024 General Election.





Shelley Denney
Shelley Denney, Curry County Clerk
Dated this 27th day of November, 2024.

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: December 2, 2024

Originating Dept: City Manager


Signature (submitted by)

City Manager Approval

Subject: Vacant Commercial Property Ordinance

Financial Impact: TBD

Background/Discussion:

In previous workshop meetings there has been discussion about establishing a mechanism to protect the City of Brookings business districts and industrial zones from becoming blighted through the lack of maintenance and security of abandoned, accessible, or distressed real property. Many cities have established a vacant property registration ordinance to bring guidelines for the maintenance of abandoned, accessible, or distressed commercial property.

Vacant Property Registration Ordinances (VPROs) have three main objectives:

- Ensure that owners of vacant properties are known to the city and other interested parties can be reached if necessary
- Ensure owners of vacant properties are aware of their obligations of ownership under relevant city codes and regulations
- Ensure owners meet a minimum standard of maintenance of their properties

Common Misconceptions about VPROs:

- A VACANT PROPERTY REGISTRY IS FINANCIALLY ONEROUS

A modest fee is likely not going to change the cost-benefit analysis for a property owner, whether it is a local individual or part of a larger portfolio. Additionally, charging fees only when there is non-compliance with maintenance gives property owners an opportunity to never pay a fee even if their property remains vacant for a long period of time. And ultimately, even with no fee, the vacant property registry still provides a benefit of creating a record of what properties are vacant, where they are, and who owns them.

- VPROs DISCOURAGE FIRMS FROM INVESTING AND LENDING

Some opponents of VPROs argue they raise the costs of property ownership as well as the costs of servicing delinquent loans and foreclosed properties.

The truth is, the costs imposed by a VPRO represent the true costs of owning and managing a vacant property. A VPRO shifts the costs of vacant properties away from neighborhoods and local

governments and onto the appropriate private parties. By requiring the cost of a vacant property to be considered during underwriting decisions, a VPRO encourages responsible investment and lending while discouraging irresponsible investment and speculation.

- VPROs TRAMPLE PRIVATE PROPERTY RIGHTS

If an owner of a vacant property finds \$300 too burdensome to pay, it's unlikely they will invest the \$30,000 required to redo their roof and mechanical systems. Meanwhile, as their vacant property deteriorates, the property values of neighboring properties will decline and the neighborhood's real estate market suffers.

The fact is many more owners' property rights are infringed upon by a blighted and deteriorating building than the property rights of the single owner of the vacant property.

Additionally, if the property owner is making good faith efforts to bring properties into code and/or to be occupied the city usually acknowledges those efforts and will work with the owner.

- WHAT ABOUT THOSE WHO DON'T REGISTER?

Non-compliance with the Registry can have legal ramifications, mainly increased fines that the city can eventually foreclose upon. After action is taken against one non-compliant owner, other owners usually fall in line.

The Center for Community Progress suggests that vacant property registration ordinance should include the following elements:

- A clear definition of which properties and which parties must register;
- The registration requirements and procedures, including the information required of the owner or lienholder;
- The fee structure;
- The obligations of the owner, with respect to maintaining the property; and
- The penalties for failing to register in timely fashion.

Attachment(s) Vacant Property Ordinances and Registration Forms:

- a. City of St. Helens
- b. City of Sweet Home
- c. City of Scappoose
- d. City of Veneta

Chapter 8.14

PROPERTY MAINTENANCE, ABANDONED BUILDINGS

Sections:

8.14.010 Property maintenance, abandoned buildings.

8.14.020 General definitions.

8.14.030 Violations.

8.14.040 Unsafe structures and equipment.

8.14.050 Emergency measures.

8.14.060 Demolition.

8.14.070 Minimum requirements and standards for premises, structures, and facilities.

8.14.010 Property maintenance, abandoned buildings.

(1) This chapter shall be known as “the City of St. Helens Property Maintenance and Abandoned Buildings Chapter,” may be so pleaded, shall be referred to herein as “this chapter,” and shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities, the responsibility of owners, persons in charge of premises and occupants, and for administration, enforcement and penalties. Where differences occur between provisions of this chapter, other provisions of the St. Helens Municipal Code (hereinafter “code” or “the code”) and applicable state law, the more restrictive provision shall govern.

(2) Existing Remedies. The provisions in this chapter shall not be construed to repeal, abolish or impair existing remedies of the city of St. Helens or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe or unsanitary.

(3) Historic Buildings. The provisions of this chapter shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the building official to be safe and in the public interest of health, safety and welfare. (Ord. 3192 § 1, 2015)

8.14.020 General definitions.

“Abandoned building” means:

(1) A building that is no longer used by its owner or other legally permitted occupant for a period of 90 days or more; or

(2) A building that has been damaged to the extent that it is no longer habitable or is unsafe to occupy as determined by an enforcement officer per SHMC 8.14.030(2), and repairs and restoration are not started within 90 days of the date the building was damaged, or are not diligently pursued once started.

“Anchored” means secured in a manner that provides positive connection.

“Approved” means approved by the building official.

“Basement” means that portion of a building which is partly or completely below grade.

“Bathroom” means a room containing a toilet or a bathtub or a shower.

“Bedroom” means any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

“Building official” means the official who is charged with the administration and enforcement of this chapter, or any duly authorized representative.

“Detached” means when a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

“Deterioration” means to weaken, disintegrate, corrode, rust or decay and lose effectiveness.

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Easement” means that portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

“Equipment support” means those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

“Exterior property” means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

“Garbage” means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

“Guard” means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

“Habitable space” means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

“Housekeeping unit” means a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

“Imminent danger” means a condition which could cause serious or life-threatening injury or death at any time.

“Infestation” means the presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.

“Inoperable motor vehicle” means a vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

“Labeled” means equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

“Let for occupancy” or “let” means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.

“Neglect” means the lack of proper maintenance for a building or structure.

“Occupancy” means the purpose for which a building or portion thereof is utilized or occupied.

"Occupant" means any individual living or sleeping in a building, or having possession of a space within a building.

"Operator" means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

"Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding chapter to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

"Person" means an individual, corporation, partnership or any other group acting as a unit.

"Person in charge of premises" means any owner, agent, lessee, contract purchaser, or other person having the possession or control of premises or property.

"Premises" means a lot, plot or parcel of land, easement or public way, including any structures thereon.

"Public way" means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

"Rooming unit" means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

"Structure" means that which is built or constructed or a portion thereof.

"Tenant" means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

"Toilet room" means a room containing a toilet or urinal but not a bathtub or shower.

"Vacant building or structure" means a building or structure, or a substantial portion thereof, which has not been occupied by persons with a legal right to occupy for a period of 15 days or more. The term "vacant building" does not include buildings designed for storage or other intermittent uses. Evidence of a building being vacant includes two or more of the following: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; nonpayment or disconnection of utilities;

accumulation of trash, junk or debris; absence of furnishings; evidence of criminal mischief or criminal trespass; statements of neighbors that the building is vacant.

"Yard" means an open space on the same lot with a structure. (Ord. 3192 § 1, 2015)

8.14.030 Violations.

(1) It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this chapter.

(a) Violating any of the provisions of this chapter is a nuisance and shall, upon conviction thereof, be punished by a fine not to exceed \$500.00.

(b) Subsequent violation of the same provision of this chapter involving the same building by the same owner or person in charge of the premises shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.

(c) Each day's violation of a provision of this chapter constitutes a separate offense and may be separately cited.

(d) Violation of this chapter may be abated by summary abatement (SHMC [8.12.230](#)), by general abatement (SHMC [8.12.250](#)), or by citation (SHMC [8.12.260](#)). These procedures are not exclusive, but in addition to any other remedy as provided in this code, or by law.

(2) Enforcement Officers. Any city police officer, the city code enforcement officer, planner, building official, public works administrator, or city administrator (hereinafter "enforcement officer") is hereby authorized to take such actions as may be required to enforce the provisions of this chapter. The abatement of a nuisance is not a penalty for violating the terms of this chapter, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.

(3) Right of Entry. Whenever it may be necessary to inspect to enforce the provisions of this code, any enforcement officer having reasonable cause to believe that there exists, in a building or upon a premises, a condition which is contrary to or in violation of this code, or which otherwise makes the building or premises unsafe, dangerous or hazardous, the enforcement officer may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code; provided, that if such building or premises be occupied, credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the enforcement officer shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the enforcement officer shall have recourse to the remedies provided by law to secure entry.

(4) Closing of Vacant Structures. If a structure is vacant and in violation of one of more of the provisions of this chapter, the building official may order the structure closed up so as not to be an attractive nuisance. Notification of the owner or person in charge of the property shall be as set forth in SHMC 8.12.250(1) through (3). Upon failure of the owner to close up the premises within the time specified in the order, the building official shall cause the premises to be closed and secured and the cost thereof shall constitute a lien upon the premises.

(5) Occupation of Closed Structures. Any occupied structure closed by order of the building official shall be vacated not later than the effective date of the order. Any person who shall occupy such premises after such effective date and any owner or person in charge of the premises who allows another to occupy such premises after the effective date of the order is in violation of this chapter.

(6) Authority to Disconnect Utilities. The building official shall have the authority to authorize disconnection of utility service to a building, structure or system when necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The building official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

(7) Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a citation or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of this chapter have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any citation or notice of violation issued by the enforcement officer and shall furnish to the enforcement officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(8) Registration of Vacant or Abandoned Buildings or Structures. A building owner or person in charge of the premises shall register the building with the city recorder in the event:

- (a) Of an anticipated judicial foreclosure of the property, no earlier than the commencement of any of the actions described by ORS 18.904, 18.906 and 18.908 and not later than the date first set for the execution sale described in ORS 18.930;

- (b) Of an anticipated nonjudicial foreclosure of the property under ORS 86.735 et seq. not later than the date of service or mailing of the notice of sale described in ORS 86.740; or
- (c) The owner or person in charge of the premises receives written notice that the building has been deemed to be either a vacant building or an abandoned building.
- (d) Each registration shall be made on a form approved by the city recorder and shall contain, at a minimum, the name and address of the owner and the person in charge of the premises; the name, address and contact information (including direct contact name and telephone number) of the lender in the case of a judicial or nonjudicial foreclosure affecting the property; and the name, mailing address, telephone number, and email address of a local individual or entity charged with responsibility for ensuring compliance with the obligations imposed by this chapter and payment of a registration fee set by council resolution. The registrant shall send notice of any change to registration information to the city recorder within 30 days of the change. (Ord. 3192 § 1, 2015)

8.14.040 Unsafe structures and equipment.

(1) General. When a structure or equipment is found by an enforcement official to be unsafe, unfit for human occupancy, or otherwise unlawful, such structure or equipment is in violation of this chapter and a nuisance which shall be abated as set forth in SHMC 8.12.220 through 8.12.290, Chapter 15.20 SHMC, or such other methods of code compliance or nuisance abatement as are provided by law or the code.

(2) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible. Any structure or premises that has one or more of the conditions or defects described below shall be considered dangerous:

- (a) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building code or fire code as related to the requirements for existing buildings;
- (b) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress;
- (c) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to

such an extent that it is likely to partially or completely collapse, or to become detached or dislodged;

(d) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place, so as to be capable of resisting natural or artificial loads of one and one-half the original designed value;

(e) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way;

(f) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or trespassers, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act;

(g) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety;

(h) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the building official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;

(i) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the building official to be a threat to life or health; or

(j) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

(3) **Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(4) **Structure Unfit for Human Occupancy.** A structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this chapter, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(5) **Unlawful Structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this chapter, or was erected or altered in violation of law. (Ord. 3192 § 1, 2015)

8.14.050 Emergency measures.

(1) **Imminent Danger.** When, in the opinion of the building official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the building official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The building official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(2) **Temporary Safeguards.** Notwithstanding other provisions of this chapter, whenever, in the opinion of the building official, there is imminent danger due to an unsafe condition, the building official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the building official deems necessary to meet such emergency.

(3) **Emergency Repairs.** For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(4) **Cost of Emergency Repairs.** Notice of the costs incurred in the performance of emergency work shall be forwarded by registered mail, postage prepaid, to the person in charge of the property by the city recorder. The notice shall contain: (a) the total cost, including the administrative overhead, of the abatement; (b) a statement that the cost as indicated, if not paid within 30 days, will result in the city bringing legal action under ORS 30.315(1)(a) in small claims court for collection and/or will become a lien against the property; (c) a statement that if the person in charge of the property objects to the cost of the abatement as indicated, a notice of objection may be filed with the city recorder within 15 days from the date of the notice, after which objection to the proposed assessment shall be heard and determined by the council in its regular course of business.

(5) An assessment for the cost of abatement as determined by the council shall be made by resolution of the council and shall thereupon be entered in the docket of city liens; and upon such entry being made, it shall constitute a lien upon the property from which the nuisance was removed or abated. The lien shall be collected in the same manner as liens for street improvements are collected and shall bear interest at the rate of nine percent per annum. Such interest shall commence to run 30 days after the entry of the lien in the lien docket. An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the assessment render the assessment void but it shall remain a valid lien against the property. (Ord. 3192 § 1, 2015)

8.14.060 Demolition.

The building official shall order the owner of any premises upon which is located any structure which is unsafe, unfit for occupancy or unlawful, and it is unreasonable to repair the structure, to demolish and remove such structure or to board it up and hold for future repair or demolition at the owner's option. However, boarding the building up for future repair shall only be allowed for the period of one year, unless a written extension is issued by the building official. Permission to board up such structure under this section shall be revoked if vagrants or other trespassers breach the barrier and occupy the structure. (Ord. 3192 § 1, 2015)

8.14.070 Minimum requirements and standards for premises, structures, and facilities.

The owner and the person in charge of premises, whether those premises are currently occupied or not currently occupied, are equally responsible to maintain structures and exterior property in compliance with these requirements, except as otherwise provided. A person shall not occupy as owner-occupant nor permit another person to occupy premises which do not comply with the requirements of this chapter. Persons in charge of a portion of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(1) Exterior Property Areas.

- (a) All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- (b) All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Approved retention areas and reservoirs shall be considered to be in compliance with this section if the premises is kept in compliance with current approvals.
- (c) All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions as further set forth in SHMC Title 12 and such other applicable sections of the code.
- (d) All premises and exterior property shall be maintained free from weeds or plant growth as set forth in SHMC 8.12.090.
- (e) All structures and exterior property shall be kept free from rodent harborage and infestation as set forth in SHMC 8.12.100 and 8.40.020.
- (f) Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
- (g) All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. In addition, they shall be constructed in compliance with all applicable building codes referred to in SHMC Title 15 and situated in compliance with all applicable regulations set forth in SHMC Title 17.
- (h) Except as otherwise provided in the code, all motor vehicles, operable or inoperable, shall be parked or stored in compliance with Chapters 8.40, 10.12 and 10.16 SHMC, and SHMC 10.04.140 through 10.04.220.
- (i) No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner or person in charge of the premises to restore said surface to an approved state of maintenance and repair.
- (j) Swimming pools, hot tubs and spas shall be located in compliance with SHMC Title 17 and maintained in compliance with Chapter 8.12 SHMC.

(2) Exterior Structure.

(a) All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(b) Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) in height with a minimum stroke width of one-half inch (12.7 mm).

(c) All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(d) All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(e) All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(f) The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(g) All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(h) All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of

metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(i) Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(j) All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(k) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(l) Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. Operable windows located in whole or in part within six feet (1,828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

(m) All glazing materials shall be maintained free from cracks and holes.

(n) Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(o) During the period from May 1st to October 1st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition, except that screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(p) All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be readily openable from the side

from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the building code.

(q) Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(r) Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

(s) Every basement window that is operable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(t) Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily operable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of one inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(u) All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

(3) Interior Requirements.

(a) All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(b) Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(c) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(d) Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

(4) Plumbing Systems, Facilities and Fixtures.

(a) All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(b) Plumbing systems in a structure found to constitute a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage, or for similar reasons, are in violation of this chapter and are a nuisance and may be abated as provided herein.

(c) All dwelling units shall contain a bathtub or shower, lavatory, toilet and kitchen sink which shall be maintained in a sanitary, safe and working condition.

(d) Every sink, lavatory, bathtub or shower, drinking fountain, toilet or other plumbing fixture shall be properly connected to either the city public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(e) Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

- (f) All plumbing fixtures shall be properly connected to either the city public sewer system or to an approved private sewage disposal system.
- (g) Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
- (h) Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. (Ord. 3192 § 1, 2015)

The St. Helens Municipal Code is current through Ordinance 3304, passed August 7, 2024.

Disclaimer: The city recorder's office has the official version of the St. Helens Municipal Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.sthelensoregon.gov/>

City Telephone: (503) 366-8217

Codification services provided by [General Code](#)



VACANT PROPERTY REGISTRATION

St. Helens Municipal Code Section 8.14.030(8)

www.sthelensoregon.gov

SUBJECT PROPERTY INFORMATION

Physical Property Address: _____, St. Helens, Oregon 97051

Columbia County Tax Lot No.: _____

CONTACT INFORMATION

Current Property Owner Name: _____ Cell Phone: _____

Current Property Owner Physical Address: _____

Current Property Owner Mailing Address: _____

Current Property Owner Email: _____

Lender Name: _____ Phone: _____

Lender Physical Address: _____

Lender Mailing Address: _____

Name of Contact Person for Lender: _____

Contact Person Email: _____ Cell Phone: _____

If neither the property owner nor lender live in or have a business office in Columbia County, then the City Code requires the owner/lender to designate a person, within 30 miles of the vacant property, to be responsible for inspecting and protecting this property to standards set forth in the Code. The Code also requires you to supply the following information about this person:

Contact Person Name: _____ Cell Phone: _____

Contact Person Physical Address: _____

Contact Person Mailing Address: _____

Contact Person Email: _____

I, the undersigned, hereby affirm that I am duly authorized to act on behalf of all the ownership interests in the above described property; that all information is true and correct; that all information herein will be updated within thirty (30) days of any change; that any and all notices, including but not limited to legal service of process or citation, shall be sufficient if actually received; and that failure to comply with all City of St. Helens codes, rules, ordinances, and registration requirements is subject to citation.

Signature of Owner, Beneficiary, Agent or Trustee

Date Signed

Printed Name of Signature:

Date received: _____

Date entered: _____

Vacant Property No.: _____

Please mail, email or fax completed registration form to the City.
For questions, please contact City Recorder Kathy Payne at 503-366-8217 or kpayne@sthelensoregon.gov.

City of St. Helens/VPR Program
265 Strand Street
St. Helens, OR 97051
Email: kpayne@sthelensoregon.gov
Fax: 503-397-4016

ORDINANCE BILL NO. 13 FOR 2020

ORDINANCE NO. 1292

SWEET HOME ORDINANCE PERTAINING TO THE REGISTRATION, MAINTENANCE, SAFETY, AND SECURITY OF VACANT BUILDINGS IN COMMERCIAL AND INDUSTRIAL ZONES

WHEREAS, the City of Sweet Home desires to preserve and protect the habitability and promote the productive use of real property in the City, and to protect the city from blight by requiring that vacant buildings in commercial and industrial zones be adequately secured and maintained.

NOW THEREFORE,

The City of Sweet Home does Ordain as follows:

Section 1. Sweet Home Municipal Code Chapter 8.20 titled VACANT BUILDINGS IN COMMERCIAL AND INDUSTRIAL ZONES is created to read as follows:

§8.20.010 Purpose and Applicability.

This chapter is enacted for the purpose of preserving and protecting the habitability of real property in the City's commercial and industrial zones, and the peaceable, safe, sanitary, and secure occupancy, and productive use of such real property. The provisions in this chapter shall apply only to buildings in commercial and industrial zones, according to the most recent City of Sweet Home zoning map.

§8.20.020 Definitions.

As used in this chapter, except where the context indicates otherwise, the following definitions apply:

"Abandoned building" means:

1. A building that is both vacant and subject to either pending judicial execution sale under ORS 18.901 et seq., or to nonjudicial foreclosure pursuant to ORS 86.752 et seq.; or
2. A building that is both vacant and subject to either a judicial execution sale under ORS 18.901 et seq., or nonjudicial foreclosure pursuant to ORS 86.752 et seq. where legal title is retained by the beneficiary(ies) of a foreclosed trust deed or was otherwise transferred to beneficiary(ies) pursuant to a deed in lieu of foreclosure.

"Building" means a site-built or manufactured structure, including mobile homes, built to the support, shelter or enclosure of persons, animals, chattels or property of any kind

and having a fixed base on or fixed connection according to the uniform building code standards.

"Chief" means the chief of police of the Sweet Home police department, or designee.

"City Manager" means the City Manager of the City of Sweet Home, or designee.

"Code enforcement officer" means a code enforcement officer of the City of Sweet Home.

"Commercial building" means a nonresidential building constructed or used for purchasing, selling or conducting other transactions involving the handling or disposition of any article, substance, commodity or services for livelihood or profit, and places where commodities, services or merchandise are sold or agreements are made to furnish them.

"Foreclosed building" means a building upon real estate that an owner obtains as a result of:

1. Foreclosing a trust deed on the real estate;
2. Obtaining a judgment foreclosing a lien on the real estate;
3. Purchasing the real estate at a trustee's sale or a sheriff's sale; or
4. Accepting a deed to the real estate in lieu of foreclosure.

"Industrial building" means a nonresidential building constructed or used for manufacturing, processing, compounding, packaging or assembling of products.

"Lender" means any person who makes, extends, or holds a real estate loan agreement and includes, but is not limited to, mortgagees, beneficiaries under trust deeds, vendors under conditional land sales contracts, trustees, and a successor in interest to any mortgagee, beneficiary, vendor, or trustee. The term also includes any mortgagee, beneficiary, or trustee that accepts a deed in lieu of foreclosure.

"Local" means within forty (40) miles of a building.

"Natural person" means a real human being, as opposed to a legal person, which may be a private or public organization.

"Owner" means any person holding or claiming to hold any legal title or interest in real property, including, but not limited to, a fee owner, a mortgagee in possession, a vendee under a land sale contract, or a beneficiary under a deed of trust.

"Person" means any natural person, association, partnership, or corporation, or other form of legal entity or entity in fact capable of owning or using property.

"Premises" means real estate, including that upon which a building is located or constructed, that is in the same ownership as the building, and that a reasonable person would associate with ownership or use of the building when viewing the building and premises from outdoors. Where there is more than one building on premises, or where

multiple buildings on premises are owned by different owners, the premises are common to each building. Premises are often, but not always, defined by tax lot lines or recorded legal descriptions.

"Real property" means any real property, including, but not limited to, lots, parcels, tracts, premises, buildings, houses, rooms, structures, or any separate part or portion thereof, whether temporary or permanent, and whether or not on the ground itself, and any conveyance or any part or portion thereof.

"Tenant" means a residential tenant as defined by the Oregon Residential Landlord and Tenant Act, and any other person, organization or business holding real property under the terms of a rental agreement.

"Vacant" means:

1. Lack of building habitation or use, or abandonment of habitation or use; or
2. Use of a building, either intermittent or continuous, by persons with no legal right to be present.

"Vacant building" means:

1. A building, or substantial portion thereof, that is unoccupied or has not actively been furnished and so used as a place of business, employment, residence, or other human activity, for more than thirty (30) days. This includes manufactured structures and mobile homes, whether located in a mobile home park or not. A vacant building also includes any building under construction where no substantial work has taken place for more than sixty (60) days. "Vacant building" does not include a building designed for storage, intermittent or similar types of use, if such building is secure from unauthorized entry, in good repair, and does not otherwise constitute a nuisance; or
2. A building where one or more conditions is present, either singularly or in combination, that would lead a reasonable person to conclude that the building is vacant. Such conditions include, but are not limited to:
 - a. Overgrown or dead vegetation at the property;
 - b. Accumulation of newspapers, circulars, flyers, mail, or similar items;
 - c. Past due utility notices or disconnected utilities;
 - d. Accumulation of trash, junk, or debris;
 - e. Absence of furnishings or other items typically found inside a residential, industrial, or commercial building as the case may be;
 - f. Evidence of criminal mischief or criminal trespass; or
 - g. Statements or other evidence supplied by neighbors, delivery agents, passersby, or government employees, that the building is vacant
3. For the purposes of this ordinance, a building with an active building permit is not considered vacant.

§8.20.020 Registration.

- A. A building owner shall register the building with the City Manager, or designee, in the event:

1. Of an anticipated judicial foreclosure of the property, no earlier than the commencement of any of the actions described by ORS 18.904, 18.906, 18.908 and not later than the date first set for the execution sale described in ORS 18.930;
 2. Of an anticipated nonjudicial foreclosure of the property under ORS 86.752 et seq. not later than the date of service or mailing of the notice of sale described in ORS 86.764;
 3. That the owner becomes aware that the building is vacant, as defined in this chapter; or
 4. The owner receives written notice from the code enforcement officer that the code enforcement officer believes the building is a vacant building, abandoned building, or foreclosed building.
- B. Each registration shall be made on a form approved by the City Manager and shall contain, at a minimum:
1. If subsection A.1 or A.2 applies, then:
 - a. The name of the lender;
 - b. The address of the vacant building;
 - c. Legal description and tax parcel identification number of the property per the county assessor's records;
 - d. The date the property became vacant or the lender took legal possession;
 - e. The direct address of the lender and post office box, if applicable (post office boxes alone are not acceptable);
 - f. A direct contact name and telephone number for the lender;
 - g. If the lender does not reside in or have a business office in the City, then the name, mailing address, telephone number, and email address of a local individual or entity charged with responsibility by the trustee, mortgagee, or beneficiary, for ensuring compliance with the obligations imposed by this chapter; and
 - h. A person or entity appointed by the lender who is authorized to receive service of process, if applicable.
 2. If subsection A.3 applies, then:
 - a. The name of the owner(s);
 - b. The address of the vacant building;
 - c. Legal description and tax parcel identification number of the property per the county assessor's records;
 - d. The date the property became vacant or the owner took legal possession;
 - e. The direct address of the owner(s) and post office box, if applicable (post office boxes alone are not acceptable);
 - f. A direct contact name and telephone number for the owner(s);
 - g. If the owner does not reside or have a principal office in the City, the name, mailing address, telephone number, and electronic mail address of a local agent for the owner(s).
- C. Each registration must be accompanied by a payment of a registration fee in an amount to be set by Council resolution.

- D. The City Recorder or designee shall maintain a list of registered buildings and deliver a copy thereof to the code enforcement officer upon request.
- E. The City Recorder or designee shall share all registration information with the Police Department, and all vacant properties shall be enrolled in the Police Department's Property Watch program.
- F. If ownership of a registered building changes, the registrant shall send notice of the change to the City Recorder within thirty (30) days of the change.
- G. The registration is valid for one year. The property owner or lender must secure a new registration annually if the property remains vacant.
- H. An owner or lender who has registered a property under this chapter must report any change of information contained in the registration to the City within 10 business days of the change, including but not limited to any change in ownership or designation of a responsible person.
- I. Properties subject to this chapter shall remain under the registration requirement as long as the property remains vacant.

§8.20.030 Maintenance.

- A. Every owner of an abandoned building, foreclosed building, or vacant building shall cause the building and premises to be maintained in a generally well-kept condition, at least consistent with conditions found on surrounding or nearby occupied property, and including all of the following:
 - 1. Ensuring that the condition of the subject property does not constitute a public nuisance or a chronic public nuisance as described by the code.
 - 2. Keeping the premises free of weeds, dead vegetation, graffiti, trash, accumulated newspapers, circulars, flyers, discarded personal items, and other items or conditions that would cause a reasonable person to suspect the building or real property is vacant or abandoned.
 - 3. Regular watering, irrigation, cutting, pruning, and mowing of the lawns and other vegetated areas of the subject real property and the removal of all trimming and debris resulting from such work.
 - 4. All fences and gates shall be maintained in sound condition and in good repair.
 - 5. Foundations, basements, cellars and crawlspaces shall be maintained in sound and watertight condition, adequate to support the building, and protected against the entry of rodents or other animals.
 - 6. Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portions of the walls or the interior spaces, and shall be protected against the entry of rodents or other animals.
 - 7. Exterior windows and doors shall be maintained in sound condition and good repair, with hardware for locking and the locking mechanism maintained in property functioning condition.
 - 8. Any window which is broken, cracked, or missing glass or glazing shall be replaced and maintained in good repair.
 - 9. Roofs shall be maintained in sound and watertight condition.
 - 10. All graffiti shall be promptly covered or removed.

- B. Compliance with this section does not relieve a person of any obligations imposed by state law, other sections of this code, or any covenants, conditions, and restrictions that apply to the building or premises. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or any other ordinance, the provisions which are more restrictive shall govern.

§8.20.040 Security.

- A. Every owner of an abandoned building, foreclosed building, or vacant building, shall cause the building to be secured (including closure and locking of windows, doors, gates and other opening(s) allowing access to the building) and thereafter maintained so as not to be accessible to unauthorized persons.
- B. The owner shall post notice which provides, at a minimum, a direct contact name and a telephone number available twenty-four (24) hours a day for persons to report problems or concerns with the building or real property. The following standards apply to this notice:
1. The telephone number listed in the notice must:
 - a. Be answered, or reasonably likely to be answered, by a human being during the hours of eight a.m. and five p.m., local time;
 - b. Be connected to a voicemail system that records calls between the hours of five p.m. and eight a.m., local time, if no human is available to answer the phone; and
 - c. Be a domestic number or a toll-free number but not an international number.
 2. The notice must be placed on the interior of a window facing the street to the front of the property so the notice is easily decipherable from outside of the building. If no such area exists, then the posting must be placed on the exterior of the building in a location visible from the street to the front of the property. An exterior posting shall be constructed of and printed with weather-resistant materials.
 3. The notice shall be printed in a typeface at least eighteen (18) points in size, and must list the name and contact information of the owner(s) or local individual or entity charged with complying with this chapter, along with the following phrases completed with the appropriate identification and contact information:
"THIS PROPERTY OWNED/MANAGED BY: ."

"TO REPORT PROBLEMS OR CONCERNS CALL ."

§8.20.050 Inspection.

- A. Every owner of an abandoned building, foreclosed building, or vacant building shall inspect the building and premises no less than once monthly to verify the requirements of this chapter, and any other laws applicable to the building, are being met.

- B. The owner or agent inspecting the property shall record and present to the City Manager, code enforcement officer or designee (upon request) the dates of inspection in a form to be provided by the City.

§8.20.060 Local Presence or Property Management Required.

- A. If an owner or lender has no local presence, as defined in this chapter, that owner or lender shall contract with a local person or property management company in order to ensure compliance with this chapter.
- B. An 18-inch by 24-inch notice shall be posted by the owner or responsible person identifying a local direct contact name and 24-hour contact phone number for persons to report problems or concerns, and the posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street. If no such area exists, then the posting shall be placed on the exterior of the property in a location visible from the street to the front of the property. An exterior posting shall be constructed of and printed with weather resistant materials.
- C. If an owner fails to comply with the requirements of this chapter within fifteen (15) days after receiving notice that the Code Enforcement Officer believes that the property is vacant, then the owner(s) or lender(s) shall contract with a property management company, to perform the inspections outlined in SHMC §8.20.050 and verify that the maintenance and security requirements of SHMC §8.20.030 and SHMC §8.20.040 are being carried out.
- D. A property management company retained under this section must post the notice described in SHMC §8.20.040(B).
- E. Nothing in this chapter prevents a local owner(s) from contacting with a property management company to assist the owner in meeting the owner's responsibilities under this chapter.

§8.20.070 Additional Authority.

The code enforcement officer may require, with City Manager approval, an owner(s) or lender to implement any additional maintenance listed below:

- A. Installation and operation of additional security lighting;
- B. Increased frequency of property inspections; and
- C. Employment of an on-site security guard.
- D. Any other measures as may be reasonably required to prevent the decline of the property.

§8.20.080 Additional Remedies; Lien Against Real Property.

- A. In addition to other penalties or enforcement specified in this chapter, if a lender or owner(s) fails to register the building or premises as provided in this chapter, the code enforcement officer may give notice of such failure by certified mail. The notice shall:

1. Be directed to all persons shown on the assessor's records or otherwise known to the City to be the owner(s);
 2. Refer to the real property involved with convenient certainty, a building's street address, if any, being sufficient; and
 3. Notify the owner to comply with the registration requirements in this chapter within fifteen (15) days of mailing.
- B. If a lender or owner(s) fails to maintain, inspect, or secure the building or premises as provided in this chapter, then notwithstanding whether the premises is registered, the code enforcement officer may give notice and abate such conditions as follows:
1. Give written notice to the owner that includes the following:
 - a. A statement that the code enforcement officer has evaluated the building as being a vacant building pursuant to the definition of "vacant building" set forth in SHMC §8.20.020, along with a statement of the reasons why the building has been so evaluated;
 - b. A reference to the building with convenient certainty, a building's street address, if any, being sufficient;
 - c. Notice of the deficiency in maintenance, inspection, or security that has been observed, and direction to comply with the maintenance, inspection, and security requirements of this chapter within seventy-two (72) hours of the time described in subsection B.2.a;
 - d. Notice that if the condition is not corrected within seventy-two (72) hours, the City may cause the real property to be maintained, inspected, or secured, as provided in this chapter and will charge the costs to the lender or owner(s) and register the same on the City's lien docket against the real property. This subsection B.1.d constitutes the authority needed for the City to so maintain, inspect, or secure property to the standards of this chapter.
 2. A copy of the notice described in subsection B.1 must, at a minimum, be:
 - a. Posted to the front door of the building, or to that side of the building fronting the most well-traveled street adjacent to the building, with the date, time of day, and name of the person posting the notice written on the front of the document in permanent ink;
 - b. Mailed, at least five business days before abatement, to the owner or owners at their last-known mailing addresses on record with the Linn County Assessor's office on the date of posting or available from Title Company or other documents, by certified mail, no later than the date the real property is posted. If no mailing address is of record with the assessor's office or known to the City of Sweet Home at the time of posting, then a good faith effort to locate an address for an owner or owners, conducted on or before the day the notice is posted, will satisfy this section.
 3. The code enforcement officer shall make a good faith effort to locate the telephone number of the owner, and call the owner on the day notice is posted and give a person reasonably appearing to be meaningfully

connected to the real property oral notice that the building has been evaluated as vacant and that there are seventy-two (72) hours to secure or maintain the building, as the case may warrant. Efforts to locate phone numbers and call the owner qualify as good faith if they are reasonable under the circumstances then existing.

4. Notices mailed under subsection B.2.b must be placed in the mail three business days before commencement of City abatement activity under this chapter. For this purpose, a business day is any day except a Saturday, Sunday, or a legal holiday observed by the state of Oregon under ORS 187.010 and 187.020.
 5. If the building is registered with the City then the code enforcement officer must also send the notice required under subsection B.2.b to the lenders listed in the registration materials. The code enforcement officer will send this notice concurrently with the notice required under subsection B.2.b.
 6. If the building is not registered with the City, then the code enforcement officer may send a courtesy copy of the notice required under subsection B.2.b to one or more lenders if the lenders have an ownership interest in the property, as opposed to a mere security interest, and if the code enforcement officer has actual knowledge of the ownership interest on the day the code enforcement officer sends the owner notice under subsection B.2.b. This provision does not create or impose a duty on the code enforcement officer or any other City employee, official, or agent to receive or collect information about lenders or to send courtesy notice to a lender.
- C. Nothing in this section obligates the City to remedy the problem conditions alleged in the code enforcement officer's letter without charging the cost of such abatement as a lien against the real property on which the building is constructed. The total cost of such abatement, including but not limited to time of City employees or contractors, materials, expenses, overhead, and legal fees and costs, shall be included in such lien filing.
- D. The City Manager, at or near the time Council passes this vacant building ordinance or any amendment thereto, shall promulgate a press release that announces passage of the legislation. A press release is adequately promulgated under this section if it is directed to the media sources customarily contacted by the City Manager for distributing newsworthy City information. Failure of or disagreements about compliance with this subsection supply no defense in any action.

§8.20.090 Penalty.

- A. Any person who violates any provision of this chapter may be prosecuted and penalized under the provisions of SHMC Chapter 9.36 and any amendments thereto.
- B. Each day a violation is allowed to persist by a lender or owner(s) constitutes a separate occurrence.
- C. In addition to any the remedy, the City may use the abatement procedures outlined in SHMC Chapter 8.04, Article II.

- D. The remedies, which include penalties herein provided for in this chapter or sections thereof, shall be cumulative and not exclusive and shall be in addition to any other remedies available to the City.

§8.20.100 Duties Joint and Several.

Where a building or premises is owned by more than one person, any duty created by this chapter is joint and several as to all owners.

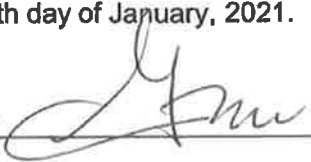
§8.20.110 Appeals.

- A. A lender or owner shall have the right to appeal any obligation of this chapter, including any additional maintenance or security measures as provided for in SHMC §8.20.070, to the municipal court by filing a petition for a hearing before the court with the court clerk. Additionally, a lender or owner who has received a notice of abatement outlined in §8.20.080(B), may, within fifteen (15) days after mailing of such notice, may likewise appeal to the municipal court for relief by filing a petition.
1. Such petition must include:
 - a. A copy of the code enforcement officer's notice;
 - b. Facts upon which petitioner relies for relief from the obligations of this chapter relative to the building or premises;
 - c. The petitioner's signature, telephone number, and mailing address. If a petitioner is not a natural person, a natural person must sign the petition on behalf of the petitioner and provide his or her mailing address and direct telephone number; and
 - d. The payment of a filing fee, if any is established by City Council from time to time for the petition.
 2. If the municipal court finds that strict compliance with this chapter would cause a real and unnecessary hardship upon the petitioner, then the court may relieve the petitioner of one or more obligations of this chapter.
 3. Filing a petition under this subsection does not:
 - a. Relieve an owner(s) or lender from complying with any requirement of this chapter, including requirements listed in posted or mailed notices;
 - b. Stay City abatement of a building or premises under other City ordinances;
 - c. Require the City to reverse, cancel, or undo any abatement action or effort completed, planned, or in progress at the time the petition is filed; or
 - d. Avoid any abatement cost or lien, whether or not the cost or lien has been calculated or, if calculated, charged against real property.

4. Any relief granted under this section operates only upon an owner or lender listed as a petitioner.

Passed by the Council and approved by the Mayor this 12th day of January, 2021.

Mayor

 1-12-21

ATTEST:

 13 Jan 21

City Manager – Ex Officio City Recorder

Sweet Home

OREGON

COMMUNITY AND ECONOMIC DEVELOPMENT

Vacant Building Registration

The City of Sweet Home regulates vacant buildings in the City's Commercial and Industrial zones to ensure public safety, habitability, and future productive use. Property owners of vacant buildings are required to:

- Register the property with the City by providing information about the property, contact information for the property owner, as well as contact information for a local agent if the property owner lives more than 40 miles away from the property.
- Maintain the property in generally well-kept condition.
- Keep the building(s) locked and secured.
- Post a notice identifying the property owner or manager and providing a phone number to report any problems with the property.
- Inspect the building once a month.

The full ordinance can be found [HERE](#).

If your building is vacant, please completed the following form to begin your registration. If you have any questions or concerns, please contact our Code Compliance Officer.

Owner's Name *

Vacant Building's Street Address *

Date Property Became Vacant

or list purchase date if the building was vacant when it was acquired.

Month ▼ Day ▼ Year ▼ 

Owner's Mailing Address ***Owner's Phone Number *****Owner's Email Address****Local Agent**

A local agent is required if owner does not reside or have a principal office within 40 miles of the building.

Local Agent's Mailing Address**Local Agent's Phone Number****Local Agent's Email Address**

Contact Information

Community and Economic Development Department
3225 Main Street
Sweet Home, OR 97386

Phone: (541) 367-8113

7:00 am - 5:30 pm
Monday - Thursday

[View Full Contact Details](#)

[Home](#) | [Sitemap](#) | [Staff Login](#) | [Disclaimer](#) | [Privacy Policy](#)
Sweet Home City Hall, 3225 Main Street, Sweet Home OR 97386

ORDINANCE NO. 825

AN ORDINANCE CREATING VACANT BUILDING REGULATIONS AND REMEDIES AND AMENDING THE SCAPPOOSE MUNICIPAL CODE AND DECLARING AN EMERGENCY

WHEREAS the City Council has determined that nuisance conditions can and have developed at properties that are abandoned by their owners, foreclosed by lenders, or otherwise left vacant such that conditions and maintenance decline at the property.

WHEREAS this chapter is necessary to preserve and protect the habitability of real property in the city, and the peaceable, safe, sanitary, and secure occupancy, and productive use of real property in the city; and

WHEREAS the City of Scappoose has the authority to declare such real property a nuisance and regulate and abate the nuisance created by use of the real property.

NOW, THEREFORE, THE CITY OF SCAPPOOSE HEREBY ORDAINS:

SECTION 1. VACANT BUILDING ORDINANCE

The language set forth below, incorporated herein and made a part of this Ordinance, shall be added to the Scappoose Municipal Code as Chapter 8.24 to Title 8 and may be known and cited as the "Vacant Building Ordinance."

8.24.010 Definitions As used in this chapter, except as the context otherwise requires:

"Abandoned building" means:

1. A building that is both vacant and subject to either a pending judicial execution sale under ORS 18.901 et seq., or to nonjudicial foreclosure pursuant to ORS 86.735 et seq.; or
2. A building that is both vacant and was the subject of either a judicial execution sale under ORS 18.901 et seq., or nonjudicial foreclosure pursuant to ORS 86.735 et seq. where legal title is retained by the beneficiary(ies) of a foreclosed trust deed or was otherwise transferred to beneficiary(ies) pursuant to a deed in lieu of foreclosure.

"Building" has the meaning supplied in sections 17.26.020 and 17.26.030 of this code.

"Chief" means the Chief of Police of the Scappoose Police Department, or designee.

"City Manager" means the City Manager of the City of Scappoose, or designee.

"Commercial building" means a nonresidential building constructed or used for "commercial use" as defined in section 17.26.030 of this code.

"Foreclosed building" means a building upon real estate that an owner obtains as a result of:

1. Foreclosing a trust deed on the real estate;
2. Obtaining a judgment foreclosing a lien on the real estate;
3. Purchasing the real estate at a trustee's sale or a sheriff's sale; or
4. Accepting a deed to the real estate in lieu of foreclosure.

“Industrial building” means a nonresidential building constructed or used for “industrial use” as defined in section 17.26.030 of this code.

“Lender” means any person who makes, extends, or holds a real estate loan agreement and includes, but is not limited to, mortgagees, beneficiaries under trust deeds, vendors under conditional land sales contracts, trustees, and a successor in interest to any mortgagee, beneficiary, vendor, or trustee. The term also includes any mortgagee, beneficiary, or trustee that accepts a deed in lieu of foreclosure.

“Local” means within 30 miles of a building.

“Owner” means any person holding or claiming to hold any legal title or interest in real property, including, but not limited to, a fee owner, a mortgagee in possession, a vendee under a land sale contract, or a beneficiary under a deed of trust.

“Person” means any natural person, association, partnership, or corporation, or other form of legal entity or entity in fact capable of owning or using property.

“Premises” means real estate, including that upon which a building is located or constructed, that is in the same ownership as the building, and that a reasonable person would associate with ownership or use of the building when viewing the building and premises from outdoors. Where there is more than one building on premises, or where multiple buildings on premises are owned by different owners, the premises are common to each building. Premises are often, but not always, defined by tax lot lines or recorded legal descriptions.

“Real property” means any real property, including but not limited to, lots, parcels, tracts, premises, buildings, houses, rooms, structures, or any separate part or portion thereof, whether temporary or permanent, and whether or not on the ground itself, and any conveyance or any part or portion thereof.

“Tenant” means a residential tenant as defined by the Oregon Residential Landlord and Tenant Act, and any other person holding real property under the terms of a rental agreement.

“Vacant” means:

1. Lack of building habitation or use, or abandonment of habitation or use; or;
2. Use of a building, either intermittent or continuous, by persons with no legal right to be present.

“Vacant building” means:

1. A building, or substantial portion thereof, that is unoccupied or has not actively been furnished and so used as a place of business, employment, residence, or other human activity, for more than 15 days. This includes manufactured housing and mobile homes, whether located in a mobile home park or not. A vacant building also includes any building under construction where no substantial work has taken place for more than 60 days. “Vacant building” does not include a building designed for storage, intermittent or similar types of use, if such building is secure from unauthorized entry, in good repair, and does not otherwise constitute a nuisance; or
2. A building where one or more conditions is present, either singularly or in combination, that would lead a reasonable person to conclude that the building is vacant. Such conditions include, but are not limited to:
 - a. Overgrown or dead vegetation at the property;
 - b. Accumulation of newspapers, circulars, flyers, mail, or similar

- items;
- c. Past due utility notices or disconnected utilities;
- d. Accumulation of trash, junk, or debris;
- e. Absence of furnishings or other items typically found inside a residential, industrial, or commercial building as the case may be;
- f. Evidence of criminal mischief or criminal trespass; or
- g. Statements or other evidence supplied by neighbors, delivery agents, passers-by, or government employees, that the building is vacant.

8.24.020 Registration

- A. A building owner shall register the building with the city recorder in the event:
 - 1. Of an anticipated judicial foreclosure of the property, no earlier than the commencement of any of the actions described by ORS 18.904, 18.906, 18.908 (2012) and not later than the date first set for the execution sale described in ORS 18.930 (2012);
 - 2. Of an anticipated nonjudicial foreclosure of the property under ORS 86.735 et seq. (2012) not later than the date of service or mailing of the notice of sale described in ORS 86.740 (2012); or
 - 3. The owner receives written notice from the chief that the chief believes the building is a vacant building, abandoned building, or foreclosed building.
- B. Each registration shall be made on a form approved by the city recorder and shall contain, at a minimum:
 - 1. If 8.24.020(A)(1) or (2) applies, then
 - a. The name of the lender;
 - b. The direct address of the lender (post office boxes are not acceptable);
 - c. A direct contact name and telephone number for the lender;
 - d. If the lender does not reside in or have a business office in Columbia County, Oregon, then the name, mailing address, telephone number, and email address of a local individual or entity charged with responsibility by the trustee, mortgagee, or beneficiary, for ensuring compliance with the obligations imposed by this chapter; and
 - e. A person or entity appointed by the lender who resides in or has a business office in Columbia County, Oregon who is authorized to receive service of process, if applicable.
 - 2. If 8.24.020(A)(3) applies, then:
 - a. The name of the owner;
 - b. The direct address of the owner (post office boxes are not acceptable);
 - c. A direct contact name and telephone number for the owner;
 - d. If the owner does not reside or have a principal office in Columbia County, Oregon, the name, mailing address, telephone number, and electronic mail address of an agent for the owner who resides or has a principal address in Columbia County, Oregon.
- C. Each registration must be accompanied by a payment of a registration fee in an amount to be set by council resolution.
- D. The city recorder shall maintain a list of registered buildings and deliver a copy thereof to

the chief upon request.

E. If ownership of a registered building changes, the registrant shall send notice of the change to the city recorder within 30 days of the change.

8.24.030 Maintenance

A. Every owner of an abandoned building, foreclosed building, or vacant building, shall cause the building and premises to be maintained in generally well-kempt condition, at least consistent with conditions found on surrounding or nearby occupied property, and including all of the following:

1. Keeping the premises free of weeds, dead vegetation, graffiti, trash, accumulated newspapers, circulars, flyers, discarded personal items, and other items or conditions that would cause a reasonable person to suspect the building or real property is vacant or abandoned.
2. Regular watering, irrigation, cutting, pruning, and mowing of the lawns and other vegetated areas of the subject real property and the removal of all trimming and debris resulting from such work;
3. If there is an outdoor pool or spa on the premises, such facility shall be kept in working order, so that water remains clear and free of pollutants and debris, or drained and kept dry and covered.

B. Compliance with this section does not relieve a person of any obligations imposed by state law, other sections of this code, or any covenants, conditions, and restrictions that apply to the building or premises.

8.24.040 Security

A. Every owner of an abandoned building, foreclosed building, or vacant building, shall cause the building to be secured (including closure and locking of windows, doors, gates and other opening(s) allowing access to the building) and thereafter maintained so as not to be accessible to unauthorized persons.

B. The owner shall post a direct contact name and a telephone number available 24 hours a day for persons to report problems or concerns with the building or real property. The following standards apply to this notice:

1. The telephone number listed in the notice must:
 - a. Be answered, or reasonably likely to be answered, by a human being during the hours of 8:00 AM and 5:00 PM;
 - b. Be connected to a voicemail system that records calls between the hours of 5:00 PM and 8:00 AM, if no human is available to answer the phone; and
 - c. Be a domestic number or a toll-free number but not an international number
2. The notice must be placed on the interior of a window facing the street to the front of the property so the notice is visible from outside of the building. If no such area exists, then the posting must be placed on the exterior of the building in a location visible from the street to the front of the property. An exterior posting shall be constructed of and printed with weather-resistant materials.
3. The notice shall be printed in a typeface at least 12 points in size, and must list the name and contact information of the owner or local individual or entity charged with complying with this chapter, along with the following phrases completed

with the appropriate identification and contact information: "THIS PROPERTY OWNED/MANAGED BY: _____," and "TO REPORT PROBLEMS OR CONCERNS CALL _____."

8.24.050 Inspection

A. Every owner of an abandoned building, foreclosed building, or vacant building, shall inspect the building and premises at least once every two (2) weeks to verify the requirements of this chapter, and any other laws applicable to the building, are being met.

B. The owner or agent inspecting the property shall record and post in a conspicuous place on the property the dates of inspection in a form to be provided by the City.

8.24.060 Local presence or property management required

A. If an owner fails to comply with the requirements of this ordinance within fifteen (15) days after the date of any notice required by section 8.24.080(A) below, then the owner shall contract with a property management company with a business office in Columbia County, Oregon, to perform weekly inspections and to verify that the maintenance and security requirements of sections 8.24.030 and 8.24.040 are being carried out.

B. A property management company retained under this section must post the notice described in section 8.24.040(B).

C. Nothing in this chapter prevents a local owner from contacting with a property management company to assist the owner in meeting the owner's responsibilities under this chapter.

8.24.070 Additional authority

A. The chief may require with city manager approval, an owner or lender to implement any additional maintenance listed below:

1. Installation and operation of additional security lighting;
2. Increasing frequency of property inspections;
3. Employment of an onsite security guard;

and refer any additional actions to the City Council.

8.24.080 Additional remedies; lien against real property

A. In addition to other penalties or enforcement specified in this chapter, if a lender or owner fails to register the building or premises as provided in this chapter, the chief may give notice of such failure by first class mail. The notice shall:

1. Be directed to all persons shown on the assessor's records or otherwise known to the city to be owners;
2. Refer to the real property involved with convenient certainty, a building's street address, if any, being sufficient; and
3. Notify the owner to comply with the registration requirements in this chapter within 15 days of mailing.

B. If a lender or owner fails to maintain, inspect, or secure the building or premises as provided in this chapter, then notwithstanding whether the premises is registered the chief may give notice and abate such conditions as follows:

1. Give written notice to the owner that includes the following:

- a. A statement that the chief has evaluated the building as being a vacant building pursuant to the definition of “vacant building” set forth in section 8.24.010, along with a statement of the reasons why the building has been so evaluated;
 - b. A reference to the building with convenient certainty, a building’s street address, if any, being sufficient;
 - c. Notice of the deficiency in maintenance, inspection, or security that has been observed, and direction to comply with the maintenance, inspection, and security requirements of this chapter within 72 hours of the time described in section 8.24.080(B)(2)(a), below;
 - d. Notice that if the condition is not corrected within 72 hours the city may cause the real property to be maintained, inspected, or secured, as provided in this chapter and will charge the costs to the lender and owners and register the same on the city’s lien docket against the real property. This subsection 8.24.080(B)(1)(d) constitutes the authority needed for the city to so maintain, inspect, or secure property to the standards of this chapter.
2. A copy of the notice described in section 8.24.080(B)(1) must, at a minimum, be:
 - a. Posted to the front door of the building, or to that side of the building fronting the most well-traveled street adjacent to the building, with the date, time of day, and name of the person posting the notice written on the front of the document in permanent ink;
 - b. Mailed, at least three business days before abatement, to the owner or owners at their last-known mailing addresses on record with the Columbia County Assessor’s office on the date of posting, or available from title company or other documents, by first-class mail and certified mail, no later than the date the real property is posted. If no mailing address is of record with the assessor’s office or known to police at the time of posting, then a good-faith effort to locate an address for an owner or owners, conducted on or before the day the notice is posted, will satisfy this section.
 3. The chief shall make a good-faith effort to locate the telephone number of the owner, and call the owner on the day notice is posted and give a person reasonably appearing to be meaningfully connected to the real property oral notice that the building has been evaluated as vacant and that there are 72 hours to secure or maintain the building, as the case may warrant. Efforts to locate phone numbers and call the owner qualify as good faith if they are reasonable under the circumstances then existing.
 4. Notices mailed under section 8.24.080(B)(2)(b) must be placed in the mail three business days before commencement of city abatement activity under the vacant building ordinance. For this purpose, a business day is any day except a Saturday, Sunday, or a legal holiday observed by the State of Oregon under ORS 187.010 and 187.020.
 5. If the building is registered with the city then the chief must also send the notice required under section 8.24.080(B)(2)(b) to the lenders listed in the registration materials. The chief will send this notice concurrently with the notice required

- under section 8.24.080(B)(2)(b).
6. If the building is not registered with the city, then the chief may send a courtesy copy of the notice required under section 8.24.080(B)(2)(b) to one or more lenders if the lenders have an ownership interest in the property, as opposed to a mere security interest, and if the chief has actual knowledge of the ownership interest on the day the chief sends the owner notice under section 8.24.080(B)(2)(b). This provision does not create or impose a duty on the chief or any other city employee, official, or agent to receive or collect information about lenders or to send courtesy notice to a lender.
- C. A lender or owner may, within fifteen days after mailing of any notice, appeal to the city council for relief by filing a petition with the city recorder seeking a hearing before the council.
1. Such petition must include:
 - a. A copy of the chief's notice;
 - b. Facts upon which petitioner relies for relief from the obligations of this chapter relative to the building or premises;
 - c. The petitioner's signature, telephone number, and mailing address. If a petitioner is not a natural person, a natural person must sign the petition on behalf of the petitioner and provide his or her mailing address and direct telephone number; and
 - d. The payment of a filing fee, if any is established by city council from time to time for the petition.
 2. If the council finds that strict compliance with this chapter would work a real and unnecessary hardship upon the petitioner, then the council may relieve the petitioner of one or more obligations of this chapter.
 3. Filing a petition under this subsection does not:
 - a. Relieve an owner or lender from complying with any requirement of the vacant building ordinance, including requirements listed in posted or mailed notices;
 - b. Stay city abatement of a building or premises;
 - c. Require the city to reverse, cancel, or undo any abatement action or effort completed, planned, or in progress at the time the petition is filed; or
 - d. Avoid any abatement cost or lien, whether or not the cost or lien has been calculated or, if calculated, charged against real property.
 4. Any relief granted under this section operates only upon an owner or lender listed as a petitioner
- D. Nothing in this section obligates the city to remedy the problem conditions alleged in the chief's letter without charging the cost of such abatement as a lien against the real property on which the building is constructed. The total cost of such abatement, including but not limited to time of city employees or contractors, materials, expenses, overhead, and legal fees and costs, shall be included in such lien filing.
- E. The city manager, at or near the time council passes this vacant building ordinance or any amendment thereto, shall promulgate a press release that announces passage of the legislation. A press release is adequately promulgated under this section if it is directed to the media sources customarily contacted by the city manager for distributing newsworthy city information. Failure of or disagreements about compliance with this subsection supply no defense in any action.

8.24.090 Violation

A. Any person who violates any provision of this chapter commits a violation and is subject to the general penalty of 1.08.010. Every day in which the violation is caused or permitted to exist constitutes a separate violation. This violation is a strict liability offense.

B. In addition to the general penalty, a sentencing court may impose an enhanced penalty of up to \$1,000.00 per day if the court finds that a lender's or owner's failure to comply with any requirement of this chapter was willful, purposeful, or demonstrates conscious disregard of a risk that the person would violate, is violating, or will continue to violate one or more requirements of this chapter.

8.24.100 Duties joint and several

A. Where a building or premises is owned by more than one person, any duty created by this chapter is joint and several as to all owners.

SECTION 3 No duty created

A. Nothing in this Ordinance requires the city to abate a vacant building nuisance. Failure of any person to receive a notice described in this Ordinance does not invalidate any action taken under the notice.

SECTION 4 Severability

A. If any provision of this Ordinance is held to be invalid for any reason by a court of competent jurisdiction, the remainder shall not in any way be affected.

SECTION 5 Emergency

Due to present concerns with property and buildings in the city, the Council declares that emergency conditions exist and this Ordinance shall take effect upon its passage.

Adopted by the Scappoose City Council and approved by the Mayor this 19th day of February 2013.


CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

First reading: February 19, 2013

Second reading: February 19, 2013

Attest: 

Susan M. Reeves, MMC
City Recorder

CITY OF SCAPPOOSE
VACANT PROPERTY REGISTRATION
www.ci.scappoose.or.us Scappoose Municipal Code 8.24

PLEASE SUBMIT TO: City of Scappoose, City Recorder
33568 E. Columbia Ave, Scappoose, Oregon 97056
Tel: (503)543-7146 Email: sreeves@cityofscappoose.org

Today's Date: _____ Columbia County Tax Lot #: _____

Name of property owner: _____

Property Address: _____, Scappoose Oregon 97056
Street Address (**Post office boxes are not acceptable**)

Lender name: _____

Lender address: _____

Name of direct contact person for Lender: _____

Telephone number for Lender's direct contact person: _____

If neither the property owner nor lender live in or have a business office in Columbia County, then the city code requires the lender to designate a person, **within 30 miles of the vacant property**, responsible for mainlining, inspecting, and protecting this property to standards set forth in the code. (**Refer to Scappoose Municipal Code 8.24**) The code also requires you to supply the following information about this person:

Contact Name: _____

Physical Address: _____

Mailing address: _____

Primary Telephone number: _____ Alternate Telephone Number: _____

Email address: _____

Additional Contact Information: _____

City Hall

FOR OFFICE USE ONLY

Police Department

Date Received: _____

Date Entered: _____

Date sent to Police Dept: _____

Vacant Property No. _____

CITY OF SCAPPOOSE
VACANT PROPERTY REGISTRATION
www.ci.scappoose.or.us Scappoose Municipal Code 8.24

If you have received a written notice form the Scappoose Police Department informing you that the Department reasonably believes your property is a vacant, foreclosed, or abandoned, then you must also furnish the following information:

Name of Owner (may list Agent of Owner if and only if Owner does not live in or have a principal address in Columbia County): _____	
Physical Address of Owner or Agent: _____	
Mailing address: _____	
Primary telephone number: _____	Alternate telephone Number: _____
Email address: _____	
Additional Contact Information: _____	

I, the undersigned, hereby affirm that I am duly authorized to act on behalf of all the ownership interests in the above described property: that all information is true and correct; that all information herein will be updated within thirty (30) days of any change; that any and all notices, including but not limited to legal service of process or citation, shall be sufficient if actually received, and that failure to comply with all City of Scappoose codes, rules, ordinances, and registration requirements may subject me to citation.

Signature of Owner/Trustee/Beneficiary or Agent

Date

Printed Name of Signature

City Hall	FOR OFFICE USE ONLY	Police Department
Date Received: _____		Date Entered: _____
Date sent to Police Dept: _____		Vacant Property No. _____

Chapter 15.12 REGISTRATION AND MAINTENANCE OF VACANT BUILDINGS AND PROPERTIES

Sections:

- 15.12.010 Definitions.**
- 15.12.020 Applicability and administration.**
- 15.12.030 Registration required.**
- 15.12.040 Registration requirements.**
- 15.12.050 Registration fees.**
- 15.12.060 Property manager or agent.**
- 15.12.070 Determination of vacancy.**
- 15.12.080 Boarding of buildings.**
- 15.12.090 Vacant property plan.**
- 15.12.100 Failure to comply with vacant property plan.**
- 15.12.110 Maintenance and security requirements.**
- 15.12.120 Open property and securing fee.**
- 15.12.130 Unpaid fees.**
- 15.12.140 Abatement.**
- 15.12.150 Penalties.**

15.12.010 Definitions.

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined in this section or in VMC [15.05.030](#), they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

- (1) "Public nuisance" includes nuisances defined in Chapters [8.05](#) and [15.10](#) VMC, or in this chapter.
- (2) "Secured" or "securing" means effective measures have been taken or are in the process of being taken to prevent the unauthorized entry of vacant property. Such measures may be specified in this chapter or may be specified by the city administrator, or designee, according to policies and rules adopted to implement this chapter.
- (3) "Vacant" means a building or property has been continuously unoccupied and unused for at least 90 days. Conditions indicative of a vacant building or property may include:
 - (a) Weeds, grass higher than 10 inches, dry brush, or dead vegetation.
 - (b) Trash, junk, debris, building material, any accumulation of newspapers, circulars, and fliers (except those required by law).

- (c) Discarded items including but not limited to furniture, clothing, appliances, printed materials, signage, containers, equipment, construction materials, or any other items that give the appearance that the property is abandoned.
- (d) Past due utility notices or disconnected utilities.
- (e) Abandoned vehicles and machinery.
- (f) Absence of furnishings or equipment related to commercial, industrial, or residential use.
- (g) Abandoned or damaged signs and other advertising structures.
- (h) Graffiti, tagging, or similar marring of a building's exterior walls present for more than 48 hours.
- (i) Statements by neighbors, passersby, delivery agents, and government employees that the property is vacant. (Ord. 547 § 1, 2018)

15.12.020 Applicability and administration.

- (1) The provisions of this chapter apply to all buildings and properties located in the city and determined to be vacant. This chapter does not relieve an owner from compliance with all other city ordinances, codes, rules, or any state or federal laws.
- (2) This chapter establishes a program for identification, registration, and regulation of property that is or becomes vacant on or after the effective date of this chapter; determines the responsibilities of owners of vacant property; and provides for administration and enforcement.
- (3) The city administrator, or designee, is authorized to administer and enforce the provisions of this chapter. Further, the city administrator, or designee, may render interpretations of this chapter and adopt policies, procedures, and rules to carry out these provisions. (Ord. 547 § 1, 2018)

15.12.030 Registration required.

Property owners are required to register their vacant buildings or properties with the city when:

- (1) The property owner knows, or from all of the facts and circumstances should know, that the building or property is vacant as defined in this chapter; or
- (2) Thirty days from the date the city administrator, or designee, mails a written notice to register to the property owner using the last known mailing address from the Lane County assessor's property records. (Ord. 547 § 1, 2018)

15.12.040 Registration requirements.

- (1) Property owners will register with the city and provide all of following information:
 - (a) The address and legal description of the property.
 - (b) The current name, physical address, mailing address, email address, and telephone number for all owner(s). Corporations or corporate entities shall submit the same information for their registered agent.
 - (c) The case name and number of any litigation pending concerning or affecting the building or property, including bankruptcy cases.

- (d) The contact information for any currently acting, local manager within 50 miles of the vacant property or building who is authorized to accept personal service on behalf of the property owner(s).
 - (e) Proof of liability insurance for the property.
 - (f) A completed vacant property plan, as provided in this chapter.
 - (g) A floor plan of the building(s) to be used by first responders in the event of a fire or other catastrophic event.
- (2) Proof that "No Trespass" placards have been posted on the property. Vacant property or building owners must provide written notice to the city no later than 30 days after a change in ownership of the property and provide a copy of the instrument effecting the change along with contact information for either the new owner or a property manager.
- (3) Owners of vacant property must renew registrations by January 31st of each year for the remainder of the time the building remains vacant and pay the required annual fee as determined by resolution.
- (4) Owners of vacant property must file an amended registration within 30 days of any change in the information contained in the annual registration.
- (5) Registration does not exonerate the owner from compliance with all applicable codes and ordinances, nor does it preclude any of the actions the city is authorized to take pursuant to this chapter or elsewhere in the municipal code.
- (6) Owners of vacant property are required to provide the city with proof of liability insurance covering the vacant property at the time of registration and with any subsequent registrations filed as provided above. In all cases, the owner is responsible for continuously maintaining appropriate insurance for vacant properties. (Ord. 547 § 1, 2018)

15.12.050 Registration fees.

The fee for registering and re-registering a vacant property shall be set, from time to time, by resolution of the city council. The amount of the fee charges shall not exceed the reasonable estimated cost of administering the provisions of this chapter. (Ord. 547 § 1, 2018)

15.12.060 Property manager or agent.

Vacant building or property owners must designate a local manager located within 50 miles for said buildings and properties and include current contact information for the designated manager. Property managers or agents will accept legal service on behalf of the building or property owner; however, the vacant property owner remains personally liable for code violations. This information will be collected on property registrations and re-registrations. (Ord. 547 § 1, 2018)

15.12.070 Determination of vacancy.

(1) Within 180 days after the effective date of this chapter, the city administrator or their designee shall evaluate all buildings in the city they believe to be unoccupied and make a determination for each as to whether or not the building is a vacant building. The city administrator or their designee may determine that a vacant building is not to be regulated under this chapter for a stated period if, upon consideration of reliable evidence, they determine that regulation of the building under this chapter would not serve the public health, welfare, and safety and make written findings in support of the decision.

(2) When the city administrator or their designee determines a building to be vacant, they shall within seven days of making the determination send notice as provided in VMC 15.12.030. Said notice of

determination shall be sent certified mail, return receipt requested. Failure of delivery shall not excuse a person from complying with this chapter. The city administrator or their designee shall maintain a record of such mailing for each notice of determination sent. The notice of determination will also be posted on the property.

(3) The notice of determination shall contain a statement of the obligations of the owner of a building determined to be a vacant building, and a copy of the registration form the owner is required to file pursuant to VMC 15.12.040. (Ord. 547 § 1, 2018)

15.12.080 Boarding of buildings.

It is the policy of the city that boarding is a temporary solution to prevent unauthorized entry into a vacant building and that boarded buildings are a public nuisance. A vacant building may not remain boarded longer than three months. (Ord. 547 § 1, 2018)

15.12.090 Vacant property plan.

If a property is not in compliance with this chapter, owners shall submit an approved vacant property plan within 30 days of filing the registration form. The city administrator or their designee may prescribe a form for the plan.

(1) The plan shall contain the following at a minimum:

- (a) A plan of action to uphold VMC 15.12.110, Maintenance and security requirements.
- (b) A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured/covered by any means other than conventional methods used in the design of the building and/or permitted for new construction, as noted in Chapter 15.05 VMC. Boarding shall be accomplished with materials and methods described by the city administrator or their designee. The owner shall maintain the building in an enclosed and secure state until the building is reoccupied or made available for immediate occupancy. If the owner demonstrates that securing of the building will provide adequate protection to the public, the city administrator or their designee may waive the requirement of an enclosure.
- (c) For buildings or property which are determined to be public nuisances, as defined in Chapter 15.10 VMC, the vacant property plan shall contain a plan of action to remedy such public nuisances.
- (d) A time schedule identifying a date of commencement for repairs and date of completion of repair for each improperly secured opening and nuisance identified.
- (e) If and when the owner proposes to demolish a vacant building or structure, then the owner shall submit a plan and time schedule for such demolition.
- (f) A plan of action to maintain the building or property in conformance with this chapter.

(2) No plan which fails to provide for compliance with this chapter or which will not achieve compliance will be approved.

(3) Exterior lighting shall be maintained according to standards established by the city.

(4) All ground floor windows and all display windows in unoccupied or vacant buildings shall be kept well-maintained and functional, with all business signs removed. (Ord. 547 § 1, 2018)

15.12.100 Failure to comply with vacant property plan.

If a vacant property plan is deemed necessary by the city administrator or their designee, failure to submit a plan within 30 days of filing the registration shall constitute a violation of this chapter subject to penalties.

The city administrator or their designee will respond with either approval of the submitted plan or request revisions to address plan deficiencies. A revised plan must be submitted within 30 days of staff response. Failure to comply with the approved plan shall constitute a violation of this chapter subject to penalties. (Ord. 547 § 1, 2018)

15.12.110 Maintenance and security requirements.

The owner, or owner's designee, of a vacant building or property will comply with all building requirements pursuant to Chapter 15.05 VMC. In addition, the city council will adopt by resolution maintenance and security requirements for registered vacant buildings and properties. The city administrator, or designee, will be responsible for maintaining the requirements in a manner that is accessible to the public and for updating the requirements as needed from time to time. The city administrator, or designee, will update the city council in a public meeting when changes to the requirements are made but no additional resolution will be required. (Ord. 547 § 1, 2018)

15.12.120 Open property and securing fee.

The city may request authorization from the property owner to enter vacant buildings or properties that are left open and accessible. If the property owner does not authorize the city to enter the property or buildings and does not secure the property or buildings within a reasonable time, then the city would seek an administrative warrant and post notice to enter the property for the sole purpose of securing the property.

The property owner will be responsible for paying any fees and costs incurred by the city in securing the property, including legal fees. Securing the property will be considered a benefit to the property and the city may record a lien against the property for the fees and costs incurred by the city in securing the property or building. (Ord. 547 § 1, 2018)

15.12.130 Unpaid fees.

All fees hereunder that remain unpaid after 30 days' written notice to the owner or management company shall be assessed against the property as a lien, recorded in the Lane County recorder's office and added to the city's lien docket. (Ord. 547 § 1, 2018)

15.12.140 Abatement.

Public nuisances as defined in Chapters 8.05 and 15.10 VMC, and in this chapter, may be abated by any of the procedures set forth in VMC 8.05.140 to 8.05.190. (Ord. 547 § 1, 2018)

15.12.150 Penalties.

A person who owns vacant buildings or property and who fails to meet the obligations outlined in this chapter may be fined per violation. Each subsequent violation will be considered a separate offense.

If the city administrator or their designee determines a violation of this chapter exists, they may issue an administrative citation for each day a violation exists, containing fines up to \$250.00 per day, per violation. (Ord. 547 § 1, 2018)



Vacant Property Registration Form

PO Box 458 * Veneta, OR 97487 * 541-935-2191 * Fax 541-935-1838 * www.venetaoregon.gov

Per City of Veneta Municipal Code Chapter 15.12 and Resolution Nos. 1260 and 1261, owners of vacant properties within the city limits are required to register with the City of Veneta. Registration forms are due by January 31st each year or after 90 days of vacancy.

GENERAL INSTRUCTIONS: Complete all sections of the form, including the second page, and answer all questions in full. Mail completed form, and registration fee if applicable, to City of Veneta at PO Box 458, Veneta, OR 97487.

Within 48 business hours of submission of a Vacant Property Registration form, the Code Enforcement Officer will complete a cursory exterior evaluation of the property (if not already completed) to determine whether or not the property is compliant with the maintenance and security requirements. **Upon completion of the inspection, property owner will be notified if a Vacant Property Plan is required.**

Property Type	1 st Year Registration Fee	Subsequent Years	Maximum Annual Registration Fee
Compliant Commercial Property	\$25	\$25	\$25
Non-Compliant Commercial Property	\$250	Increases \$50	\$750
Non-Compliant Foreclosed or Abandoned Residential Property	\$250	Increases \$50	\$750

Please Print:

Address of Vacant Property: _____

Property Type: ☐ Commercial ☐ Residential Renewal? Yes _____ No _____

Property Owner: _____

Property Manager (if different): _____

Mailing Address: _____

Contact Phone #: _____ Contact Email: _____

I affirm that the information provided in this application is true and correct to the best of my knowledge.

Print Name

Signature

Date

FOR CITY USE ONLY

Date Received: _____

Inspection Needed: Yes _____ No _____

Vacant Property Plan Required: Yes _____ No _____

Date Completed: _____

Authorized Signature

CITY OF VENETA
MAINTENANCE AND SECURITY REQUIREMENTS FOR VACANT PROPERTIES AND BUILDINGS

I hereby acknowledge and agree that the property I own within the City of Veneta complies with the following standards, or if it is determined by the City to be non-compliant, I will submit a vacant property plan to address the deficiencies:

- Property shall be kept free from weeds, noxious vegetation, grass higher than ten inches, dry brush, dead vegetation, trash, junk, debris, building material, any accumulation of newspapers, circulars, flyers (except those required by law), discarded items including but not limited to furniture, clothing, appliances, printed materials, signage, containers, equipment, construction materials, or any other items that give the appearance that the property is abandoned.
- All visible front and side yards shall be properly maintained. Maintenance includes, but is not limited to, cutting, pruning, and mowing of landscaping and removal of all trimmings.
- Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors, gates, and any other opening of such size that may allow a child or other person to access the interior of the property and/or buildings or structures. Broken windows must be repaired, boarded, or replaced within 48 hours of notice.
- Address numbers shall be posted the same as the number listed on City records for the property. All buildings shall have address numbers posted in a conspicuous place so they may be read from the listed street or public right of way.
- All buildings shall appear to be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.
- Every masonry, metal, or other chimney shall appear to remain adequately supported and free from obstructions. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.
- Foundation elements shall adequately support the building and shall be free of crumbling elements or similar deterioration. The supporting structural members in every dwelling shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.
- All exterior surfaces shall be kept free of graffiti. Graffiti means writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface. Any vandalism must be repaired within 48 hours of notice.
- The roof shall appear to be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building and shall channel rainwater in an approved manner to an approved point of disposal.
- Every stair, porch, and attachment to stairs or porches shall appear to be maintained as to be structurally sound. Every handrail and guardrail shall be firmly fastened, and shall be maintained in good condition, capable of supporting the loads to meet building codes.
- Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.
- Every section of exterior brick, stone, masonry, or other veneer shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.
- Every window shall be substantially weather-tight, shall be kept in sound condition and repair for its intended use or shall be securely boarded up.

Property Owner

Date