

ORDINANCE NO. 956

AN ORDINANCE IMPLEMENTING CHAPTER 317 OF THE 2013 OREGON LAWS, AMENDING STAYTON MUNICIPAL CODE TITLE 8, REQUIRING THE OWNERS OF FORECLOSED RESIDENTIAL PROPERTY TO REGISTER WITH THE CITY AND DECLARING AN EMERGENCY

WHEREAS, the Stayton City Council finds vacant residential property are frequently not maintained;
WHEREAS, the lack of maintenance of vacant residential properties may result in nuisance conditions such as unmowed grass, overgrown weeds, and dangerous or derelict buildings;

WHEREAS, the difficulty of tracking the ownership of foreclosed properties has resulted in increased expense to the City and delay in the enforcement of the City’s Nuisance Code;

WHEREAS, the Oregon Legislative Assembly did enact and the Governor signed Chapter 317 of the 2013 Oregon Laws;

WHEREAS, Chapter 317 requires the owners of foreclosed vacant residential properties to register with the local government, and to post notice on the building;

WHEREAS, the Stayton City Council desires to implement Chapter 317 at the local level; and

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance so that it is in full force and effect immediately from and after its adoption by the Stayton City Council.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. SMC Title 8 amended. Stayton Municipal Code, Title 8, Chapter 8.04 is hereby amended, by enacting Section 8.04.310 as follows.

8.04.310 REGISTRATION OF FORECLOSED RESIDENTIAL PROPERTY

1. Definitions. As used in this section:

- a. “Foreclosed residential real property” means residential property, as defined in ORS 18.901, that an owner obtains as a result of foreclosing a trust deed on the residential property; or receiving a judgment that forecloses a lien on the residential property.
- b. “Neglect” means:
 - 1. To fail or a failure to maintain the buildings, grounds or appurtenances of foreclosed residential real property in such a way as to allow:
 - i. Growth of noxious vegetation, as defined in Section 8.04.130, that diminishes the value of adjacent property;
 - ii. Trespassers or squatters to remain on the foreclosed residential real property or in a structure located on the foreclosed residential real property;
 - iii. Mosquito larvae or pupae to grow in standing water on the foreclosed residential real property; or

- iv. Other conditions on the foreclosed residential real property that cause or contribute to causing a public nuisance.
 - 2. To fail or a failure to monitor the condition of foreclosed residential real property by inspecting the foreclosed residential real property at least once every 30 days with sufficient attention so as to prevent, or to identify and remedy, a condition described in subsection 1 above.
 - c. "Owner" means a person, other than the City of Stayton, that forecloses a trust deed by advertisement and sale under ORS 86.735 or by suit under ORS 88.010.
2. Owner's Responsibility
- a. An owner may not neglect the owner's foreclosed residential real property during any period in which the foreclosed residential real property is vacant.
 - b. An owner shall provide the owner's name or the name of the owner's agent and a telephone number or other means for contacting the owner or agent to the City Planner.
 - c. An owner shall post a durable notice in a conspicuous location on the foreclosed residential real property that lists a telephone number for the owner that a person may call to report a condition of neglect. The owner shall replace the notice if the notice is removed from the foreclosed residential real property during a period when the foreclosed residential real property is vacant.
 - d. An owner or the agent of an owner shall identify the owner of the foreclosed residential real property to the City Planner and shall provide to, and maintain with, the Planning Department current contact information during a period when the foreclosed residential real property is vacant.
3. Notice of Violation
- a. If the Enforcement Officer finds a violation of subsection 2.a above, the Enforcement Officer shall notify the owner in writing of the foreclosed residential real property that is the subject of the violation and in accordance with paragraph 3.b or 3.c below, as appropriate, shall specify a time within which the owner must remedy the condition of neglect that is the basis for the Enforcement Officer's finding.
 - b. The Enforcement Officer shall allow the owner not less than 30 days to remedy the violation unless the Enforcement Officer makes a determination under paragraph 3.c below and shall provide the owner with an opportunity to contest the Enforcement Officer's finding at a hearing. The owner must contest the Enforcement Officer's finding within 10 days after the City Planner notifies the owner of the violation.
 - c. If the Enforcement Officer determines that a specific condition of the foreclosed residential real property constitutes a threat to public health or safety, the Enforcement Officer may require an owner to remedy the specific condition in less than 30 days, provided that the Enforcement Officer specifies in the written notice the date by which the owner must remedy the specific condition. The Enforcement Officer may specify in the written notice different dates by which the owner must remedy separate conditions of neglect on the foreclosed residential real property.

- d. After the Enforcement Officer allows an owner the time specified in subsection 3.b above or makes a determination under subsection 3.c above, the Enforcement Officer shall follow the procedures under Sections 8.04.260 through 8.04.290 above for abatement of the nuisance conditions.

Section 2. Effective Date. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become immediately effective.

ADOPTED BY THE STAYTON CITY COUNCIL this 3rd day of September, 2013.

CITY OF STAYTON

Signed: 9/4, 2013

BY: 
A. Scott Vigil, Mayor

Signed: 9/4, 2013

ATTEST: 
Christine Shaffer, Interim City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney

