

BY CM CODIFIED  
Date 2/13/09

## ORDINANCE NO. 1966

(An ordinance adding Chapter 8.14—Vacant and Abandoned Commercial Property to the Hood River Municipal Code)

WHEREAS, abandoned and vacant commercial buildings and properties cause blight, deterioration, and decay as a result of inadequate maintenance and/or security of these buildings and the property on which they sit;

WHEREAS, blight, deterioration, and decay reduce property values;

WHEREAS, blighted, deteriorated, or decayed abandoned or vacant commercial buildings or properties create health and safety hazards that are potential nuisances;

WHEREAS, the purpose of this ordinance is to establish an enforcement program for abandoned and vacant commercial buildings and property to protect against blight, deterioration and decay and the conditions they cause.

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapter 8.14—Vacant and Abandoned Commercial Property is added to the Hood River Municipal Code:

### CHAPTER 8.14 – VACANT AND ABANDONED COMMERCIAL PROPERTY

#### SECTIONS:

- 8.14.010 Purpose
- 8.14.020 Definitions
- 8.14.030 Applicability
- 8.14.040 Maintenance Requirements
- 8.14.050 Security Requirements
- 8.14.060 Enforcement

8.14.010 Purpose. The purpose of this Chapter is to establish an enforcement program for abandoned and vacant commercial buildings and property. The program is intended to protect the City's commercial areas from blight, deterioration and decay as a result of the lack of adequate maintenance and/or security of abandoned and vacant commercial buildings and property; and to protect the public health, safety and general welfare of the residents of

the City.

8.14.020 Definitions. For the purposes of this Chapter, the following words, terms and phrases have the following meanings:

“Code Enforcement Officer” is the person designated by the Chief of Police responsible for enforcement of the City’s civil Code.

“Commercial property” or “commercial building” is any improved real property or portion thereof that is designated or permitted to be used for commercial, retail, business, or professional purposes, whether or not it is legally permitted and/or zoned for such use.

“Evidence of vacancy” is any condition that on its own or combined with other conditions present would lead a reasonable person to believe that a property or building is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars and/or flyers, disconnected utilities, accumulation of trash, junk and/or debris, broken or boarded up windows and/or doors, the absence of merchandise consistent with retail sale, and statements by neighbors or government employees that the property or building is vacant.

“Owner” means any person, co-partnership, association, corporation or fiduciary having a legal or equitable title or any interest in any real property.

“Vacant” means a property or building that appears to be empty of furnishings and/or merchandise and not otherwise occupied. A property or building may be considered vacant based solely on evidence of vacancy.

8.14.030 Applicability. This Chapter applies only to commercial property and commercial buildings.

8.14.040 Maintenance and Security Requirements.

A. The owner of a vacant property and/or building is responsible for keeping the same free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, earth products,, any accumulation of newspapers, circulars or flyers, discarded items including but not limited to furniture, clothing, appliances or any other items that give the appearance that the property or building is vacant.

B. The owner(s) of a vacant property and/or building is responsible for maintaining existing landscaping and landscaping required as a condition of a permit and shall not permit the landscaping to become overgrown or die. If the landscaping becomes overgrown or dies, the owner is responsible for replacing the previously existing landscaping in accordance with

any enforcement notice issued under Section 8.14.060. Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges, trees or other similar plantings. Landscaping does not include weeds, dead or overgrown vegetation, broken paving or curbing, decomposed plastic sheeting, or any similar material.

C. The owner of a vacant property and/or building shall secure the same so that it is not accessible to unauthorized persons, including but not limited to the closure and locking of windows and doors (walk through, sliding and garage) and any other opening of such size that may allow a child to access the interior of a structure; chaining or padlocking gates, and repairing fencing. Broken windows shall be secured by means of reglazing with undamaged glass or other permanent material, and not by cardboard, plywood or other temporary means except as necessary temporarily for not more than 10 business days while awaiting reglazing.

D. If the owner of the property or building is an entity or does not reside within 50 miles of the City limits, the owner shall contract with a person to provide property management to perform weekly inspections to verify that all requirements of this ordinance, enforcement notice, and any other applicable laws are being met. The property shall be posted with name and 24-hour contact phone number of the local property management representative. The posting shall be no less than 18" X 24" and shall be of a font that is legible from a distance of forty-five (45) feet and shall contain the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL". The posting shall be secured to the exterior of the building or placed in a location on the property so it is visible from the street.

#### 8.14.050 Enforcement.

A. Upon determination by the Code Enforcement Officer that a property or building is not in compliance with this Chapter, the Code Enforcement Officer shall give notice by personal service or certified mail upon any person responsible for the property or building. The notice shall specify the nature of the violation, action necessary to correct it, and a compliance date.

B. The Code Enforcement Officer has the authority to require any maintenance or security measures not listed above considered appropriate to correct the violation, such as securing any/all door, window, or other openings, installing security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measure as may be reasonably require to arrest the decline of the property or building.

C. If, within the time allowed by the notice, the violations have not been corrected, the City may declare the property or building a nuisance and abate the same in accordance with Chapter 8.08 and cause the costs of abatement to become a lien against the property and/or building.

D. Violation of this Chapter is punishable by a fine not to exceed \$500 per violation per day.

Read for the first time: December 22, 2008.

Read for the second time and passed: January 12, 2009, to become effective thirty (30) days hence.

Signed: Jan 14 2009.

Arthur Babitz 1/14/09  
Mayor Arthur Babitz, Mayor

ATTEST:

Jennifer McKenzie  
Jennifer McKenzie, City Recorder