

ORDINANCE
No. 6325 (Emergency)

**AN ORDINANCE AMENDING THE SPRINGFIELD MUNICIPAL CODE SECTIONS
REGARDING THE ABATEMENT OF CHRONIC DISORDERLY PROPERTIES, SECTIONS
5.700-5.714 AND SPECIFICALLY SECTIONS 5.700, 5.704, and 5.710 AND
DECLARING AN EMERGENCY**

The City Council of the City of Springfield finds that:

WHEREAS, it is in the public interest for the City of Springfield to clarify the Springfield Municipal Code Sections regarding Chronic Disorderly Properties;

WHEREAS, it is in the public interest to provide a method for the police department to address persons who allow criminal activity to occur on their property to the point it becomes chronic.

WHEREAS, it is in the public interest to provide a method for the City to hold persons who allow criminal activity to occur on their property responsible for their actions while protecting their property rights.

NOW, THEREFORE, based on the foregoing recitals, the Common Council of the City of Springfield ordains as follows:

Section 1. Section 5.700 "Definitions", "Chronic Disorderly Property" subsections (1) and (2) of the Springfield Municipal Code are hereby amended to read:

"(1) Property in a residential neighborhood on which three or more prohibited activities have occurred during any 60-day period;

(2) Property in a residential neighborhood on which or within 200 feet of which any person associated with the property has engaged in three or more prohibited activities during any 60-day period."

Section 2. Section 5.700 "Definitions", "Prohibited Activities" of the Springfield Municipal Code are hereby amended to add the following sections:

"(18) Frequenting a place where controlled substances are used as provided in ORS 167.222.

(19) Noise violations in violation of city code section 5.220."

Section 3. Section 5.704 "Procedure" subsection (1) of the Springfield Municipal Code is hereby amended to read as follows:

"(1) When the chief of police receives two or more police reports documenting the occurrence of prohibited activity on or within 200 feet of a property in a residential neighborhood within the city, the chief of police shall independently review the reports to determine whether they describe prohibited activities enumerated in this code under section 5.700. Upon such a finding the chief of police may:

(a) Notify the person in charge in writing that the property is in danger of becoming chronic disorderly property. The notice shall contain the following information:

(i) The street address or legal description sufficient for identification of the property.

(ii) A statement that the chief of police has information that the property may be chronic disorderly property, with a concise description of the prohibited activities that may exist, or that have occurred. The chief of police shall offer the person in charge an opportunity to propose a course of action that the chief of police agrees will abate the prohibited activities giving rise to the violation.

(iii) Demand that the person in charge respond to the chief of police within 10 days to discuss the prohibited activities."

Section 4. Section 5.704 "Procedure" subsection (2) of the Springfield Municipal Code is hereby amended to read as follows:

"(2) After notification of nuisance activities to the person in charge, when the chief of police receives a police report documenting the occurrence of a third prohibited activity at or within 200 feet of a property in a residential neighborhood within a 60-day period and determines that the property has become chronic disorderly property, the chief of police shall:

(a) Notify the person in charge in writing that the property is a chronic disorderly property. The notice shall contain the following information:

(i) The street address or legal description sufficient for identification of the property.

(ii) A statement that the chief of police has determined the property to be chronic disorderly property with a concise description of the prohibited activities leading to the findings.

(iii) Demand that the person in charge respond within 14 days to the chief of police and propose a course of action that the chief of police agrees will abate the prohibited activities giving rise to the violation.

(iv) 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 believed to be a chronic disorderly property, or any other place which is likely to give the person in charge notice of the determination by the chief of police.

(v) 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, the occupant, at the address of the property, if these persons are different from the person in charge, and shall be made either personally or by first class mail, postage prepaid.

(vi) A copy of the notice shall also be posted at the property.

(vii) The failure of any person to receive notice that the property may be a chronic disorderly property shall not invalidate or otherwise affect the proceedings under sections 5.700 to 5.714.

(b) Chronic disorderly property, as defined by section 5.700, shall be subject only to the notification requirements of subsection (2) of this section.

(c) If, after the notification, but prior to the commencement of legal proceedings by the city pursuant to sections 5.700 to 5.714, a person in charge stipulates to the chief of police that the person in charge will pursue a course of action the parties agree will abate the prohibited activities giving rise to the violation, the chief of police may agree to postpone legal proceedings for a period of not less than 10 nor more than 30 days. If the agreed course of action does not result in the abatement of the prohibited activity or if no agreement concerning abatement is reached with 30 days, the chief of police may refer the matter to the city attorney to commence a legal proceeding to abate the nuisance.

(d) Concurrent with the notification procedures set forth in subsections (1) and (2), the chief of police shall send copies of the notice, as well as any other documentation which supports legal proceedings against the property, to the city attorney.

Section 5. Section 5.710 "Commencement of Actions-Remedies" of the Springfield Municipal Code is hereby amended to add the following subsection:

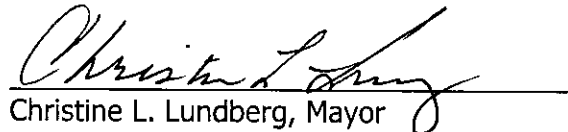
"(5) Nothing in these provisions shall require any conviction for criminal activities prior to the commencement of any action provided herein."

Section 6. Except as specifically amended herein, Sections 5.700-5.714 shall continue in full force and effect.

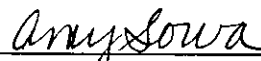
Section 7. Effective Date of Ordinance. It is hereby found and determined that the matters relating to the adoption of these changes to the Abatement of Chronic Disorderly Properties code are matters affecting the public health, safety and welfare and that an emergency therefore exists, and this Ordinance shall therefore take effect immediately upon its passage by the Council and approval by the Mayor.

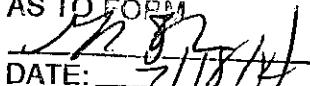
This ordinance is adopted by the City Council of the City of Springfield this 21 day of July, 2014 by a vote of 5 in favor and 0 against.

Approved by the Mayor of the City of Springfield this 21 day of July, 2014.


Christine L. Lundberg, Mayor

ATTEST:


Amy Sowa, City Recorder

REVIEWED & APPROVED
AS TO FORM

DATE: 7/18/14
OFFICE OF CITY ATTORNEY