

CHAPTER 1.16: CODE COMPLIANCE

1.16.010 Purpose

The purpose of this chapter is to assist the citizens of the community to comply with the provisions of the Boardman Municipal Code (BMC) and the Boardman Development Code (BDC). Further, this chapter is intended to protect the citizens from unhealthy or dangerous conditions; to protect the property values of the homes and businesses within the community; to carry out the policies of the city as they are embodied elsewhere in this code; to provide a fast, fair, and impartial adjudication of alleged city code violations; and to provide persons adversely impacted by administrative determinations and decisions with an effective and impartial appeal and review of the legality and appropriateness of the determination.

1.16.020 Code Provisions Enforceable Under this Chapter; Division Staffing.

- A. The following code provisions shall be enforced under the provisions of this chapter:
 - 1. Transient Merchants under Section 5.04 of the BMC;
 - 2. Animal Control under Section 6.04 of the BMC;
 - 3. Public Nuisances under Section 8.04 of the BMC;
 - 4. Water Service System under Section 13.04 of the BMC;
 - 5. Sewer Service System under Section 13.08 of the BMC;
 - 6. Underground Wiring Control District under Section 13.12 of the BMC;
 - 7. Solid Waste under Section 13.20 of the BMC; and
 - 8. Building Code under Section 15.04 of the BMC.
- B. Division Staffing.
 - 1. 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.
 - 2. 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.

1.16.030 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates otherwise:

“City” means the City of Boardman.

“Code violation” means commission of an act or omission to act that constitutes a violation of a provision of the code and which is required to be enforced in accordance with the procedures established under this chapter.

“Code” means the Boardman Municipal Code (BMC) and Boardman Development Code (BDC), including as amended.

“Code compliance officer” means a designated employee or contractor of the city who works to ensure code compliance and otherwise enforce against code violations under this chapter.

“Person” means any natural person or persons, firm, partnership, association or corporation.

“Responsible party” means the person(s) responsible for curing or remedying a code violation and may include:

- A. The owner(s) of the property or the owner's manager or agent or other person in control of the property on behalf of the owner;
- B. The person(s) occupying the property including bailee, lessee, tenant or other person having possession; and/or
- C. The person(s) alleged to have committed or authorized the commission of the code violation

1.16.040 Complaint of Code Violations.

Whenever a violation of the code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the code compliance officer. The code compliance officer shall record properly such complaint, immediately investigate, and take action thereon as provided in this chapter.

1.16.050 Investigation; Notice.

Inspections. The code compliance officer shall have authority to inspect and investigate potential code violations. The provisions of this chapter shall not be deemed to restrict the right of the city to inspect any property pursuant to any applicable federal, state, or local laws or regulations.

Entering Private Property; Administrative Warrants. The code compliance officer may enter any property or building at any reasonable time for the purpose of inspection of an alleged code violation. The code compliance officer must obtain the consent of the legal occupant of the property before entering private property or a private building. If the code compliance officer cannot obtain consent, the code compliance officer shall seek an administrative warrant from the Morrow County Justice Court, or other court of competent jurisdiction, to inspect the property based upon cause, supported by an affidavit and motion describing with particularity:

- A. The position and authority of the person applying for the administrative inspection warrant;
- B. The code or other legal authority requiring or authorizing the inspection or investigation;
- C. The place, building or property to be inspected or investigated; and
- D. The purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect or investigate.
 - 1. Cause shall be deemed to exist when there is probable cause to believe that a code violation exists.
 - 2. Prior to seeking an administrative inspection warrant, the code enforcement official shall consult with the city attorney and obtain approval and assistance in preparing the affidavit and warrant documents.

Notice of Violation. Upon becoming aware of a code violation, the code compliance officer shall serve notice of such violation on the responsible party via first class and classified mail. If the responsible party is not the property owner, a copy of the notice shall also be sent to the owner. Such notice shall, at minimum, contain the following:

- A. A description of the real property, by street address or otherwise, on which the violation is occurring;
- B. A description of the alleged violation and the relevant code provisions;
- C. A description of the corrective action required;
- D. A deadline to complete the corrective actions;
- E. A statement that, unless the violation has been corrected by the stated deadline, the city may initiate a formal complaint as provided in Section 1.20; and
- F. Contact information for the code compliance officer.

1.16.060 Voluntary Compliance.

A. The city promotes voluntary compliance and prompt correction of violations in a consistent and fair practice. The code compliance officer may enter into a written agreement with the responsible party to resolve the problems which gave rise to the reported code violation. The agreement shall be known as a voluntary compliance agreement. A voluntary compliance agreement shall be binding on the responsible party.

B. If the responsible party enters into a voluntary compliance agreement, the responsible party's signing of such agreement shall not be considered an admission of having committed an infraction for any purpose.

C. The city shall hold further processing of the alleged code violation in abeyance for the responsible party to complete the necessary correction action during the time specified in the voluntary compliance agreement. If all terms of the voluntary compliance agreement are satisfied during the time specified, the city shall take no further action concerning the alleged code violation other than the steps necessary to terminate the case.

D. All voluntary compliance agreements shall be reviewed by the city manager prior to execution.

E. The failure to comply with any term of the voluntary compliance agreement constitutes a code violation and shall be handled in accordance with the procedures established in this chapter.

1.16.070 Failure to Correct.

Hearings Officer Complaint. If a responsible party fails to correct a code violation as required or otherwise fails to comply with the provisions of a voluntary compliance agreement authorized hereunder, the code compliance officer may initiate a formal complaint against the responsible party as provided in Section 1.20.

Citation under ORS 153. In lieu of a Hearings Officer Complaint as provided in Section 1.20, the city may cite into a court of competent jurisdiction any responsible party that fails to correct a code violation hereunder pursuant to the provisions of ORS 153.