

~~Chapter 1.20 CODE COMPLIANCE/ANIMAL CONTROL PROGRAM POLICIES~~

~~1.20.010 Purpose.~~

~~The purpose of the code compliance program is to assist the citizens of the community to comply with the provisions of the Boardman Municipal Code and Boardman Development Code. The overall goals of meeting the city council's strategic goal of beautification of the city, to protect the citizens from unhealthy or dangerous conditions, to protect the property values of the homes and businesses within the community and to provide a fair and reasonable method for the citizens to meet their responsibilities to other citizens in the community is the basis for the code compliance program. This policy will identify the purpose, scope, and process of the city's code compliance program and to provide a clear direction of city council desires to administer this program.~~

~~(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)~~

~~1.20.020 Responsibility of code compliance division.~~

- ~~A. — It is the responsibility of the code compliance program to treat all citizens with professionalism and courtesy in all dealings of the division.~~
- ~~B. — It is the responsibility of the code compliance program to provide assistance in citizen understanding of the rules of the city as defined by the Boardman Municipal Code and Boardman Development Code.~~
- ~~C. — It is the responsibility of the code compliance program to investigate all code violation complaints for the validity of the complaint by review of applicable codes to assess the nature of the alleged violation.~~
- ~~D. — It is the responsibility of the code compliance program to provide suggested changes to the municipal code and development code in areas of the code identified to be confusing, contrary to state or federal law, and where the changes will provide for better fairness and reduced conflict in administration of the program.~~
- ~~E. — It will be the responsibility of the code compliance program to assure compliance with the provisions of all applicable chapters of the Boardman Municipal Code and Boardman Development Code, to issue citations or initiate abatement procedures identified within the code when significant violations go un-addressed after contact, or when conditions warrant, and protection of public safety or health when dangerous conditions exist.~~
- ~~F. — It will be the responsibility of the police chief and community development director to coordinate enforcement and compliance cases taken by each department.~~

~~(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)~~

~~1.20.030 Division staffing.~~

- ~~A. — Staff for the code compliance program will be assigned by the city manager. The lead role in administration and oversight of the code compliance program shall be vested in the city manager who may assign the lead role to a city department head.~~
- ~~B. — Police department officers will also enforce certain areas of the Boardman Municipal Code under the oversight of the police chief of the Boardman Police Department. Police officers shall report to their designated supervisors within the police department.~~

~~(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013; Ord. No. 1-2026, § 1(Exh. A), 1-6-2026)~~

1.20.040 Code compliance program process.

The code compliance program processes are broken into three distinct categories. The categories are minor, moderate and urgent. Determination of the category of a code violation is placed in is based upon the risk of injury or potential public health violations. Each category has a specific process to follow for resolution of the violation.

A. Minor Violations:

1. Complaint is taken or possible violation is identified and complaint form is completed.
2. Code compliance official shall deliver a copy of the complaint notice prepared after the complaint is made and before an investigation has been initiated. A copy of the applicable municipal code chapter or Boardman Development Code pertaining to the alleged violation shall be delivered to the property representative and/or property owner along with the complaint notice.
3. The code compliance official shall investigate the alleged violation by determining existing property zone allowable uses to determine if a violation exists.
4. If the use is allowed the code compliance official will contact the complainant and report the results of the investigation.
5. If use is not allowed the code compliance official shall initiate contact with the property representative and/or property owner and to discuss the violation noted in the investigation, methods to attain compliance, possible resources to assist in attaining compliance, and the possibility of citation or abatement processes allowed by applicable code language. All applicable codes are provided to the property representative and/or property owner at the time of contact.
6. The property representative and/or property owner is given a thirty-day verbal notice upon this contact to abate the violation.
7. In the case of a property owner living outside of the area a thirty-day code violation notice, a letter of explanation of the applicable code chapter, copies of any photographic images of the violations, and copies of all applicable code chapters are provided for review and discussion.
8. At the expiration of the thirty-day verbal notice, without abatement of the violation, the code compliance official will make contact with the property representative and/or property owner to complete a "code compliance agreement form" where the code compliance official and the property representative and/or property owner agree to a date the violation will be abated, signed by both parties. The agreement shall not be for a period greater than sixty (60) days from the date the agreement is signed.
9. At the expiration date of the agreement the code compliance official shall perform a follow-up to determine if the violation has been abated. If the violation has not been abated the code compliance official shall either issue a citation to appear in court concerning the violations or begin the nuisance abatement process in accordance with provisions of the municipal code. The abatement and hearing process can be up to twenty (20) days. For inoperable vehicles there is an additional five-day period where the vehicle is tagged prior to removal.

B. Moderate Violations:

1. Complaint is taken or possible violation is identified and complaint form is completed.
2. Code compliance official shall deliver a copy of the complaint notice prepared after the complaint is made and before an investigation has been initiated. A copy of the applicable Municipal Code or Boardman Development Code Chapter(s) pertaining to the alleged violations shall be delivered to the property representative and/or property owner along with the complaint notice.

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3. ~~The code compliance official shall investigate the alleged violations by determining existing property zone allowable uses to determine if violations exist.~~
 4. ~~If use is allowed the code compliance official will contact the complainant and report the results of the investigation.~~
 5. ~~If uses are not allowed the code compliance official shall initiate contact with the property representative and/or property owner to discuss the violations noted in the investigation, methods to attain compliance, possible resources to assist in attaining compliance, and the possibility of citation or abatement processes allowed by applicable code language. All applicable codes are provided to the property representative and/or property owner at the time of contact.~~
 6. ~~The property representative and/or property owner is given a thirty-day verbal notice upon this contact to abate the violations.~~
 7. ~~In the case of a property owner living outside of the area a thirty-day code violation notice, a letter of explanation of the applicable code chapter, copies of any photographic images of the violations, and copies of all applicable code chapters are provided for review and discussion.~~
 8. ~~At the expiration of the thirty-day verbal notice, without abatement of the violations, the code compliance official will make contact with the property representative and/or property owner to complete a "code compliance agreement form" where the code compliance official and the property representative and/or property owner agree to a date the violations will be abated, signed by both parties. The agreement shall not be for a period greater than thirty days from the date the agreement is signed.~~
 9. ~~At the expiration date of the agreement the code compliance official shall perform a follow-up to determine if the violation has been abated. If the violation has not been abated the code compliance official may grant one extension of agreement for an additional thirty-day period if significant progress towards abatement of the violations has occurred in the judgment of the code compliance official and their supervisor. If significant progress towards abatement has not been made the code compliance official shall either issue a citation to appear in court concerning the violations or begin the nuisance abatement process identified in this municipal code chapter. The abatement and hearing process can be up to twenty (20) days. For inoperable vehicles there is an addition five-day period where the vehicle is tagged prior to removal.~~
- C. ~~Urgent Violations:~~
1. ~~Complaint is taken or possible violation is identified and complaint form is completed.~~
 2. ~~The code compliance official shall investigate the alleged violations by determining existing property zone allowable uses to determine if violations exist.~~
 3. ~~The code compliance official shall initiate contact with the property representative and/or property owner and to discuss the violation(s) noted in the investigation, methods to attain compliance/possible resources to assist in attaining compliance, and the possibility of citation or abatement processes allowed by applicable code language. All applicable codes are provided to the property representative and/or property owner at the time of contact. The code compliance official and the property representative and/or property owner will complete a "code compliance agreement form" where the code compliance official and the property representative and/or property owner agree to a date the violations will be abated, signed by both parties. The agreement shall not be for a period greater than ten (10) days from the date the agreement is signed.~~

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4. In extreme cases, such as menacing or dangerous animals, the code compliance official may impound the animal, at the owner's expense, while abatement of the conditions of the initial violation are completed, consistent with provision of Boardman Municipal Code Chapter 6.08.
 5. At the expiration date of the agreement the code compliance official shall perform a follow-up to determine if the violation has been abated. If the violation has not been abated the code compliance official may grant one extension of agreement for an additional ten-day period if significant progress towards abatement of the violations has occurred in the judgment of the code compliance official and their supervisor. If significant progress towards abatement has not been made the code compliance official shall either issue a citation to appear in court concerning the violations or begin the nuisance abatement process identified in accordance with provisions in the Boardman Municipal Code. The abatement and hearing process can be up to twenty (20) days. For inoperable vehicles there is an additional five-day period where the vehicle is tagged prior to removal.

D. Chronic Violations:

1. Three repetitive violations of this code, where citations are issued in any twelve-month period, shall be referred to the court as a chronic violation and be subject to penalties from the court in accordance with the penalty provisions of Boardman Municipal Code Chapter 1.16 and Oregon Revised Statutes Chapter 153.
2. The court may also impose additional penalties including criminal charges, orders to abate and court-ordered payments for abatement of violations.

(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)

1.20.050 Process for violations of time-sensitive nature.

Certain provisions of the Boardman Municipal Code and Boardman Development Code, inconsistent with the "Urgent Violations" process identified in [Section] 1.20.040(C) because they are not an immediate risk to public safety or public health, are still time-sensitive in nature. Allowing for the process identified in [Section] 1.20.040 would essentially allow these time-sensitive violations to continue without abatement. Examples of these types of violations might include temporary signs, temporary permits, blowing dust conditions, and others which could be event-driven or of short-term duration.

A. In these situations the process identified below will be followed:

1. Contact with the property representative and/or property owner will be initiated in person, by phone or by letter by the code compliance official to inform them of the violation, possible consequences, provide them with a copy of the applicable code chapter(s), and provide possible options for abating the violation. The code compliance official shall complete a "compliance agreement form" with the property representative/property owner identifying the agreed-upon method of abatement and the time abatement will be completed.
2. Each contact to a property representative and/or property owner shall be considered an individual violation.
3. Three repeated violations of the same provisions of a municipal code or development code chapter by a property representative and/or property owner shall be grounds for issuance of a citation to appear in court concerning the violations or for the city to initiate the abatement process identified in this chapter of municipal code.

(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)

1.20.060 Abatement procedure—Notice.

- A. Upon determination by the city manager that a nuisance exists, the administrator shall cause a notice to be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance.
- B. At the time of posting, the city clerk shall cause a copy of the notice to be forwarded by registered or certified mail, postage prepaid, to the person responsible at his or her last known address.
- C. The notice to abate shall contain:
 - 1. A description of the real property, by street address or otherwise, on which the nuisance exists;
 - 2. A direction to abate the nuisance within ten (10) days from the date of the notice;
 - 3. A description of the nuisance;
 - 4. A statement that, unless the nuisance is removed, the city may abate the nuisance and the cost of abatement will be charged to the person responsible;
 - 5. A statement that the person responsible may protest the order to abate by giving notice to the city clerk within ten (10) days from the date of the notice;
 - 6. A statement that failure to abate a nuisance will warrant issuance of a citation to appear in court.
- D. If the person responsible is not the owner, an additional notice shall be sent to the owner stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.
- E. Upon completion of the posting and mailing, the persons posting and mailing shall execute and file certificates stating the date and place of the mailing and posting, respectively.
- F. An error in the name or address of the person responsible shall not make the notice void, and in such case the posted notice shall be sufficient.

(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)

1.20.070 Abatement by the person responsible.

- A. Abatement Procedure:
 - 1. Within ten (10) days after the posting and mailing of such notice, as provided in Boardman Municipal Code Section 8.04.160, the person responsible shall remove the nuisance or show that no nuisance exists.
 - 2. A person responsible, protesting that no nuisance exists, shall file with the city clerk a written statement which shall specify the basis for protesting.
 - 3. The statement shall be referred to the city council as a part of its regular agenda at its next succeeding meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the council. The council shall determine whether or not a nuisance, in fact, exists and the determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where a written statement has been filed as provided.
 - 4. If the council determines that a nuisance does, in fact, exist the person responsible shall, within ten (10) days after the council determination, abate the nuisance.
- B. Joint Responsibility. If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the city in abating the nuisance.

(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)

1.20.080 Abatement by the city.

- A. If within the time allowed, the nuisance has not been abated by the owner or person in charge of the property, the council may cause the nuisance to be abated.
- B. The city official(s) charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.
- C. The city clerk shall keep an accurate record of the expense incurred by the city in abating the nuisance and shall include therein a charge of twenty (20) percent of the expense for administrative overhead.

(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)

1.20.090 Assessment of costs.

- A. The city clerk, by registered or certified mail, postage prepaid, shall forward to the owner and person in charge of the property a notice stating:
 - 1. The total cost of abatement, including the administrative overhead;
 - 2. That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from the date of the notice;
 - 3. That if the owner or person in charge of the property objects to the cost of the abatement as indicated, he or she may file a notice of objection with the city clerk not more than ten (10) days from the date of the notice.
- B. Upon the expiration of ten (10) days after the date of the notice, the council in the regular course of business shall hear and determine the objections to the costs to be assessed.
- C. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated or as determined by the council shall be made by resolution and shall thereupon be entered in the docket of city liens, and, upon such entry being made, shall constitute a lien upon the property from which the nuisance was removed or abated.
- D. The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate of ten (10) percent per annum. Such interest shall commence to run from date of the entry of the lien in the lien docket.
- E. An error in the name of the owner or person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)

1.20.100 Summary abatement.

The procedure provided by this policy is not exclusive but is in addition to procedure provided by other ordinances and the city manager, code compliance official, the chief of the fire department, building official or chief of police may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)

1.20.110 Penalties.

All penalties shall be consistent with the provisions of Boardman Municipal Code Chapter 1.16 and Oregon Revised Statutes Chapter 153.

(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)