

Pages  
20 TOTAL  
4/16/2013  
(BB)

COVER

TO: Mayor Charles Hales  
1221 SW Fourth Ave  
Portland, OR 97204  
PH: 503-823-4120

RE: Copies - 6 - For Mayor & City Council  
Pages: 1 Chapter 14B 601 Chronic Nuisance Property  
6 pages

14.80.040(6.X2) May 7, 1987

7 pages  
City of Portland Environmental Services

3/12/2013

1 Page Joel DeWitt

3/27/2013

1 Page Joel DeWitt

5/13/2013

1 Page Missing Trinity & Larry  
Grant

4/15, 2013 handwritten

1 Page by Barbara Boase (BB)

TOTAL 18 Pages 2 Pages of 4/16/2013  
Revised Design = 20

Sent: Barbara Boase 2607 NE Prescott  
Portland, OR  
97211

Dear Mayor Hales

Apr. 15, 2013  
Time: 1:15 PM

2 Proposed Ordinances

1 Picture of Missing Children

1 Request for video camera from Police

① Ordinance for Bureau of Development Services to build drainage barriers between older homes too close together that will also serve as root barriers. Dexter Bacon's 2 drawings tested 35 years, never repaired, he gives you permission to call him at 503-621-9878. City of Portland will make a lot of money from his design to save foundations. Real Jordan Busch will not mediate with me.

② Deputy Chief Marco Benetti told me for last 2-3 years Fire Department can only put out meth cooks on fire &/or exploding. Meth cooks in homes are private. Mitch Grellana on street tests air 3 weeks after meth cooks prove ineffective. Will you please reinstate Fire Department as Haz Mat Team for complete personal property inspection during meth cooks? Is this an Ordinance? Meth smokers have tobacco, marijuana, black tar heroin, and herbs like a cocktail, & fumes are sickening.

③ Pictures of missing children Trinity & Larry Grant in front of my property around 2 weeks before Mother's Day. Older woman on NE 26th with them; she may have driven a WA LP# car. Another Texas LP# 970 SMS in area on NE 26th.

④ Will Police provide me with a video camera so independent evidence? Chronic Nuisance 3x 1st week.

**TITLE 14B**  
**PUBLIC ORDER AND POLICE**  
Regulatory Schemes and Business

**Chapter 14B.60**

**CHRONIC  
NUISANCE PROPERTY**

**Sections:**

- 14B.60.010 Definitions.
- 14B.60.020 Violation.
- 14B.60.030 Procedure.
- 14B.60.040 Commencement of Actions; Remedies; Burden of Proof.
- 14B.60.050 Summary Closure.
- 14B.60.060 Enforcement.
- 14B.60.070 Attorney Fees.

**14B.60.010 Definitions.**

**A. Chronic Nuisance Property.**

1. Property on which three or more Nuisance Activities exist or have occurred during any thirty (30) day period; or,
2. Property on which or within 200 feet of which any Person Associated With the Property has engaged in three or more Nuisance Activities during any thirty (30) day period; or,
3. Property which, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause that possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, 475.005 through 475.285 and/or 475.940 through 475.995 has occurred within the previous thirty (30) days, and the Chief of Police or a Precinct Commander has determined that the search warrant was based on evidence of continuous or repeated Nuisance Activities at the Property; or,
4. Property on which continuous or repeated Nuisance Activities as defined in Portland City Code 14B.60.010 D.7.,8.,13., and/or 14. exist or have occurred.

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- B.** Commissioner in Charge. The Portland City Commissioner assigned responsibility for the Bureau of Police.
- C.** Control. The ability to regulate, restrain, dominate, counteract or govern Property, or conduct that occurs on a Property.
- D.** Nuisance Activities. Any of the following activities, behaviors or conduct:
1. Harassment as defined in ORS 166.065(1)(a).
  2. Intimidation as defined in ORS 166.155 through 166.165.
  3. Disorderly conduct as defined in ORS 166.025.
  4. Assault or menacing as defined in ORS 163.160 through ORS 163.190.
  5. Sexual abuse, contributing to the delinquency of a minor, or sexual misconduct as defined in ORS 163.415 through ORS 163.445.
  6. Public indecency as defined in ORS 163.465.
  7. Prostitution or related offenses as defined in ORS 167.007 through ORS 167.017.
  8. Alcoholic liquor violations as defined in ORS Chapter 471.105 through 471.482.
  9. Offensive littering as defined in ORS 164.805.
  10. Criminal trespass as defined in ORS 164.243 through 164.265.
  11. Theft as defined in ORS 164.015 through 164.140.
  12. Arson or related offenses as defined in ORS 164.315 through 164.335.
  13. Possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, ORS 475.005 through 475.285, and/or 475.940 through 475.995.
  14. Illegal gambling as defined in ORS 167.117, and/or ORS 167.122 through ORS 167.127.
  15. Criminal mischief as defined in ORS 164.345 through 164.365.

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16. Any attempt to commit (as defined in ORS 161.405), and/or conspiracy to commit (as defined in ORS 161.450), any of the above activities, behaviors or conduct.
  17. Fire or discharge of a firearm as defined in Portland City Code 14A.60.020.
  18. Unlawful operation of sound producing or reproducing equipment as defined in Portland City Code 14A.30.010 and/or excessive noise as defined in Portland City Code Chapters 18.04 and/or 18.14.
  19. Unlawful drinking in public places as defined in Portland City Code 14A.50.010.
  20. Curfew as defined in Portland City Code 14A.80.010.
  21. Indecent exposure as defined in Portland City Code 14A.40.030.
- E.** Person. Any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying or using Property in the City of Portland.
- F.** Person Associated With. Any Person who, on the occasion of a Nuisance Activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a Property or Person present on a Property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a Property, Person in Charge, or owner of a Property.
- G.** Person in Charge. Any Person, in actual or constructive possession of a Property, including but not limited to an owner or occupant of Property under his or her ownership or Control.
- H.** Precinct Commander. Any Commander of the Portland Police Bureau in charge of a Precinct.
- I.** Property. Any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For Property consisting of more than one unit, Property may be limited to the unit or the portion of the Property on which any Nuisance Activity has occurred or is

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occurring, but includes areas of the Property used in common by all units of Property including without limitation other structures erected on the Property and areas used for parking, loading and landscaping.

**14B.60.020 Violation.**

- A. Any Property determined by the Chief of Police or a Precinct Commander to be Chronic Nuisance Property is in violation of this Chapter and subject to its remedies.
- B. Any Person in Charge of Property determined by the Chief of Police or a Precinct Commander to be a Chronic Nuisance Property is in violation of this Chapter and subject to its remedies.

**14B.60.030 Procedure.**

- A. When the Chief of Police or a Precinct Commander receives two or more police reports documenting the occurrence of Nuisance Activities on or within 200 feet of a Property, the Chief of Police or Precinct Commander shall independently review such reports to determine whether they describe the activities, behaviors or conduct enumerated under Portland City Code 14B.60.010 D.1.-21. Upon such a finding, the Chief of Police or a Precinct Commander may notify the Person in Charge in writing that the Property is in danger of becoming Chronic Nuisance Property. The notice shall contain the following information:
  - 1. The street address or a legal description sufficient for identification of the Property.
  - 2. A statement that the Chief of Police or Precinct Commander has information that the Property may be Chronic Nuisance Property, with a concise description of the Nuisance Activities that exist, or that have occurred. The Chief of Police or the Precinct Commander shall offer the Person in Charge an opportunity to propose a course of action that the Chief of Police or the Precinct Commander agrees will abate the Nuisance Activities giving rise to the violation.
  - 3. Demand that the Person in Charge respond to the Chief of Police or the Precinct Commander within ten (10) days to discuss the Nuisance Activities.
- B. When the Chief of Police or Precinct Commander receives a police report documenting the occurrence of additional Nuisance Activity on or within 200 feet of a Property after notification as provided by Portland City Code 14B.60.030

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A.1.; or, in the case of Chronic Nuisance Property as defined in Portland City Code 14B.60.010 A.3. or 4., for which notice under Portland City Code 14B.60.030A is not required, the Chief of Police or the Precinct Commander shall notify the Person in Charge in writing that the Property has been determined to be a Chronic Nuisance Property. The notice shall contain the following information:

1. The street address or a legal description sufficient for identification of the Property.
  2. A statement that the Chief of Police or the Precinct Commander has determined the Property to be Chronic Nuisance Property with a concise description of the Nuisance Activities leading to his/her determination.
  3. Demand that the Person in Charge respond within ten (10) days to the Chief of Police or the Precinct Commander and propose a course of action that the Chief of Police or the Precinct Commander agrees will abate the Nuisance Activities giving rise to the violation.
  4. Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the Person in Charge at the address of the Property determined to be a Chronic Nuisance Property, or such other place which is likely to give the Person in Charge notice of the determination by the Chief of Police or the Precinct Commander.
  5. A copy of the notice shall be served on the owner at the address shown on the tax rolls of the county in which the Property is located, and/or the occupant at the address of the Property, if these Persons are different than the Person in Charge, and shall be made either personally or by first class mail, postage prepaid.
- C. If the Person in Charge fails to respond as required by Portland City Code 14B.60.030 B.3., the Chief of Police or the Precinct Commander may refer the matter to the Commissioner in Charge and the City Attorney. Prior to referring the matter to the Commissioner in Charge and the City Attorney, the notice required by Portland City Code 14B.60.030 B. shall also be posted at the property.
- D. If the Person in Charge responds as required by Portland City Code 14B.60.030 B.3. and agrees to abate Nuisance Activities giving rise to the violation, the Chief of Police or the Precinct Commander may postpone referring the matter to the Commissioner in Charge and the City Attorney. If an agreed course of action does not result in the abatement of the Nuisance Activities within sixty (60) days; or, if no agreement concerning abatement is reached within sixty (60) days, the

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Chief of Police or the Precinct Commander may refer the matter to the Commissioner in Charge and the City Attorney.

- E. When a Person in Charge makes a response to the Chief of Police or the Precinct Commander as required by Portland City Code 14B.60.030 A.3. or B.3. any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any Nuisance Activities have occurred or are occurring. This Subsection does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose.
- F. The failure of any Person to receive notice as provided by Portland City Code 14B.60.030 A. or B. shall not invalidate or otherwise affect the proceedings under this Chapter.

**14B.60.040 Commencement of Actions; Remedies; Burden of Proof.**

- A. The Commissioner in Charge may authorize the City Attorney to commence legal proceedings in the Circuit Court to abate Chronic Nuisance Property and to seek closure, the imposition of civil penalties against any or all of the Persons in Charge thereof, and, any other relief deemed appropriate.
- B. If the Court determines Property to be Chronic Nuisance Property, the Court shall order that the Property be closed and secured against all unauthorized access, use and occupancy for a period of not less than six (6) months, nor more than one (1) year. The order shall be entered as part of the final judgment. The Court shall retain jurisdiction during any period of closure.
- C. If the Court determines a Property to be Chronic Nuisance Property, the Court may impose a civil penalty of up to \$100 per day for each day Nuisance Activities occurred on the Property, following notice pursuant to Portland City Code 14B.60.030 B.; or, the cost to the City to abate the Nuisance Activities at the Property whichever is greater. The amount of the civil penalty shall be assessed against the Person in Charge and/or the Property and may be included in the City's money judgment.
- D. If satisfied of the good faith of the Person in Charge, the Court shall not award civil penalties if the Court finds that the Person in Charge at all material times could not, in the exercise of reasonable care or diligence, determine that the Property had become Chronic Nuisance Property.
- E. In establishing the amount of any civil penalty, the Court may consider any of the following factors and shall cite those found applicable:

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1. The actions taken by the Person in Charge to mitigate or correct the Nuisance Activities at the Property;
  2. The financial condition of the Person in Charge;
  3. Repeated or continuous nature of the problem;
  4. The magnitude or gravity of the problem;
  5. The cooperation of the Person in Charge with the City;
  6. The cost to the City of investigating and correcting or attempting to correct the Nuisance Activities;
  7. Any other factor deemed relevant by the Court.
- F. The City shall have the initial burden of proof to show by a preponderance of the evidence that the Property is Chronic Nuisance Property.
- G. Evidence of a Property's general reputation and/or the reputation of persons residing in or frequenting it shall be admissible.

**14B.60.050 Summary Closure.**

Any summary closure proceeding shall be based on evidence showing that Nuisance Activities exist or have occurred on the Property and that emergency action is necessary to avoid an immediate threat to public welfare and safety. Proceedings to obtain an order of summary closure shall be governed by the provisions of ORCP 79 for obtaining temporary restraining orders. In the event of summary closure, the City is not required to comply with the notification procedures set forth in Portland City Code 14B.60.030 A. and B.

**14B.60.060 Enforcement.**

- A. The Court may authorize the City to physically secure the Property against all unauthorized access, use or occupancy in the event that the Person in Charge fails to do so within the time specified by the Court. In the event that the City is authorized to secure the Property, the City shall recover all costs reasonably incurred by the City to physically secure the Property as provided by this Section. The City Bureau(s) physically securing the Property shall prepare a statement of costs and the City shall thereafter submit that statement to the Court for its review as provided by ORCP 68.

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- B.** The Person in Charge shall pay reasonable relocation costs of a tenant as defined by ORS 90.100(28), if, without actual notice, the tenant moved into the Property after either:
1. A Person in Charge received notice of the determination of the Chief of Police or any Precinct Commander pursuant to Portland City Code 14B.60.030 B.; or
  2. A Person in Charge received notice of an action brought pursuant to Portland City Code 14B.60.050.
- C.** A lien shall be created against the Property for the amount of the City's money judgment. In addition, any Person who is assessed penalties under Portland City Code 14B.60.040 C. and/or costs under Portland City Code 14B.60.060 A. shall be personally liable for payment thereof to the City. Judgments imposed by this Chapter shall bear interest at the statutory rate.

**14B.60.070 Attorney Fees.**

The Court may, in its discretion, award attorneys' fees to the prevailing party.

May 7, 1987

Proposed amendments to specified  
crime property ordinance

## 1. 14.80.040(b)(2) is amended to read:

(2) In an action seeking civil penalties from an owner, the City shall have the initial burden of proof to show by a preponderance of the evidence that the owner either knew or reasonably should have known of the activities and conditions of the structure constituting a violation of this chapter.

(Portland Organizing Project)

## 2. 14.80.040(c) is amended to read:

(c) (1) It is a defense to an action seeking the closure of a structure that the owner of a structure at the time in question could not, in the exercise of reasonable care or diligence, determine that the structure was being used or maintained as specified crime property.

(2) It is a defense to an action seeking civil penalties that the owner made good faith efforts to abate the use after they had actual knowledge that the structure was being used as specified crime property.

withdrawing  
amendment

\_\_\_\_\_ underlining means new material.

(Day, Multi-Family Housing Council)

Paul C. Elsner  
Deputy City Attorney  
Office of City Attorney  
May 7, 1987

## ORDINANCE NO. 159640

An ordinance creating a new Chapter, 14.80, which declares structures used for certain illegal conduct involving controlled substances, gambling and prostitution to be specified crime property and allowing for their closure for a period of up to one (1) year; defining terms; allowing for the imposition of civil penalties against the owners thereof; setting up a procedure for the implementation of these regulations; setting out the respective burdens of proof; and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That there are certain properties in the City of Portland that are being utilized or maintained for certain types of conduct associated with the use of controlled substances, prostitution and gambling.
2. The City has received numerous complaints from citizens concerning these structures which are presently locations for deleterious activity conducted in the City of Portland.
3. There are no state statutes or other regulations which would effectively allow the City to prevent the use of structures in the City for these activities.
4. That the City has the Charter authority to enact and enforce regulations relative to the use of structures in the City of Portland.

NOW, THEREFORE, the Council directs:

- a. That Title 14 is amended by adding a new chapter, 14.80 to read as follows:

**14.80.010. Specified Crime Property Prohibited.** (a) It is unlawful for structures to be employed or used as specified crime property within the City of Portland. If property is found to be used or employed as such, it is subject to closure for a period of up to one (1) year.

(b) It is unlawful for any person to employ, use, maintain, or allow the employment, use or maintenance of specified crime property under their ownership and/or control. If a person is found in violation of

this subsection, they may be subject to civil penalties of up to \$500 per day for each day the property has been used as specified crime property, as set forth in 14.80.040.

(c)(1) It is unlawful for any person to use or occupy any structure determined to be specified crime property after service of notice has been made pursuant to Section 14.80.030.

(2) The provisions of subsection (c)(1) may be waived by the City in the event that the Chief of Police, Commissioner-in-Charge or a court of competent jurisdiction determines that exigent circumstances are such that the use or occupancy of the structure prior to a full court hearing is mandated.

(3) Any occupant who fails to voluntarily cease the use or occupancy of a structure as required by subsection (c)(1) may be removed only pursuant to a court order after notice and an opportunity to be heard by the court having jurisdiction of an action brought pursuant to this chapter.

**14.80.020. Definitions.** As used in this Chapter, the following terms have the meanings given them in this section.

(a) Chief of Police. As used by this Chapter, includes any person designated by the Portland Chief of Police as his delegate in the enforcement of this Chapter.

(b) Commissioner-in-Charge. That person on the Portland City Council who is assigned responsibility for the Bureau of Police.

(c) Specified Crime Property. Any kind of structure, edifice, building or unit(s) thereof where activity involving the unauthorized delivery or manufacture of a controlled substance as defined in ORS Chapter 475, gambling as defined in ORS 167.117 or prostitution as defined by ORS 167.007 has occurred or is occurring.

(d) Owner. (1) Any person, agent, firm, corporation, association or partnership including a mortgagee in possession in whom is vested:

(A) All or part of the legal title to property,  
or

(B) All or part of the beneficial ownership and  
a right to present use and enjoyment of the  
premises; or

(2) an occupant of that structure.

(e) Person. Any natural person, association,  
partnership or corporation capable of owning or using  
property in the City of Portland.

**14.80.030 Procedure.**

(a) When the Chief of Police believes that a  
structure has been or is being used or maintained in  
violation of Section 14.80.010, the Chief of Police  
may commence proceedings to cause the closure of the  
structure as well as the imposition of civil  
penalties against any or all of its owner(s). In the  
event the Chief of Police wishes to commence  
proceedings:

(1) The Chief of Police shall notify the owner(s) of  
record in writing that the structure has been  
determined to be specified crime property. The  
notice shall contain the following information:

(A) the street address and a legal description  
sufficient for identification of the premises on  
which the structure is located;

(B) a statement that the Chief of Police has  
found the structure to be in violation of this  
chapter with a concise description of the  
conditions leading to his/her findings.

(2) A copy of the notice shall be served on the  
owner and/or their agent, if known, at least ten (10)  
days prior to the commencement of any judicial action  
by the City. Service shall be made either personally  
or by mailing a copy of the notice by registered or  
certified mail, postage prepaid, return receipt  
requested, to each person at their address as it  
appears on the last equalized assessment of the tax  
roll as well as on the last instrument of conveyance  
as recorded in the county where the structure is  
located, and

as may be otherwise known to the Chief of Police. If no address appears or is known to the Chief of Police, then a copy shall be mailed first class, postage prepaid, addressed to such person at the address of the structure believed to be specified crime property.

(3) A copy of the notice shall be served on the occupant of the structure if that person is different than the owner. Service of this notice shall occur not less than five (5) days prior to the commencement of any judicial proceeding and be made either personally or by mailing a copy of the notice by first class mail, postage prepaid, to them at the structure.

Furthermore, a copy of the notice may be posted at the property if ten (10) days has elapsed from the service or mailing of the notice to the owner(s), and no contact has been received by the City from them during that period of time.

(4) The failure of any person or owner to receive actual notice of the determination by the Chief of Police shall not invalidate or otherwise affect the proceedings under this Chapter.

(b)(1) Concurrent with the notification procedures set forth above, the Chief of Police shall send a copy of the notice to the Commissioner-in-Charge as well as any other documentation which he/she believes supports the closure of the structure and the imposition of civil penalties. The Commissioner-in-Charge may then authorize the City Attorney's Office to commence civil proceedings in a court of competent jurisdiction seeking the closure of the structure as well as the imposition of civil penalties against any or all of the owners thereof, and any such other relief as may be deemed appropriate.

(2) Nothing contained in (b)(1) above shall be construed to limit the ability of the Commissioner-in-Charge prior to the institution of judicial proceedings to enter into agreements with an owner willing to voluntarily abate the condition(s) giving rise to the violation.

**14.80.040. Commencement of Actions; Burdens of Proof; Defenses; Mitigation of Civil Penalty**

(a) Except in a proceeding under 14.80.050, if after the commencement but prior to the trial of an action brought by the City pursuant to this chapter, an owner specifically stipulates with the City that they will pursue a course of action as the parties agree will necessarily abate the conditions giving rise to the violation(s), the City shall agree to stay proceedings for a period of not less than 10 nor more than 60 days. The owner or the City may thereafter petition the court for such additional like periods of time as may be necessary to complete the action(s) contemplated by the stipulation. However, in the event that the City reasonably believes the owner is not diligently pursuing the action(s) contemplated by the stipulation, it may then apply to the court for a release from the stay seeking some relief as is deemed appropriate.

(b) (1) In an action seeking the closure of a structure as specified crime property, the City shall have the initial burden of proof to show by a preponderance of the evidence that the structure is a specified crime property.

(2) In an action seeking civil penalties from an owner, the City shall have the initial burden of proof to show by a preponderance of the evidence that the owner had knowledge of activities or conditions at the structure constituting a violation of this chapter.

(c) It is a defense to an action seeking the closure of a structure that the owner of a structure at the time in question could not, in the exercise of reasonable care or diligence, determine that the structure was being used or maintained as a specified crime property.

(d) In establishing the amount of any civil penalty requested, the court shall consider any of the following factors, if appropriate, and shall cite those found applicable:

1. The actions taken by the owner(s) to mitigate or correct the problem at the structure;
2. The financial condition of the owner;
3. Whether the problem at the structure was

repeated or continuous;

4. The magnitude or gravity of the problem;
5. The economic or financial benefit accruing or likely to accrue to the owner(s) as a result of the conditions at the structure;
6. The cooperativeness of the owner(s) with the City;
7. The cost to the City of investigating and correcting or attempting to correct the condition;
8. Any other factor deemed by the court to be relevant.

**14.80.050 Closure During Pendency of Action.**

In the event that it is determined that the structure is an immediate threat to the public health, safety and welfare, the City may apply to the court for such interim relief that is deemed by the Commissioner and/or City Attorney to be appropriate. In such an event, the notification procedures set forth at 14.80.030(a) and the limitation of 14.80.040(a) need not be complied with.

**14.80.060 Enforcement of Closure Order;  
Costs; Civil Penalty.**

(a) In the event that a court finds that a structure constitutes specified crime property as defined in this chapter, the court may order that it be closed for any period of up to one (1) year and that the owner(s) pay to the City a civil penalty of up to \$500.00 for each day the owner had knowledge of activities or conditions at the structure constituting a violation of this chapter.

(b)(1) The Court may also authorize the City to physically secure the structure against use or occupancy in the event that the owner(s) fail to do so within the time specified by the court. In the event that the City is authorized to secure the property, all costs reasonably incurred by the City to effect a closure shall be made an assessment lien upon the property. As used in this subsection, "costs" means those costs actually incurred by the

City for the physical securing of the structure, as well as tenant relocation costs given pursuant to subsection (b)(4) of this section.

(2) The City bureau(s) effecting the closure shall prepare a statement of costs and the City shall thereafter submit that statement to the court for its review. If no objection to the statement is made within the period prescribed by Oregon Rule of Civil Procedure 68, a certified copy of the statement, including a legal description of the property, shall be forwarded to the Office of the City Auditor who thereafter shall enter the same in the City's lien docket.

(3) Liens imposed by this chapter shall be collected in all respects as provided for street improvement liens, and shall bear interest at the rate of nine percent (9%) per year from ten (10) days after the entry in the lien docket.

(4) A tenant as defined by ORS 91.705(13) is entitled to their reasonable relocation costs as those are determined by the City, if without actual notice the tenant moved into the structure after either:

(A) an owner(s) or agent received notice of the Chief of Police's determination pursuant to 14.80.030(a); or

(B) an owner(s) or their agent received notice of an action brought pursuant to 14.80.050,

(c) Any person who is assessed the costs of closure and/or a civil penalty by the court shall be personally liable for the payment thereof to the City.

#### **14.80.070. Relief from Closure Order.**

An owner of a structure determined to be specified crime property may obtain relief from the court's judgment if:

(a) They appear and pay all costs associated with the proceedings under this Chapter;

(b) They file a bond in such a place and form as the court may by order direct in an amount not less than

# ORDINANCE No.

159640

the tax-assessed value of the structure; and keep said bond in force for a period of not less than one (1) year or for such period as the Court directs.

(c) They enter into a stipulation with the City that they will immediately abate the conditions giving rise to the specified crime property and prevent the same from being established or maintained thereafter. The stipulation will then be made part of the court's file.

In the event that the owner violates the terms of the stipulation, the City may thereafter apply to the court for an order awarding up to the entire amount of the aforementioned bond to the City as a penalty as well as such other relief, including closure for any additional period of up to one (1) year, that is deemed by the court as appropriate.

**14.80.080 Attorneys Fees.** In any action seeking the closure of the structure pursuant to this Chapter, the court may, in its discretion, award attorneys fees to the prevailing party.

**14.80.090 Severability.** If any provision of this Chapter, or its application to any person, or circumstances is held to be invalid for any reason, the remainder of the Chapter, or the application of its provisions to other persons or circumstances shall not in any way be affected.

- b. In order to alleviate and control the deleterious activity and conditions occurring within the City as quickly as possible and thus promote the public's health, safety and welfare, the Council declares that an emergency exists and that this ordinance shall be effective as of the date of its passage.

Passed by the Council, MAY 7 1987

Mayor Clark  
Commissioner Bogle  
PCElsner:tp  
May 6, 1987

**BARBARA CLARK**

Auditor of the City of Portland

By

*Edna Cerona*

Deputy

Calendar No. S-683

**ORDINANCE No. 159640**

**Title**

An ordinance creating a new Chapter, 14.80, which declares structures used for certain illegal conduct involving controlled substances, gambling and prostitution to be specified crime property and allowing for their closure for a period of up to one (1) year; defining terms; allowing for the imposition of civil penalties against the owners thereof; setting up a procedure for the implementation of these regulations; setting out the respective burdens of proof; and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BLUMENAUER	✓	
BOGLE	✓	
KOCH	✓	
LINDBERG	✓	
CLARK	✓	

FOUR-FIFTHS CALENDAR	
BLUMENAUER	
BOGLE	
KOCH	
LINDBERG	
CLARK	

Filed MAY 7 1987

**BARBARA CLARK**  
Auditor of the CITY OF PORTLAND

By Nancy Dunford  
Deputy

INTRODUCED BY  
Mayor Clark / Comm. Bogle

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration SEPT

Safety Dieb Bogle

Utilities

Works

BUREAU APPROVAL

Bureau:

Prepared By: PC Elmer:je Date: 5/6/87

Budget Impact Review:  
☐ Completed ☐ Not required

Bureau Head:

CALENDAR

Consent Regular

NOTED BY

City Attorney Paul C. Elmer

City Auditor

City Engineer



CITY OF PORTLAND  
ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Charlie Hales, Mayor ■ Dean Marriott, Director

March 27, 2013

Barbara Boose  
2607 NE Prescott St.  
Portland, OR 97211

Dear Barbara:

Pursuant to your voicemail message received March 22, 2013, you noted there was an error in my correspondence dated March 12, 2013 regarding the location of the property where the gutter may be spilling at your fenceline. I erroneously noted in my correspondence the location of said property was at the east fenceline adjacent to your property when in fact it is located at the north fenceline adjacent to your property.

You also requested to know what you may see in the landscape when a gutter overflows and spills. The line created in the landscape can sometimes be found below the spilling gutter and is called a drip line.

Yours truly,

City of Portland  
Downspout Disconnecter  
503/823-7868



# CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Charlie Hales, Mayor ■ Dean Marriott, Director

March 12, 2013

Barbara Boose  
2607 NE Prescott St.  
Portland, OR 97211

Dear Barbara:

During the site visit conducted February 28, 2013, you expressed your concern regarding possible stormwater issues with your neighbor along your east property line.

During the site visit, you asked how to best proceed to address the issue. The Bureau of Environmental Services does not have code authority to enforce property owner to property owner complaints about stormwater management. The services that the Bureau of Environmental Services provides to residential homeowners regarding onsite stormwater management are limited to:

- Correcting downspouts disconnected through the Downspout Disconnection Program by request of the property owner. Your neighbors downspouts were not disconnected through our program, nor has the property owner requested assistance.
- Providing technical assistance to property owners interested in managing stormwater on their property by request of the property owner or ratepayer. Your neighbor has not requested assistance and we cannot require them to request it.
- Auditing properties receiving a discount on their onsite stormwater utility fee (Clean River Rewards) to ensure safe operations and maintenance of stormwater facilities. Your neighbor is not receiving the stormwater discount, so we cannot audit them nor take it away.

The Bureau of Development Services (BDS) enforces City Code and State Plumbing Code through the Code Enforcement Program. Since Code Enforcement has determined that the neighbor's downspouts are not out of compliance, you have other options that you can pursue on your own:

- Resolutions Northwest [(503) 595-4890 or [www.resolutionsnorthwest.org](http://www.resolutionsnorthwest.org)] offers neighborhood mediation services; or
- Hiring a lawyer and pursuing a civil (court) remedy.

During the site visit, you also expressed possible plans to address the stormwater issues on your side of the property line by constructing a stormwater facility that could collect the stormwater and appropriately convey it away from the property line and your basement. Stormwater facilities require permits through BDS to ensure compliance with building, plumbing and stormwater codes. BDS would review the facility prior to construction and inspect the facility during construction.

You also asked if there may be funding available through our bureau for your proposed stormwater facility. I responded that I was unaware of any funding for stormwater facilities on private property in your neighborhood, but I would get more information upon my return to our office. At this time, there is no funding available. If funding does become available, we will inform everyone eligible to participate.

Yours truly,

  
Joel DeWit

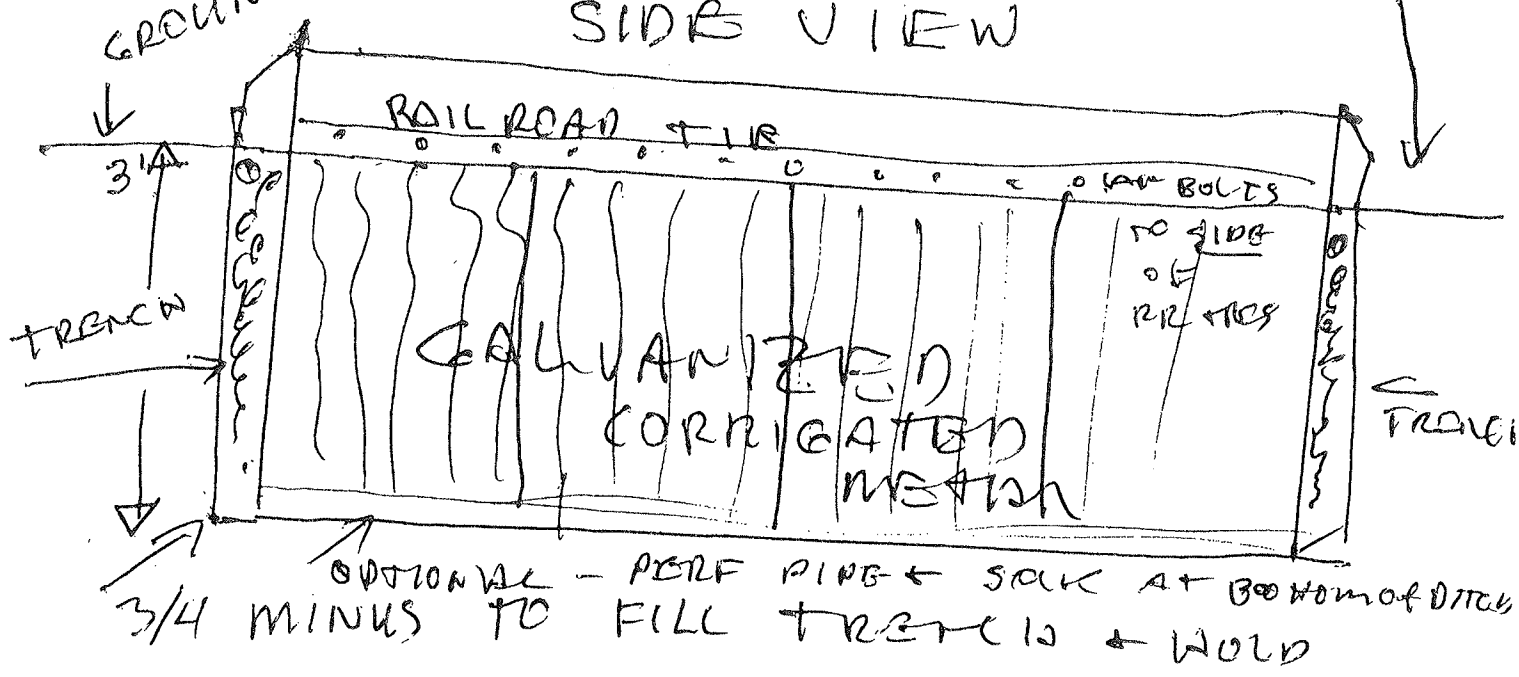
503/823-7868

- FENCE

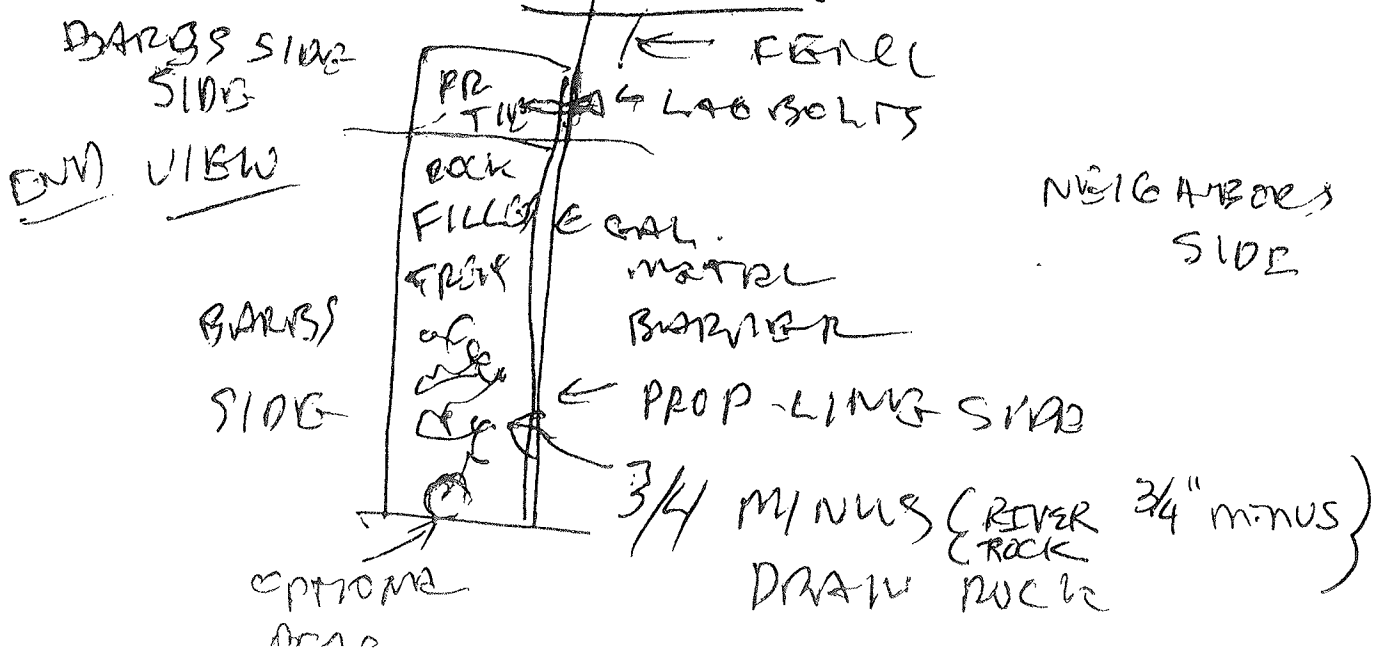
PROP  
LIMS

GROUND LEVEL

SIDE VIEW



METAL BARRIER !



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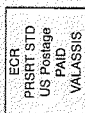
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One Targeting Centre  
Windsor, CT 06095

00322 B1  
MOC\*\*\*\*\*C006  
RESIDENT  
2607 NE WRESCOTT ST  
PORTLAND, OR 97211

DATE MISSING: 04/15/11

## HAVE YOU SEEN ME?

National Center for Missing & Exploited Children



NAME: Larry Grant  
FROM: Dallas, GA  
DOB: 12/11/06  
SEX: Male AGE: 5  
HAIR: Sandy  
EYES: Hazel  
HEIGHT: 3' 4"  
WEIGHT: 38 lbs.

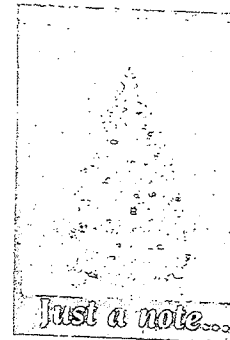


NAME: Trinity Grant  
FROM: Dallas, GA  
DOB: 03/22/08  
SEX: Female AGE: 4  
HAIR: Blonde  
EYES: Blue  
HEIGHT: 2' 11"  
WEIGHT: 35 lbs.

CALL THE TOLL-FREE HOTLINE: 1-800-THE-LOST® (1-800-843-5678)

24 hours a day or report a sighting online: [www.missingkids.com](http://www.missingkids.com)

RAC3380155A



## BUILD ORDER

1. DIG DITCH ON  
BARBS SIDE OF  
PROP -

2. INSTALL CORR - <sup>NEIGHBORS</sup>  
METAL IN TRENCH

3. OPTIONAL PERK PIPE  
+ SEDIMENT SOCK  
at BOTTOM

4. FILL DITCH ON  
BARBS SIDE OF DITCH  
WITH 3/4 INCHES DRAIN  
ROCK

5. LAY RR TIES ON TOP  
OF ROCK FILLED DITCH

6. LAG SALT GAL MESH  
TO RR TIES -

7. ADD FBNG!

NOTE GAL MESH MUST  
PROTRUDE ENOUGH FROM  
DITCH TO BOLT TO RR TIE



P181

Karla Moore-Love

(BP)

Apr. 28, 2013  
Time: 11:32 PM

FAX: 503-823-4571  
PH: 503-823-4086

[RE: Subject. for April 17, 2013  
Ordinances

From:

Barbara + Rose  
2607 NE Prescott  
Portland, OR  
97211

PH: (503) 281-5631

OVER

PORTLAND CITY COUNCIL  
COMMUNICATION REQUEST  
Wednesday Council Meeting 9:30 AM

Council Meeting Date: 4-17-13

Today's Date 3-13-13

Name Barbara Moore

Address 2607 NE Prescott

Telephone (503) 281-5631 Email \_\_\_\_\_

Reason for the request: (subject attached)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(signed)

- Give your request to the Council Clerk's office by Thursday at 5:00 pm to sign up for the following Wednesday Meeting. Holiday deadline schedule is Wednesday at 5:00 pm. (See contact information below.)
- You will be placed on the Wednesday Agenda as a "Communication." Communications are the first item on the Agenda and are taken promptly at 9:30 a.m. A total of five Communications may be scheduled. Individuals must schedule their own Communication.
- You will have 3 minutes to speak and may also submit written testimony before or at the meeting.

*Thank you for being an active participant in your City government.*

**Contact Information:**

Karla Moore-Love, City Council Clerk  
1221 SW 4th Ave, Room 140  
Portland, OR 97204-1900  
(503) 823-4086 Fax (503) 823-4571  
email: Karla.Moore-Love@portlandoregon.gov

Sue Parsons, Council Clerk Assistant  
1221 SW 4th Ave., Room 140  
Portland, OR 97204-1900  
(503) 823-4085 Fax (503) 823-4571  
email: Susan.Parsons@portlandoregon.gov

Request of Barbara Boose to address Council regarding ordinances  
(Communication)

APR 17 2013

PLACED ON FILE

Filed APR 12 2013

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By 

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. Fritz		
2. Fish		
3. Saltzman		
4. Novick		
Hales		