

ORDINANCE NO. 22-1005

AN ORDINANCE OF THE CITY OF OREGON CITY ESTABLISHING AN ABANDONED OR VACANT PROPERTY REGISTRY

WHEREAS, The City of Oregon City puts a priority on neighborhood livability; and abandoned or neglected properties can create chronic nuisances and other problems that have a negative effect on livability; and

WHEREAS, Oregon City Code Enforcement and Police employees often have a difficult time finding contact information for owners of abandoned nuisance properties when responding to complaints; and

WHEREAS, a City required registry would require owners of abandoned or vacant properties to register and maintain these properties and post local contact information at the property for use by City employees responding to nuisance complaints; and

WHEREAS, The City Commission requested staff prepare an ordinance and implementing code language to provide additional tools to address abandoned and neglected properties that exist in the City.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

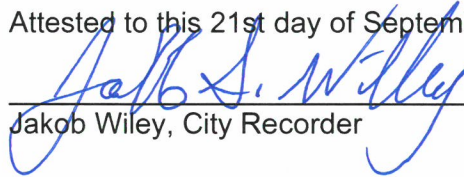
- Section 1.** The City hereby amends the portions of the existing Oregon City Municipal Code Title 15 Building and Construction to include a new chapter, titled Chapter 15.11 DISTRESSED RESIDENTIAL PROPERTY, which is attached hereto as Exhibit A.
- Section 2.** The property registry Fee Schedule, as determined by the City Commission, shall be adopted, and may be amended as necessary, by Resolution.
- Section 3.** Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.
- Section 4.** Effectiveness. This Ordinance shall take effect 30 days from the date of adoption.

Read for the first time at a regular meeting of the City Commission held on the 7th day of September 2022, and the City Commission finally enacted the foregoing ordinance this 21st day of September, 2022.



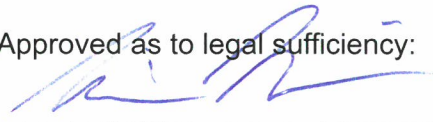
DENYSE C. MCGRIFF
Mayor

Attested to this 21st day of September 2022



Jakob Wiley, City Recorder

Approved as to legal sufficiency:



City Attorney

Chapter 15.11 DISTRESSED RESIDENTIAL PROPERTY

15.11.010 Definitions.

The following definitions apply to Sections 15.11.010 to 15.11.080 unless inconsistent with the context:

“Abandoned Residential Property” means:

1. Residential property that is both vacant and subject to either a pending judicial execution sale under ORS 18.901 et seq., or to non-judicial foreclosure pursuant to ORS 86.740 to 86.755; or
2. Residential property that is both vacant and was the subject of either a judicial execution sale under ORS 18.901 et seq., or non-judicial foreclosure pursuant to ORS 86.726 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.

“Foreclosed Residential Property” means residential property an owner obtains as a result of:

1. Foreclosing a trust deed on the residential property;
2. Obtaining a judgment foreclosing a lien on the residential property; or
3. Purchasing the residential property at a trustee’s sale or a sheriff’s sale.

“Local” means within thirty (30) road/driving miles distance of the city of Oregon City.

“Manager” means the city manager or authorized designate thereof.

“Owner” means any natural person, partnership, association, corporation, or other entity identified as having or claiming a lien interest either as a mortgagee under a mortgage or as a trustee and/or beneficiary under a trust deed in abandoned residential property or vacant foreclosed residential property.

“Residential Property” is property as defined in ORS 18.901.

“Vacant” means condition(s) indicative of residential property being uninhabited, vacant, or abandoned including, but are not limited to:

1. Visibly overgrown and/or dead vegetation at the property;
2. Accumulation of newspapers, circulars, flyers and/or mail;
3. Visible accumulation of trash, junk and/or debris;
4. Absence of typical household furnishing consistent with active residential habitation; and/or
5. Statements by neighbors, delivery agents or government employees that the property is uninhabited or vacant.

15.11.020 Registration, security and maintenance obligations.

All owners of abandoned residential property and vacant foreclosed residential property are obligated to continuously comply with the requirements imposed by Sections 15.11.030 to 15.11.060.

15.11.030 Registration requirement—Information required—Change in ownership.

A. Residential property shall be registered by the owner(s) thereof 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 and not later than the date first set for the execution sale described in ORS 18.930;
2. Of an anticipated non-judicial foreclosure of the property done pursuant to ORS 86.726 et seq not later than the date of service or mailing of the notice of sale described in ORS 86.764; or
3. An owner receives written notice from the city manager that the city manager believes the residential property is vacant.

B. Each registration shall be on a form approved by the city recorder and contain at a minimum the following:

1. The name of the trustee or mortgagee;
2. If applicable, the name of the beneficiary (if different from the trustee) under the trust deed;
3. The street/office mailing address(es) of the trustee/mortgagee and if there is one, the beneficiary under the trust deed;
4. The name, mailing address and contact information of a local individual or entity charged with responsibility by the trustee, mortgagee and/or beneficiary for ensuring compliance with the obligations imposed by Sections 15.11.030 through 15.11.050.

C. The registration form shall notify owners of their obligations with respect to maintenance, security and inspection and by signing the form, the owners acknowledge that should an owner fail to comply with these requirements, after being given the opportunity to come into compliance, the city may enter the property and cause the identified failures to be corrected subject to the terms set forth in Section 15.11.070.

D. Each registration shall be accompanied by payment of a registration fee which amount is to be set by commission resolution. In the event residential property subject to the registration requirement imposed by the terms of Section 15.11.020 remains in a state subject thereto for more than three hundred sixty (360) days, an additional fee may be imposed each thirty (30) days thereafter for the period the property remains either abandoned residential property or vacant foreclosed residential property. Said fee, if unpaid, shall be made an assessment lien on the property and recorded as such in the city's lien docket.

E. The city recorder shall maintain a current list of registered residential properties.

F. In the event ownership of a registered residential property changes, notice of the change shall be provided to the city recorder's office no later than thirty (30) days after the change becomes effective.

G. Registered residential property may be removed from the registry at the written request of the owner indicating that the property is no longer vacant.

15.11.040 Maintenance obligations.

A. The owners of residential property either determined to be or registered as abandoned residential property or vacant foreclosed residential property shall cause said property to be maintained in a generally kempt condition generally found on surrounding occupied residential property and free of

weeds, dead vegetation, graffiti, trash, accumulated newspapers, circulars, flyers, discarded personal items and other items/conditions that give the appearance the property is vacant or abandoned.

B. In the event there is an outdoor pool and/or spa at an abandoned residential property or a vacant residential property, it/they shall either be kept in working order or drained and kept dry.

15.11.050 Security obligations.

A. The owners of residential property determined to be or registered as abandoned residential property or vacant foreclosed residential property shall cause said property to be secured (including closure and locking of windows, doors, gates, and other opening(s) allowing access to the dwelling) and thereafter maintained so as not to be readily accessible to unauthorized persons.

B. Residential property subject to subsection A shall be continuously posted with a notice (printed and legible with a font size no less than 14 point) listing the name and contact information of the local individual or entity identified in the city's registration form along with the following phrases completed with the appropriate identification and contact information.

“THIS PROPERTY MANAGED BY _____.”

“TO REPORT PROBLEMS OR CONCERNS CALL _____.”

The posting shall be placed either on the interior of the dwelling or secured to the exterior of the dwelling. Exterior posting must be constructed of and printed on weather resistant materials. Either posting shall be made visibly accessible.

15.11.060 Inspection obligation.

The local individual or entity identified in the registration required by Section 15.11.030 shall cause to be inspected or inspect the property not less than monthly to ensure the requirements imposed by the terms of Sections 15.11.040 to 15.11.050 are met.

15.11.070 City authorized to act—Additional authority—Enhanced penalty.

A. In the event the city manager believes, based on a visual inspection accomplished from a public right-of-way, that an owner has failed to meet any or all of the registration, maintenance, security and inspection mandates of this chapter, the city manager shall send notice of said failure to the owner at the address listed on the county's tax rolls maintained consistent with ORS 311.560 or at such other address as may be known to the city manager. The notice shall set out the nature of the failure(s) to be corrected, giving the owner not less than fourteen (14) working days from the date of the notice to correct them.

B. In the event the owner fails to remedy the matters within the time set out in the notice (or make, in the city manager's reasonable view, adequate arrangements otherwise) the city may then seek a warrant from the municipal court or any court with competent jurisdiction to enter the property and cause said failures to be corrected, charging the costs thereof to the property as an assessment lien to be recorded in the city's lien docket. All said liens may be enforced consistent with the terms of ORS 223.505 to ORS 223.595.

C. In addition to authority afforded the city manager under the terms of this section, the city manager may also seek to obtain compliance with and/or enforce the terms of this chapter as may be otherwise allowed using remedies and enforcement mechanisms provided for either in the City of Oregon City Municipal Code or in state law.

D. If the city manager reasonably believes an owner's failure to comply with the requirements of this chapter is willful or purposeful, the city manager may authorize appropriate enforcement personnel to seek an enhanced penalty of up to one thousand dollars (\$1,000.00) per day in addition to the general penalty provided for in Section 1.20.090 of this code either in the municipal court or in any court with competent jurisdiction.

15.11.080 Appeals.

A. In the event an owner is notified that residential property under their ownership is subject to the terms of this chapter but believes the property should not be or the owner disagrees with the city manager determination that maintenance, security and inspection failures exist, they may appeal said determination to the municipal court.

B. Any appeal by an owner shall be:

1. In writing;
2. Received by the municipal court within ten (10) working days of the date of the notice informing the owner that their residential property was subject to this chapter; and
3. Setting out in summary form the basis for their belief that their residential property should not be subject to this chapter.

C. Upon receipt of an appeal, the municipal court shall review the matter and provide the owner an opportunity to give additional information if the court believes additional information could better inform the decision on whether to affirm, deny or modify the notification. After the owner had been given the opportunity to provide additional information, the court shall within ten (10) working days of the receipt of that information, affirm, deny, or modify the notification as to the applicability of this chapter to the residential property in writing. The court's decision is final subject only to judicial review pursuant to a writ of review taken pursuant to ORS 34.010 et seq.