

For: Monday, April 14, 2025, City Council Meeting

Advance Packet Information

Published: April 3, 2025

Included in this packet is documentation to support the following Agenda item:

PUBLIC HEARINGS/ORDINANCES

1. Vacant Building Registration Ordinance
 - a. Draft Ordinance 25-O-817
 - b. Exhibit A – Draft Chapter 15.12 Registration and Maintenance of Vacant Buildings
 - c. Draft Vacant Building Registration Form

*Public Comment forms and the agenda packet are available on-line at www.brookings.or.us, and at Brookings City Hall. Return completed Public Comment forms to the City Recorder before the start of the meeting or during regular business hours.

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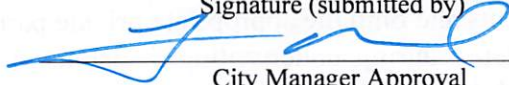
CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: April 14, 2025

Originating Dept: PW/DS



Signature (submitted by)


City Manager Approval

Subject: Vacant Building Registration Ordinance

Recommended Motion:

Motion to adopt Ordinance 25-O-817 amending the Brookings Municipal Code, Title 15 Buildings and Construction, adding Chapter 15.12 Registration and Maintenance of Vacant Buildings as described in Exhibit A.

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 \$25 too burdensome to pay, it's unlikely they will invest the \$25,000 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.

Attachments:

1. Draft Ordinance 25-O-817
2. Exhibit A – Draft Chapter 15.12 Registration and Maintenance of Vacant Buildings
3. Draft Vacant Building Registration Form

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 25-O-817

**IN THE MATTER OF ORDINANCE 25-O-817, AN ORDINANCE AMENDING TITLE 15 BUILDINGS
AND CONSTRUCTION IN THE BROOKINGS MUNICIPAL CODE**

Sections:

Section 1. Ordinances Identified.

Section 2. Adds Chapter 15.12 Registration and Maintenance of Vacant Buildings and Properties

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Title 15 Buildings and Construction

Section 2. Adds Chapter 15.12 Registration and Maintenance of Vacant Buildings and Properties as presented in Exhibit A attached hereto with additions designated in bold and underlined and deletions being bold and struck out.

First Reading: _____ Passage: _____

Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage on _____ day of _____, 2025

ATTEST:

Mayor /Council President

City Recorder Brooklyn Osterhage

Exhibit A

Title 15

BUILDINGS AND CONSTRUCTION

Changes to BMC:

(additions are **bold and underlined**, deletions are **~~bold and strikeout~~**)

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 BMC 15.05, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Newest International Dictionary of the English Language, Unabridged, 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 8.15 BMC, 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.

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 manager, or designee, is authorized to administer and enforce the provisions of this chapter. Further, the city manager, or designee, may render interpretations of this chapter and adopt policies, procedures, and rules to carry out these provisions.

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 manager, or designee, mails a written notice to register to the property owner using the last known mailing address from the Curry County assessor's property records.

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 the Urban Growth Boundary 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) 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.

(3) Owners of vacant property must file an amended registration within 30 days of any change in the information contained in the annual registration.

(4) 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.

(5) 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.

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.

15.12.060 Property manager or agent.

Vacant building or property owners must designate a local manager located within the Urban Growth Boundary 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.

15.12.070 Determination of vacancy.

(1) Within 180 days after the effective date of this chapter, the city manager 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 manager 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 manager or their designee determines a building to be vacant, they shall within seven days of making the determination send notice as provided in BMC 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 manager 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 BMC 15.12.040.

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.

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 manager 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 BMC 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 BMC. 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 manager 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 8.15 BMC, 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.

15.12.100 Failure to comply with vacant property plan.

If a vacant property plan is deemed necessary by the city manager 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 manager 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.

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 BMC. In addition, the city council will adopt by resolution maintenance and security requirements for registered vacant buildings and properties. The city manager, 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 manager, 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.

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.

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 Curry County recorder's office and added to the city's lien docket.

15.12.140 Abatement.

Public nuisances as defined in Chapters 8.15, and in this chapter, may be abated by any of the procedures set forth in BMC 8.15.090.

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.

Pursuant to Chapter 1.05 BMC General Penalty, every offense is a violation which may be punished by a fine up to \$720.00; provided, that where Oregon statutes impose a lesser penalty for the same offense, then the lesser penalty shall apply. Each day or part of a day for which a violation is committed or persists is a separate offense.



City of Brookings

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www.brookings.or.us

Vacant Property Registration Form

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

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 the City of Brookings, 898 Elk Drive, Brookings, OR 97415.

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

Please Print

Vacant Property Address _____

Property Owner _____

Property Manager _____

Mailing Address _____

Phone _____ email _____

Renewal YES ☐ NO ☐

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 Required YES ☐ NO ☐

Vacant Property Plan Required: YES ☐ NO ☐ Date Completed _____

Comment _____

Authorized Signature _____

City of Brookings
Maintenance and Security Requirements for Vacant Properties and Buildings

I hereby acknowledge and agree that the property I own within the City of Brookings 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/Property Manager Signature