

ORDINANCE NO. +++

AN ORDINANCE ESTABLISHING VACANT PROPERTY REGISTRATION REGULATIONS, CODIFIED AS COOS BAY MUNICIPAL CODE, TITLE 8 (HEALTH AND SAFETY CODE) Section 8.55.

Section 1. The proposed regulations are to be filed with this ordinance in the Office of the City Recorder, City of Coos Bay as found in "Exhibit B".

Section 2. The City of Coos Bay Public Works and Community Development Department provided notice of the hearing, as follows:

- (1) The City of Coos Bay Public Works and Community Development Department gave notice of time and place of the hearings before the City Council on March 5, 2019 by posting notice on the bulletin boards in the City Hall of the City of Coos Bay and the Coos Bay Library. The notices were posted in a conspicuous place where they could be easily read on February 23, 2019.
- (2) Notice was published in The World, a newspaper of general circulation printed and published in Coos Bay, Oregon, 10 days prior to each hearing in the February 23, 2019 issue, as shown on the affidavit of publication which is attached hereto as "Exhibit A" and incorporated herein by reference.

Section 3. A Council Work session on the Ordinance was held by the City Council on February 12, 2019. A Public hearing was held before the Coos Bay City Council on March 5, 2019 in the Coos Bay City Council chambers located at 500 Central Avenue in Coos Bay at the hour of 7:00 PM at which time and place all persons had an opportunity to appear and object to the proposed Vacant property registration regulations.

Section 4. After careful consideration of all evidence and testimony presented during the public hearings, the City Council found that the public interest would not be prejudiced by the proposed regulations as outlined in "Exhibit B".

Section 5. The City Council hereby adopts the regulations outlined in "Exhibit B" with the following conclusions:

- (1) Notice procedures under ORS 271.110 has been complied with.
- (2) The proposed regulations are in the public interest.
- (3) Approval of the regulations will not result in a decrease in the level-of-service for capital facilities and services identified in the Coos Bay capital improvement plan(s).
- (4) Public interest will not be prejudiced by the proposed regulations.

Section 6. This Ordinance shall take effect 30 days after enactment by the Council and signature by the Mayor, whichever is later.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this _____ day of March 2019 by the following vote:

Yes:

No:

Absent:

Joe Benetti
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Nichole Rutherford
City Recorder of the City of Coos Bay
Coos County, Oregon

EXHIBIT "A"
AFFIDAVIT INFO

NOTICE OF PUBLIC HEARING

A public hearing on the proposed vacant property registration regulations ordinance will be held in the City Hall council chambers, 500 Central Ave., Coos Bay, OR, March 5, 2019, 7pm. Any City resident may appear and be heard. Written comments to be filed with the City Manager's Office at least five working days prior to the hearing date.

Published: February 23, 2019

The World & oNPA (ID-20342238)

EXHIBIT “B”

Chapter 8.55 Vacant Property Registration Regulations

Sections

8.55.010	Title and Purpose
8.55.020	Definitions
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8.55.090	Appeals

8.55.101 Title and Purpose

The title of this chapter shall be known as the “Coos Bay Vacant Property Registration Regulations.” The purpose of this chapter is to protect the City from blight by requiring that vacant properties be adequately secured and maintained.

8.55.020 Definitions

- (1) “Borrower” means any person who becomes obligated on a real estate loan agreement, either directly or indirectly, and includes, but is not limited to, mortgagors, vendees under conditional land sales contracts and grantors under trust deeds.
- (2) “Chief of Police” means the City of Coos Bay Police Chief or his/her designee.
- (3) “Evidence of vacancy” means any condition that on its own, or combined with other conditions present, would lead the Chief of Police to believe that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk and/or debris; the absence of window coverings such as curtains, blinds and/or shutters; for dwellings, the absence of furnishings and/or personal items consistent with residential habitation; evidence of trespass or criminal mischief; or statements by neighbors, passerby, delivery persons, and/or government employees that the property is vacant.
- (4) “Maintenance” means acts of repair and other acts to prevent a decline in the condition of grounds, structures, and equipment; such that the condition does not fall below the standards established by Section 8.55.050 of this Chapter.
- (5) “Notice of default” means a written notice to a borrower stating that a default on a real estate loan agreement has occurred and that legal action may be taken.
- (6) “Out of area” means outside of Coos County.

(7) "Owner" means any lender, person, agent, operator, firm, or corporation having a legal or equitable interest in the property which includes, but is not limited to a real estate loan agreement, mortgage; beneficiary status under a trust deed; vendors under conditional land sales contracts; trustees and a successor in interest to any mortgagee, beneficiary, vendor or trustee. This term also includes any party that accepts a deed in lieu of foreclosure who is recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of an estate, and the executor or administrator of an estate if ordered to take possession of real property by a court.

(8) "Real Estate Loan Agreement" means any agreement providing for a loan on real property, secured in whole or in part by real property located within the City of Coos Bay, or any interest therein, and includes, but is not limited to mortgages, trust deeds and conditional land sales contracts.

(9) "Responsible Person" means an individual or commercial entity who either operates a business or lives in Coos County who is authorized by the owner and confirmed by the Chief of Police to act on behalf of the owner with regard Sections 8.55.030, 8.55.050 8.55.060 of this Chapter. The owner's designation of a responsible person does not relieve the owner of any obligation to comply with this Chapter.

(10) "Vacant" means a property where maintenance has been neglected and is unoccupied or not legally occupied regardless of whether there is a habitable structure or personal belongings on the property.

8.55.030 Inspection

(1) Immediately upon default of the borrower, but no later than prior to recording a notice of default with the Coos County Clerk's Office, an owner shall perform or cause to be performed by a responsible person, an inspection of the property that is the security for the real estate loan agreement.

(2) The owner or responsible person shall determine if the property is vacant. If the property is found to be vacant or shows evidence of vacancy, the owner shall, within ten (10) days of the inspection, register the property with the Chief of Police.

(3) If the property is occupied but remains in default, the property shall be inspected by the owner or responsible person on a monthly basis until the borrower remedies the default. If an inspection reveals that the property is vacant or shows evidence of vacancy, the owner shall, within ten (10) days of the inspection, register the property with the Chief of Police.

(4) The requirements of 8.55.030(1-3) also apply to properties that have been the subject of a foreclosure sale where title has transferred from one owner to another owner; and a property transferred under a deed in lieu of foreclosure.

8.55.040 Registration

(1) Registration requirements:

- (a) The name of the owner;
- (b) The direct mailing address of the owner;
- (c) The direct contact name and phone number for the owner;
- (d) The physical address for the owner or owner's agent authorized to receive service of process, if applicable;
- (e) The direct contact information for the party responsible for security, maintenance and marketing of the property, if applicable;
- (f) The address of the vacant building;
- (g) The date the property became vacant or the owner took legal possession;
- (h) Legal description and tax parcel identification number of the property per the county assessor's records; and
- (i) The name and address of the beneficiary/trustee (corporation or individual) identified on the deed of trust, if applicable.

(2) The registration is valid for one year. The property owner must secure a new registration annually if the property remains vacant.

(3) The owner must have a letter on file with Coos Bay Police Department authorizing access to the property.

(4) Notice of changes. An owner who has registered a property under this chapter must report any change of information contained in the registration to the Coos Bay Police Department within ten (10) business days of the change, including but not limited to any change in ownership or designation of a responsible person.

(5) No registration fee shall be imposed.

(6) Properties subject to this chapter shall remain under the registration requirement as long as the property remains vacant.

(7) Registration forms are available at the Coos Bay Police Department and online at the City's website.

8.55.050 Maintenance and Security Requirements

(1) An owner or his/her appointed responsible person shall maintain properties subject to this chapter. Maintenance includes all of the following:

- (a) Ensuring that the condition of the subject property does not constitute a public nuisance or a chronic public nuisance as described by the Code;
- (b) Keeping the premises free of weeds, dead vegetation, graffiti, trash, accumulated newspapers, circulars, flyers, discarded personal items, and any other item or condition that would cause the Chief of Police to form a reasonable belief that the property is vacant;

(c) Regular watering, irrigation, cutting, pruning and mowing of the subject property and the removal of all trimmings;

(d) If there is an outdoor pool or spa on the premises, such facility shall be drained and kept covered. Properties with pools or spas shall comply with the City's minimum security-fencing requirements;

(e) Compliance with City of Coos Bay Municipal Code Title 8, Health and Safety.

(f) Securing the property when it is vacant. Windows and doors may be boarded up if damaged or if otherwise permitted by the Code. Damaged windows and doors shall either be repaired or replaced within ten (10) business days of a notice by the Chief of Police to make the repairs or replace damages to the property;

(g) Maintenance of the building to assure it is structurally sound. All electrical, natural gas, sanitary and plumbing facilities shall be maintained or when the property is vacant, shut off in a condition which does not create a hazard to public health or safety;

(h) Weed removal to assure there is not an unreasonable risk of fire. Weeds shall be removed if they may constitute a fire hazard. No vacant building or site shall be used for the storage of flammable liquids or other materials which would constitute a safety or fire hazard. Heating facilities or heating equipment in vacant buildings or on vacant property shall either be removed or maintained in accordance with applicable codes and ordinances. If heating equipment is removed, any fuel supply shall be removed or terminated in accordance with applicable codes and ordinances;

(i) Debris removal from vacant buildings and property area and ongoing maintenance to keep the property free of debris, combustible materials, litter and garbage.

(2) Compliance with this Section does not relieve a person subject to this chapter of any obligations set forth by state law, or any covenants, conditions and restrictions which may apply to the subject property.

8.55.060 Local Presence Required

An out of area owner or responsible person shall ensure compliance with this chapter. An 18" x 24" notice shall be posted by the owner or responsible person identifying a 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.

8.55.070 Additional Authority

The Chief of Police shall have the authority to require the owner or responsible person to implement any additional maintenance and/or security measures including, but not limited to:

- (a) Installation of additional security lighting;
- (b) Increasing on-site inspection frequency;
- (c) Employment of an on-site security guard; and

(d) Any other measures as may be reasonable required to prevent the decline of the property.

8.55.080 Violation and Penalty

(1) An owner who violates any Section of this chapter shall be subject to prosecution as provided for in Section 8.10.190.

(2) Citations for violation of any section of this chapter may be mailed by first class mail to the owner.

(3) Violation of Section 8.55.050 is declared to be a public nuisance, and may be abated in the manner provided by Section 8.10.150

8.55.090 Appeals

An owner who is required to implement additional maintenance or security measures as provided for in Section 8.55.050 shall have the right to appeal to the City Council under the procedures set out in Section 8.10.210.