

IN THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Amendment)
to the Curry County Code)
Regarding Property Registration)
Article Two, Division Seventeen)
Property Registration)

ORDINANCE NO. 20-01

The Board of Commissioners for the County of Curry ordains as follows:

SECTION 1: TITLE

This Ordinance shall be known as Ordinance 20-01, an Ordinance amending the Curry County Code with respect to Property Registration, Article Two.

SECTION 2: ADOPTION

Exhibit "A", attached hereto and incorporated by reference, is adopted as an amendment to the Curry County Code.

SECTION 3: SEVERANCE CLAUSE

If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect the validity of the remaining portions of the Ordinance; and it is hereby expressly declared that every other section, subsection, provision clause or paragraph of this Ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

SECTION 4: EFFECTIVE DATE

Staff is to begin implementing this Ordinance on July 1, 2020.

DATED this 4th day of March, 2020.

BOARD OF CURRY COUNTY COMMISSIONERS

Absent

Christopher S Paasch, Chair

[Signature]

Court Boice, Vice Chair 3-4-20

[Signature]

Sue Gold, Commissioner

First Reading: February 19, 2020

Second Reading: March 4, 2020

Emergency Adoption: NA

Effective Date: ~~June 2, 2020~~

[Signature] July 1,

Attest:

[Signature]

John T. Jesuit
Recording Secretary

Reviewed as to Form:

[Signature]

John Hutt
Curry County Counsel

Exhibit "A"

ARTICLE TWO

Division 17 - PROPERTY REGISTRATION

Section 2.17.010 Title and Purpose

This ordinance shall be known as the 'Property Registration Ordinance'. The purpose of this ordinance is to protect neighborhoods from blight, vandalism and other crimes by ensuring an adequate code and law enforcement presence to patrol areas with vacant properties or those developed properties where the owner does not reside on-site.

Section 2.17.020 Definitions

Except where the context otherwise requires, the definitions established herein shall govern the construction of this ordinance.

- (1) 'County' means Curry County.
- (2) 'Lawfully Established Unit of Land' shall have the same meaning as defined in ORS 92.010.
- (3) 'Occupied' means the owner inhabits the property at least six months in a calendar year, and said property is the legal, permanent residence of the owner.
- (4) 'Owner' means the person or party named as the owner on the deed or mortgage, the lender, or other party legally responsible for the property.
- (5) 'Owner-Vacant' means a lawfully established unit of land entirely within Curry County that is not legally occupied as a landowner's permanent residence; and the owner does not live elsewhere within Curry County.
- (6) 'Permanent Residence' means housing the landowner claims as their legal residence, or housing a person in the military declares as their legal residence. For purposes of this ordinance, a permanent residence is property that is legally occupied by the landowner at least six months in a calendar year.
- (7) 'Property' means a lawfully established unit of land or buildings owned by the same person, party or lender.
- (8) 'Property Manager or Agent' means an individual or licensed commercial entity that has been contracted by the Property Owner to oversee and manage properties within Curry County. A Property Manager is typically responsible for ensuring the property is in compliance with

applicable safety, sanitation, zoning, building and other ordinances related to the use of privately owned property.

Section 2.17.030 Applicability

This ordinance is applicable to the unincorporated areas of Curry County, Oregon.

Section 2.17.040 Exemptions

- (1) This ordinance does not apply to property owned or leased by a municipality or local, state or federal agency.
- (2) This ordinance does not apply to timber companies or other entities that contract with the Sheriff's Office for patrol services, and which pay a fee for that service.
- (3) This ordinance does not apply to properties which are managed by a management company licensed by the State of Oregon; however, evidence of the management agreement must be submitted annually to the County for the property to be considered exempt.

Section 2.17.050 Occupancy Determination

- (1) If a property is not legally occupied at least six months in a calendar year by the owner of the property, and the owner does not declare a home elsewhere in Curry County as their permanent residence, the owner shall register the property as an owner-vacant property with the County.
- (2) This ordinance also applies to properties that have been the subject of a foreclosure sale or a property transferred under a deed in lieu of foreclosure.

Section 2.17.060 Registration

- (1) The registration application shall contain the following information:
 - a. The name, address and phone number of the property owner or responsible party;
 - b. The e-mail address to send notifications;
 - c. The name, address and phone number of the lender, if applicable;
 - d. The direct contact information for the Property Manager or Agent responsible for security, if applicable;
 - e. A non-refundable annual registration fee established by Curry County.
- (2) In the event the ownership of the property changes, or mailing address of the owner changes, the new owner shall have ninety (90) days to file a new registration with the county.
- (3) Registration forms are available on the county website at www.co.curry.or.us or in person at the Community Development Department, Code Enforcement Division. Checks are payable to 'Curry County'.

- (4) All registration databases are confidential and shall be maintained by the Code Enforcement Division. Information from the registration may only be shared with Law Enforcement, Fire Protection Districts/Services; Curry County Emergency Management; and other first responder agencies or disaster planners in response to or in preparation for a natural disaster or during a natural disaster event; and the Curry County Community Development Department as necessary to assist in that agency's efforts to reduce violations of the county's ordinances and increase the availability of housing within the County; or upon property registrant's approval for the release of information.

Section 2.17.070 Maintenance and Security

- (1) The owner or responsible party shall take measures to ensure the property is not a public nuisance or a chronic public nuisance as described by the Curry County Code of Ordinances.
- (2) Premises shall be kept free of graffiti, trash, accumulated newspapers or other paper or plastic items, discarded personal items, and any other item or condition that would cause a person to form a reasonable belief the property is vacant.
- (3) Property shall be maintained in a manner that does not pose a safety hazard to the public, including trespassers.
- (4) Buildings shall remain secure and locked. Windows and doors may be boarded if damaged or otherwise permitted by code. Damaged windows and doors shall either be repaired or replaced within thirty (30) days' notice from the county.
- (5) Compliance with this section does not relieve a person subject to this ordinance of any obligations set forth by law, or any covenants, conditions and restrictions which may apply to the subject property.

Section 2.17.080 Violations; Penalty

- (1) Citations for violation of any section of this ordinance may be mailed by first class mail to the owner, lender, or registered agent.
- (2) Violations deemed a public nuisance may be subject to additional penalties as provided in the County Code.
- (3) Failure to annually register the property as owner-vacant is deemed a violation and every day of violation shall constitute a separate offense.

Section 2.17.90 Appeals

An owner or lender aggrieved by a written decision made by the County Code Enforcement Officer, or his designee, in the enforcement or interpretation of this ordinance shall have the right to appeal to the Curry County Board of Commissioners by filing a written appeal with the Curry County Board of Commissioners Office. The non-refundable appeal fee is \$250, shall state the owners name, address, phone and other applicable information, as well as a statement as to the factors of the appeal. Appeals must be made within fourteen days of the date of the Code Enforcement Officer's written decision. Appeals will be processed at the next available meeting of the Board of Commissioners; the owner, lender or agent shall be present or appear electronically, or submit in writing, to state their reasons for appeal. Failure to appear in person, electronically, or by phone shall be grounds to deny the appeal.

Section 2.17.100 Enforcement Disbursements

Registration fees collected for the administration of this ordinance shall be allocated as follows:

- (1) Community Development administrative service shall be 15% and shall include registry mangement;
- (2) Community Development code enforcement services shall be 15%;
- (3) The remainder of the registration fees collected shall be directed towards the Curry County Jail and Sheriff's Communications budgets.