



City Council Agenda

City Manager:

Nancy Newton

City Recorder:

Allyson Pulido
541-726-3700

City Hall
225 Fifth Street
Springfield, Oregon 97477
541-726-3700

Online at www.springfield-or.gov

Mayor

Sean VanGordon

City Council

Michelle Webber, Ward 1

Steve Moe, Ward 2

Kori Rodley, Ward 3

Beth Blackwell, Ward 4

Victoria Doyle, Ward 5

Alan Stout, Ward 6

These meetings will be available via phone, internet using Zoom and in person. Members of the public wishing to attend these meetings electronically can call in or attend virtually by following the directions below. This information can also be found on the City's website.

The meeting location is wheelchair-accessible. For the hearing-impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. For meetings in the Council Meeting Room, a "Personal PA Receiver" for the hearing impaired is available, as well as an Induction Loop for the benefit of hearing aid users.

To arrange for these services, call 541-726-3700.

Meetings will end prior to 10:00 p.m. unless extended by a vote of the Council.

All proceedings before the City Council are recorded.

January 6, 2025
Monday

6:15 p.m. Work Session
(approximate start time)
Council Meeting Room

or

Virtual Attendance

Registration Required:

Attend from your computer, tablet or smartphone:

Zoom

Meeting ID: 838 9596 6912

https://us06web.zoom.us/webinar/register/WN_MACqI-ObSpuM2-RWnmORIA

To dial in using your phone in Listen Only Mode:

Dial 1 (971) 247-1195

Toll Free 1 (877) 853-5247

Oregon Relay/TTY: 711 or 800-735-1232

(Council work sessions are reserved for discussion between Council, staff and consultants; therefore, Council will not receive public input during work sessions. Opportunities for public input are given during all regular Council meetings)

CALL TO ORDER

ROLL CALL -- Mayor VanGordon____, Councilors Webber____, Moe____, Rodley____, Blackwell____, Doyle____, and Stout____.

1. Code Enforcement Municipal Code Updates
[Charlie Kent]

(30 mins)

ADJOURNMENT

7:00 p.m. Regular Meeting
Council Meeting Room
or

Virtual Attendance
Registration Required:
Attend from your computer, tablet or smartphone:
Zoom

Meeting ID: 838 9596 6912
https://us06web.zoom.us/webinar/register/WN_MACqI-ObSpuM2-RWnmORIA

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CALL TO ORDER

ROLL CALL -- Mayor VanGordon ___, Councilors Webber ___, Moe ___, Rodley ___, Blackwell ___, Doyle ___, and Stout ___.

PLEDGE OF ALLEGIANCE

SPRINGFIELD UPBEAT

CONSENT CALENDAR

1. **Claims**
2. **Minutes**
3. **Resolutions**
4. **Ordinances**
5. **Other Routine Matters**
 - a. Proclamation of General Election Results

MOTION: APPROVE/REJECT THE CONSENT CALENDAR

ITEMS REMOVED FROM THE CONSENT CALENDAR

PUBLIC HEARINGS - Please limit comments to 3 minutes. Request to speak cards are available at the entrance. Please present cards to City Recorder. Speakers may not yield their time to others.

BUSINESS FROM THE AUDIENCE - Limited to 20 minutes. Please limit comments to 3 minutes. Request to speak cards are available at the entrance. Please present cards to City Recorder. Speakers may not yield their time to others.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

BIDS

ORDINANCES

RESOLUTIONS

BUSINESS FROM THE CITY COUNCIL

1. Mayor/Council Committee Assignments
[Mayor VanGordon & Allyson Pulido]

(5 mins)

BUSINESS FROM THE CITY MANAGER

BUSINESS FROM THE CITY ATTORNEY

1. City Council President Appointment
[Mary Bridget Smith]

(5 mins)

ADJOURNMENT

AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	01/06/2025
	Meeting Type:	Work Session
	Staff Contact/Dept:	Charlie Kent/Community Development
	Staff Phone No:	5417263775
	Estimated Time:	30 Minutes
	Council Goals:	Enhance Public Safety

ITEM TITLE:

Code Enforcement Municipal Code Updates

ACTION REQUESTED:

Staff requests Council review and direction prior to a public hearing on revisions to the Springfield Municipal Code for Nuisances and the addition of an Administrative Civil Penalties (ACP) section.

ISSUE STATEMENT:

Code violations are currently enforced through a one size fits all labor intensive approach. ACP's provide a more efficient and effective response to community complaints by addressing minor violations through a per se rule. The current Nuisance code neglects several current community issues, namely dangerous structures and other public health/safety issues. Additionally, certain language within section 5.002 requires clarification to identify specific conditions which create a nuisance. Other minor changes have been included to modernize or clarify sub-sections.

DISCUSSION/FINANCIAL IMPACT:

The current approach to code enforcement fails to effectively address community complaints. During previous City Council work sessions, broad support emerged from city leadership and the City Council to modernize the Code Enforcement Program. A central element of this modernization effort is updating the nuisance code to better align with current community needs.

The proposed updates to the nuisance code include the following key elements:

1. Establishing ACP process as an alternative to the current Municipal Court citation process, providing a streamlined and accessible enforcement pathway.
2. Clarifying and modernizing nuisance code language by enhancing definitions and remedies for dangerous, abandoned, or derelict structures and updating other nuisance-related provisions to reflect contemporary standards.

Modernizing the Code Enforcement Program is essential for safeguarding public health and safety, improving responsiveness to community concerns, and fostering sustainable growth. The updates will create a more effective, efficient, and equitable enforcement process, ultimately benefiting the entire Springfield community.

The financial impact of the program can be broken down into several categories:

1. Immediate Revenue - ACP will provide a recoverable revenue source to offset program expenses. With lower penalty amounts than traditional fines, ACP is expected to improve collection rates.
2. Mid-Term Revenue - Nuisance and abatement liens will recover costs associated with addressing violations, including administrative efforts, inspections, and legal actions.
3. Long-Term Revenue - By creating a safer and more appealing environment for residential and commercial development, the program will contribute to building the City's tax base over time, enhancing quality of life for all community members.
4. Staff have identified potential internal administrative resources to fill the additional 0.75 FTE required for the full rollout of the ACP process, scheduled for July 1, 2025.

The modernization of the Code Enforcement Program represents a critical investment in Springfield's future. These updates will improve public health and safety, ensure community concerns are addressed more effectively, and support the City's long-term economic and social vitality.

1. Council Briefing Memo
2. Administrative Civil Penalties Draft
3. Municipal Nuisance Code Draft

MEMORANDUM

City of Springfield

Date: 1/6/2025
To: Nancy Newton **COUNCIL**
From: Charlie Kent, Code Enforcement Officer (AIC) **BRIEFING**
Jeff Paschall, Community Development Director
Subject: CODE ENFORCEMENT MUNICIPAL CODE **MEMORANDUM**
UPDATES

ISSUE: Code violations are currently enforced through a one size fits all, labor intensive approach. ACP's provide a more efficient and effective response to community complaints by addressing minor violations through a per se rule.

The current Nuisance code neglects several current community issues, namely dangerous structures and other public health/safety issues. Additionally, certain language within section 5.002 requires clarification to identify specific conditions which create a nuisance. Other minor changes have been included to modernize or clarify sub-sections.

BACKGROUND:

Staff was last before Council on this topic on February 20, 2024 and received direction to proceed with drafting code language for Administrative Civil Penalties (ACP) and updating the Springfield Municipal Nuisance code. On that Date, Council supported the purchase of the Tyler software solution which is vital to supporting the ACP process and improving efficiency and analysis of program operation for a more strategic approach to code enforcement.

An administrative civil penalty process is commonly used within code compliance programs across the state and nation as an effective enforcement tool. The ACP process provides a clearer, more equitable environment for potential forfeiture than judicial alternatives. Effectively, ACP's prevent long-term or chronic issues by addressing violations in a timely manner when they are relatively minor. On the street, the ACP process will provide for a more individualized and violation-appropriate approach to compliance by removing legal barriers which could be reserved for significant, chronic, or complex violations.

The proposed updates to the Springfield Municipal Code include critical revisions and additions that aim to enhance public safety, improve operational efficiency, and align with national best practices for managing dangerous, abandoned, or derelict structures. This memorandum outlines the key components of the proposed changes, emphasizing their impact on public safety, interdepartmental collaboration, and community health. The updates are designed to address nuisances effectively, streamline enforcement, and reduce hazards associated with abandoned and unsafe structures.

DISCUSSION:

Administrative Civil Penalties

Effective code enforcement is critical to maintaining the health, safety, and quality of life in Springfield. While current enforcement mechanisms such as warnings, abatement, and civil enforcement serve important roles, the absence of administrative civil penalties limits the city's ability to efficiently address code violations. The following discussion points outline the need for adding administrative civil penalties as a tool for ensuring effective compliance and enhancing community well-being through a more responsive partnership.

Current challenges include limited deterrence, resource strains and an inefficiency in resolution. Without financial consequences, many violators are not incentivized to promptly address code violations. This is particularly problematic for repeat offenders. Civil enforcement and court processes are time-consuming and expensive. Delayed compliance leads to prolonged public nuisances and potential safety hazards, negatively impacting neighborhoods.

The benefits of ACP's are enhanced compliance, cost-effective enforcement, flexibility and fairness and additional revenue generation. Monetary penalties provide a clear and immediate incentive for property owners and businesses to comply with city codes. Administrative processes reduce the burden on courts and legal staff, streamlining the resolution of violations. Penalties can be scaled based on the severity and frequency of violations, ensuring proportional consequences. Funds collected through penalties can be reinvested into enforcement programs, community improvements, or public education initiatives.

The proposed framework of the ACP process includes a penalty structure, appeals process, increased opportunities for community education and outreach, and informed performance metrics. The process establishes a tiered system of fines based on the nature and severity of the violation, with escalating penalties for repeat offenses. It provides a clear and accessible process for violators to contest penalties, ensuring fairness and transparency and pairs penalties with public education campaigns to inform residents and businesses about code requirements and the importance of compliance. Finally the process ensures tracking and reporting on compliance rates, penalty revenue, and program effectiveness to ensure accountability and continuous improvement.

Cities such as Eugene, OR, and Bend, OR, have successfully implemented administrative civil penalties, leading to improved compliance rates and reduced enforcement costs. Their experiences demonstrate that this approach is both practical and effective.

Adding administrative civil penalties to Springfield's code enforcement toolbox will strengthen our ability to address violations efficiently, promote community well-being, and reduce strain on city resources. We request the City Council direct this initiative to proceed to a public hearing to enhance our enforcement capabilities and better serve our residents.

The Standard ACP Procedure:

1. **Complaint** A neighbor, resident, community member, or partner agency contacts the City to report a code violation. Administrative staff records the violation, determines jurisdiction, clarifies any required information, and assigns a response priority. Violations are assigned based on priority and a first inspection is scheduled for the next business day.
2. **Inspection:** Officers investigate, record results on a tablet, determine a responsible person, and issue a courtesy notice on-site if a violation is observed. A standard deadline is set for minor violations.
3. **Administrative Citation (ticket):** A ticket is issued for non-compliance following the issuance of the courtesy notice inspection result. Some tickets may be eligible for a "fix-it" resolution if justifiable reasons exist for non-compliance. Re-inspections occur periodically, and fines increase per the standard penalty matrix.
4. **Civil citation:** Once a threshold is met, the case transfers to the civil workflow process having already met the burden of "Prior Written Notice", a statutory determination of the Springfield Municipal Code, section 5.608. The standard civil enforcement process follows, a citation to the responsible person and notification to any other parties with standing in the property.

Specific highlights of the ACP process include:

- Improving efficiency, the new process aims to streamline enforcement by handling minor and clear violations administratively instead of in municipal court.
- Ensuring fairness and safeguards, such as notice requirements and the right to appeal, are in place to protect individuals from arbitrary or excessive penalties.
- Penalty assessment is determined at the time of citation using clear criteria, and liens may be applied for unpaid penalties tied to property-related infractions.
- Notification and access through proposed notification methods ensure individuals are informed of violations, though exceptions for minor or intentional infractions exist.
- Appeals process are in place. Residents have a 14-day window to protest citations, with hearings to be scheduled through a Hearings official to resolve disputes.
- Support for vulnerable residents through temporary waivers may be granted for those facing financial or other hardships, with specific criteria for eligibility.
- Public awareness through clear communication and outreach will be essential to educate residents about their rights and responsibilities under the updated code.
- Periodic review by regularly evaluating the new process will ensure it remains fair, efficient, and aligned with city goals.

Dangerous, Abandoned, or Derelict Structures:

The presence of dangerous, distressed, abandoned, and dilapidated structures poses significant risks to public safety, community well-being, and property values within Springfield. These structures often become hubs for illegal activities, pose fire hazards, and undermine the aesthetic appeal of our neighborhoods. To address these issues comprehensively, the code changes propose the addition of a specific code addressing these structures.

There are three key elements staff identified in the need for this code addition:

1. Public Safety Concerns
 - a. Hazardous Conditions: Unstable structures, exposed wiring, and unsecured access points increase risks of injury to residents, first responders, and children.
 - b. Fire Risk: Abandoned buildings often serve as gathering points for unauthorized occupants, increasing the likelihood of fires.
2. Community Impact
 - a. Decreased Property Values: Properties adjacent to neglected structures suffer diminished value, discouraging investment in affected areas.
 - b. Neighborhood Decline: These buildings often become eyesores, discouraging community pride and engagement.
3. Economic Costs
 - a. Increased Enforcement Burden: Addressing issues on a case-by-case basis strains current resources without a clear, enforceable framework.
 - b. Taxpayer Burden: Municipal resources are expended on repeated inspections and cleanups without recourse to recover costs.

Proposed Code Features

1. Definition and Classification
 - a. Clear criteria for identifying dangerous, distressed, abandoned, and dilapidated structures.
 - b. Tiered classifications to prioritize actions based on severity.
 2. Enforcement Mechanisms
 - a. Inspection Authority: Enhanced authority for inspectors to assess and document structural conditions.
-

- b. Owner Accountability: Requirements for owners to remediate or demolish non-compliant structures within specified timeframes.
- 3. Funding and Cost Recovery
 - a. Lien Authority: Allow the city to place liens on properties for costs incurred during remediation.
 - b. Grant Programs: Explore state and federal funding opportunities to assist with large-scale abatements.
- 4. Community Engagement
 - a. Proactive outreach to educate property owners on compliance and available resources.
 - b. Partnerships with community organizations to identify and prioritize problem areas.

Implementing a code addition targeting dangerous, abandoned, and derelict structures is a necessary step to safeguard Springfield's community. By addressing these issues comprehensively, we can enhance public safety, preserve property values, and foster a stronger, more vibrant community.

RECOMMENDED ACTION: Provide input on the proposed code changes and direct staff to proceed to a public hearing.

Recommendation

Direct city staff to draft an ordinance establishing administrative civil penalties and proposed Municipal code updates and proceed with a public hearing.

Code Amendments to Implement Administrative Enforcement & Penalties

Comment: The proposed changes to SMC 5.008 change the process for appealing a notice of administrative abatement from the City Council to the Hearings Officer. This allows for a more timely appeal process than requiring the hearing to be scheduled in front of the City Council. An abatement appeal hearing is an evidentiary hearing to review whether abatement is warranted, and the appropriateness of the scope of abatement proposed by city staff. A Hearings Officer is well-suited to conducting this type of hearing.

The proposed code also expressly provides that appeal from a hearings officer's decision is by writ of review to Lane County Circuit Court.

5.008 Abatement By a Person Responsible.

(1) Within 10 days after the posting and serving or mailing of the notice required by section [5.006](#), a person responsible shall remove the nuisance, show that no nuisance exists, or file a written protest in compliance with this section.

(2) If the person responsible protests that no nuisance exists, the person responsible shall file with the enforcing officer a written statement specifying the basis for protesting.

(3) A person may show that a vehicle is not a nuisance as defined by section [5.002](#) by submitting current proof of vehicle insurance and current vehicle registration within 10 days of the posting and serving or mailing of the notice to abate.

(4) A written protest shall be referred to the hearings officer. The objector shall be given at least seven days prior written notice of the time set to consider the abatement. The council shall take oral or written testimony at the time and place specified in the notice of the hearing. The council shall adopt written findings of fact and conclusions of law when determining whether a nuisance exists. The council's determination shall be final.

(5) If the hearings officer determines that a nuisance exists, a person responsible shall abate the nuisance within 10 days after the hearings officer's decision becomes final or within another time set by the hearings officer in writing.

(6) All appeals from the hearings officer's final decision under this section shall be by writ of review to the Lane County Circuit court pursuant to ORS chapter 34.

Comment: SMC 5.014 provides for the assessment of abatement costs. That section also includes appeal to City Council. This section is not proposed for amendment at this time given that it is a fiscal decision and not a decision to be based primarily upon an evidentiary hearing.

Comment: The intent of the city's code enforcement program to encourage voluntary compliance is not changing. The revisions to this section modernize the language and reflect that there are now two alternative means for code enforcement: (1) the civil enforcement program, which is through municipal court, and (2) the administrative enforcement program, which includes assessment of penalties by code enforcement staff and appeal to a Hearings Officer.

5.600 Intent.

It is the intent of sections [5.600](#) to [5.642](#) to encourage voluntary compliance with certain city ordinances through inspection, notification, and where appropriate, by granting reasonable time for compliance. When voluntary compliance is not obtained or it is not appropriate to grant more time for compliance, sections 5.600 to 5.XXX establish and implement a civil infraction procedure and scheduled forfeitures and administrative civil penalties for violation of certain ordinances. This ordinance is further intended to protect public health, safety, and welfare.

Comment: The changes to this section add in definitions for the person responsible for a code violation, to match the definition provided in the nuisance section. The changes also remove definitions that are not necessary: an infraction is already defined by SMC 5.604, and penalties and forfeitures are understood by their plain meanings and do not need a special definition.**5.602 Definitions.**

For purpose of sections [5.600](#) to [5.642](#), the following shall mean:

Person in Charge of Property An agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property or the supervision of any construction project.

Person Responsible. The person responsible for abating a code infraction includes:

- (a) The owner.
- (b) The person in charge of property as defined above.
- (c) The person who caused a nuisance to come into or continue in existence.

Comment: The changes to 5.604 below are not intended to change the overall scope of the code enforcement program. The existing list in SMC 5.604 is outdated and includes some violations that specifically state in the code that they are enforceable as criminal violations (i.e. police tickets), and also excludes some violations that are specifically state in the code are subject to civil or administrative penalties. Other changes to this section reflect updated code titles.

5.604 Application and Amendment.

A violation of the following ordinances by any person is punishable as an infraction under these sections 5.600 to 5.642:

(1) Springfield Municipal Code

(a) Chapter 3, Public Improvements:

Streets, sections [3.200](#) to 3.232

Curbs and Driveways, sections 3.250 to 3.260;

Sidewalks, sections 3.300 to 3.306

Sanitary Sewers, sections [3.350](#) to [3.382](#);

(b) Chapter 4, Utilities:

Industrial Pretreatment Program, Public Nuisances, section [4.080](#);

Septic Tanks and Privies, sections 4.300 to 4.308;

Illicit Discharge, sections [4.370](#) to [4.372](#);

Garbage and Refuse, sections [4.410](#), to [8](#) and sections 4.426 to 4.432;

Public Health and Sanitation, section [4.450](#);

Fountains, section 4.452;

(c) Chapter 5, Public Protection:

Nuisances in General, sections 5.000 to 5.002;

Miscellaneous Particular Nuisances, sections 5.050 to 5.056;

Public Safety, Ice, Snow on Sidewalks, section 5.124;

Public Safety, Bicycle Operation or Storage within City Hall, section 5.134;

General Welfare, sections [5.272](#) to [5.276](#);

(d) Chapter 7, Business;

(e) Chapter 8, Building:

Temporary Emergency Shelters for Persons Experiencing Homelessness, sections 8.000 to 8.015;

Signs, sections [8.200](#) to 8.268;

Land Drainage and Alteration Program, sections 8.400 to 8.4368;

(b) The Springfield Development Code;

(d) The state building codes and requirements as administered by the City of Springfield under ORS 455.148, subject to the requirements of ORS 455.157; and

- (e) The Oregon Fire Code as amended and adopted by the City of Springfield;

Comment: The changes to section 5.606 primarily reflect that there are now two different enforcement procedures: civil enforcement and administrative enforcement. The language below in green double underlined has been moved from other parts of the code for more logical organization.

5.606 Infraction Procedure.

(1) Except where explicitly provided otherwise in this code, all reports of infractions covered by this ordinance shall be made to the city manager. When an infraction is of a continuing nature, a separate infraction will be deemed to occur on each calendar day the infraction continues to exist, and a separate citation may be filed for each such infraction.

(2) The civil enforcement procedures described by sections 5.600 to 5.6SXX and the administrative enforcement procedures described by sections 5.6XX to 5.6XX are alternative procedures for enforcing the laws and ordinances of the City as provided in section 5.604. No person shall be cited for the same infraction under both procedures simultaneously, nor shall any person be subject to forfeitures and administrative penalties for the same infraction. However, nothing in this section prohibits the City from electing to use to different procedures for continuing or subsequent infractions by the same party, or arising from the same property. Furthermore, this section shall not be read to prohibit in any way any other alternative remedies set out in any other section of the code or in any other applicable law that is intended to abate or alleviate violations of city ordinances; nor shall the city be prohibited from recovering, in a manner prescribed by law any expense incurred by it in abating any infraction or nuisance pursuant to the code. Comment: This section adds prior written notice for administrative enforcement when the penalty is not more than \$100. Other changes to this section are for clarity and organization. There is no substantive change to the notice requirements for the civil enforcement process.

5.608 Prior Written Notice.

(1) When the infraction of an ordinance or code listed in section 5.604 is brought to the attention of the city manager, the city manager may determine that the responsible party be given written notice of the infraction. The notice

shall contain the following information:

(a) Sufficient description of the activity in violation to identify the recipient of the notice as being a person responsible for the alleged infraction;

(b) A statement that the activity in question has been found to be an infraction with a brief and concise description of the nature of the infraction;

(c) A statement of the action required to remedy the infraction and a date by which the remedy must be completed; and

(d) A statement advising that if the required abatement of the infraction is not completed within the time specified, a civil citation may be issued for the person to appear in court, that a complaint may be issued and filed with the municipal court, and that a forfeiture in

the maximum amount scheduled could be imposed. Alternatively, the notice may include a statement that if the infraction is not completed within the time specified, it may be subject to an administrative penalty under 5.630, and the maximum amount of administrative penalty that could be imposed.

(2) The city manager may dispense with the requirement of written notice under this section under any of the following circumstances:

- (a) If successive or ongoing violations occur at the same site, or the same party is responsible for more than one violation even if at different sites, such that the responsible party was previously provided notice of the nature of the infraction and remedy required;
- (b) If public health, safety, or welfare require immediate citation or assessment of a civil penalty;
- (c) If the city manager otherwise has reasonable cause to believe that the person responsible knowingly or intentionally caused the infraction.; or
- (d) If the amount of forfeiture or administrative penalty imposed is no greater than \$100 per infraction.

Comment: The changes to SMC 5.612 are minor revisions for clarity.

5.612 Civil Enforcement – Warning Citation.

In addition to, or as an alternative to the prior written notice allowed by section [5.608](#), the city manager may issue a warning uniform infraction citation prior to filing a complaint under section 5.614. The warning citation may be issued together with, or separate from, the notice contemplated by section [5.608](#). Failure to provide a prior written notice or a warning citation will not invalidate the uniform infraction citation and complaint. The warning citation shall include the information set forth in section [5.608](#) and must impose a deadline for compliance or abatement of the violation.

Comment: The changes to SMC 5.612 are intended to remove duplicative code language, and provide greater clarity by listing the complaint/citations requirements in one place in the code.

5.614 Civil Enforcement – Uniform Infraction Citation - Filing.

(1) Upon expiration of the time provided for compliance or abatement of a violation as provided in section 5.608 or 5.612, or when no prior written notice is required under section 5.608(2), the code enforcement officer may file a uniform infraction citation with the municipal court, charging the person responsible with a civil infraction and setting a date for the person to appear before the municipal court to answer the charge.

(2) The uniform infraction citation must include a complaint that contains at least the following:

- (a) The name of the person being cited as the person responsible for the infraction;

- (b) A statement or designation of the infraction that can be readily understood by a person making a reasonable effort to do so and the date, time, and place at which the infraction is alleged to have been committed;
- (c) A certificate signed by the enforcement that the officer has reasonable grounds to believe, and does so believe, that the person cited is the person responsible for the cited infraction; and
- (d) The date and time at which the person cited is directed to appear before the municipal court as provided in section 5.618(1), or else file a written answer as provided in section 5.618(2) or (3).

(3) The city manager shall prescribe the form of the uniform infraction citation. Additional parts may be inserted for administrative purposes by the code enforcement officer or as ordered by the presiding judge of the Springfield Municipal Court.

Comment: The changes to SMC 5.616 are minor revisions for clarity.

5.616 Civil Enforcement – Service.

Service of the warning citation or of the uniform civil infraction citation may be made cited by personal delivery to the person cited, or by certified mail return receipt requested and simultaneously by regular mail at the last known address of the person cited. Where service by certified mail is not accepted by the person cited, notice shall be deemed received on the date of attempted delivery. In addition, service in any manner provided for service of summons in Rule 7 of the Oregon Rules of Civil Procedure shall be deemed adequate.

Comment: The changes to SMC 5.618 are minor revisions for clarity.

5.618 Civil Enforcement – Answer.

(1) A person cited shall answer by personally appearing to answer at the time and place specified therein; except an answer may be made as provided in subsections (2) and (3) of this section by mail or personal delivery within 10 days of the date of the receipt of the citation.

(2) If the person cited desires to avoid that court appearance the person may within 10 days of the date of receipt of the citation admit the infraction, complete and sign the appropriate answer on the back of each citation and forward the citation to the municipal court together with check or money order in the amount of the forfeiture for the infraction alleged as shown on the face of the citation. The citation and forfeiture must reach the court prior to the scheduled court appearance. Upon receipt of the citation and forfeiture, an appropriate order shall be entered in the municipal court records. The burden of insuring delivery of the citation and forfeiture to the court pursuant to this subsection is entirely and exclusively upon the person cited.

(3) If the person cited denies part or all of the infraction prior to the time set for appearance, he or she may request a hearing by completing the appropriate answer on the back of the citation and forwarding to the municipal court the citation, together with bail in the amount of the scheduled forfeiture. Upon receipt, the answer shall be entered and a hearing

date established by the municipal court. The municipal court shall notify the person cited by return mail of the date of the hearing. Any such application must be submitted to the court within 10 days of receipt of the citation. The burden of insuring delivery of the application to the court pursuant to this subsection is entirely and exclusively upon the person cited.

Comment: The changes to SMC 5.620 are minor revisions for clarity.

5.620 Civil Enforcement – Municipal Court Hearing.

(1) A hearing requested under section 5.618(3) shall be held before the municipal court without a jury.

(2) The hearing shall be limited to production of evidence only on the infraction alleged in the complaint.

(a) Oral evidence shall be taken only on oath or affirmation.

(b) Hearsay evidence may be used for the purpose of supplementing, or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

(c) Irrelevant and unduly repetitious evidence shall be excluded.

(3) The person cited shall have the right to present evidence and witnesses in his or her favor and to cross examine witnesses who testify against him or her.

(4) If the person cited desires that witnesses be ordered to appear by subpoena, the person must so request in writing from the court by mail at any time at least 10 days prior to the scheduled hearing. A deposit for each witness to be subpoenaed shall accompany the request, such deposit to be refunded if no forfeiture is assessed by the court. The deposit shall be in the amount of equal to the witness fee allowed by statute for witnesses in circuit court. Subject to the same 10-day limitation, the code enforcement officer may also request the court that certain witnesses be ordered to appear by subpoena. In addition, subpoenas may be issued by the city prosecutor or the city attorney. If a forfeiture is ordered by the court, the order shall also provide that the person ordered to forfeit shall pay all witness fees incurred by the city in connection with the hearing.

(5) The defendant may be represented by counsel, but counsel shall not be provided at public expense. Counsel must file a notice of representation of the person cited with the municipal court five business days prior to the hearing date.

(6) The city shall have the burden of proving the alleged ordinance civil infraction by a preponderance of the evidence.

(7) After due consideration of the evidence and arguments presented at the hearing, the court shall determine whether the civil infraction as alleged in the complaint has been established. When the infraction has not been established, an order dismissing the complaint shall be entered in the municipal court records. When a determination is made that the civil infraction alleged has occurred, an appropriate order shall be entered in the municipal

court records. A copy of the order shall be delivered to the person named in the order personally in open court, or the order may be sent to said person by mail. When a civil infraction has been determined established, and upon written request by a party to the hearing, the order shall include a brief statement of the necessary findings of fact to establish the infraction alleged. The written request for findings must be presented to the municipal court prior to trial.

(8) Upon a finding that a civil infraction has occurred, the court shall assess a forfeiture pursuant to the schedule established in accordance with sections [5.600](#) to [5.642](#), plus court costs and witness fees.

(9) The court shall maintain a transcript of its proceedings. The transcript must contain a copy of all material entries relating to the proceedings together with all the original paper relating to the proceedings filed with the court.

(10) The determination of the municipal court shall be final. Any party to the litigation may appeal the court's order in accordance with ORS 221.350 and ORS 53.010 through ORS 53.130 to the district court within 30 days of entry of the municipal court ordering the forfeiture. If no appeal is taken to the district court within the 30 day time limit as required, the court may purge its record of all exhibits.

5.622 Civil Enforcement – Judgment and Forfeitures.

(1) If a cited person fails to answer the citation or appear at a scheduled hearing as provided in sections [5.600](#) to [5.624](#), a default judgment shall be entered for the scheduled forfeiture applicable for the alleged civil infraction. In addition, the court shall assess costs and witness fees, with any security posted to be credited first to costs, then to witness fees and the balance, if any, to the forfeiture. Nothing in this subsection shall be construed to limit in any way the contempt powers of the municipal judge granted by the Springfield city charter or state law, and the judge may exercise those powers deemed necessary and advisable in conjunction with any matter arising under the procedures set forth in sections [5.600](#) to [5.624](#).

(2) Any forfeiture assessed is to be paid no later than 10 days after the issuance of the court's order declaring that forfeiture. The period may be extended upon order of the municipal judge for good and substantial cause supported by clear and convincing evidence.

(3) Delinquent forfeitures, whether resulting from a default judgment or otherwise, which were assessed for infractions which occurred on real property or for improper use of real property, shall constitute a lien against the real property that shall be imposed on the real property pursuant to Section [5.640](#) (imposition of nuisance liens). When posted in the city lien docket, nuisance liens may be collected in the same manner as other docketed lien debts owing to the city.

(4) Nothing in this section shall limit the city from revoking or denying any city license or permit held or desired by a person owing a forfeiture to the city.

Comment: The changes to SMC 5.624 are minor revisions for clarity. For the purpose of assessing whether a violation is repeating, the reference to a bail forfeiture has been removed

and replaced with reference to a prior administrative penalty. No bail is charged for civil code violations or administrative penalties.

5.624 Civil Enforcement - Schedule of Forfeitures.

(1) Civil infractions are classified for the purpose of determining forfeitures under a uniform infraction citation into the following categories:

(a) Class 1 civil infractions.

(b) Class 2 civil infractions.

(2) Class 1 Civil Infractions. The following are Class 1 civil infractions:

(a) Failure to comply with any term of any voluntary compliance agreement as provided in section 5.610(5).

(b) If any person violates section [5.604](#) more than once in any 365 day period, the second violation, and each subsequent violation occurring within any 365-day period, constitutes a separate Class 1 violation.

(c) If section [5.604](#) is violated on any tax lot more than once in any 365-day period, the second violation, and each subsequent violation occurring within any 365-day period, constitutes a separate Class 1 violation.

(3) Class 2 Civil Infractions. The first violation in any 365-day period of section [5.604](#) by a person, or on any tax lot, constitutes a Class 2 violation.

(4) An assessment of a forfeiture for a civil infraction is an assessment to pay an amount not exceeding:

(a) \$1,000.00 for a Class 1 civil infraction;

(b) \$500.00 for a Class 2 civil infraction.

(5) For purposes of determining whether a person or property is a repeat violator for purposes of subsections (2)(b) and (c), the following shall give rise to a rebuttable presumption of a prior violation of section [5.604](#), which presumption may be overcome only by a showing of clear and convincing evidence:

(a) A voluntary compliance agreement;

(b) An order assessing an administrative penalty;

(c) A prior order entered by the municipal court assessing a civil infraction forfeiture; or

(d) Any civil judgment or criminal verdict entered in a court of competent jurisdiction which in the judgment of the judge of the municipal court reflects a violation of section [5.604](#). In making the determination, the judge may take into consideration any competent and relevant explanatory information, including but not limited to taking judicial notice of the court file and any record of the proceeding.

Comment: SMC 5.630 is a new section of code that provides the procedures and requirements for issuing an administrative citation, in lieu of pursuing enforcement in municipal court. Prior written notice will be required similar to civil enforcement in municipal court, under SMC 5.604. Exceptions to providing prior notice are for minor violations less than \$100, and for conduct that is clearly intentionally in violation (e.g. repeated citations).

5.630 Administrative Enforcement – Citation

(1) In lieu of filing a citation and complaint with the municipal court on the conditions provided in section 5.614(1), the code enforcement officer may serve the person responsible with an administrative citation under these sections 5.600 to 5.642.

(2) The administrative citation shall either be served by personal service, posted at the location of the code violation in a clear and conspicuous location, or by certified mail return receipt requested.

(3) The administrative citation shall include:

(a) The name of the person being cited as the person responsible for the infraction;

(b) A statement or designation of the infraction that can be readily understood by a person making a reasonable effort to do so, and the date, time, and place at which the infraction is alleged to have been committed;

€ A certificate signed by the enforcement officer that the officer has reasonable grounds to believe, and does so believe, that the person cited is the person responsible for the cited infraction; and

(d) The date on which prior written notice of violation was issued under section 5.608(1), and the date by which correction was to be made; or, if the citation is issued without prior written notice under section 5.608(2), a sufficient description and statement of the evidence supporting the citation;

€ The amount of the administrative penalty that is assessed;

(f) When applicable, a statement that abatement is required and that failure to abate the infraction may result in continued administrative penalties, accruing daily, at the stated amount until proof of abatement is received; and

(g) A statement that the person cited has the right to appeal the administrative citation to a hearings officer for the City of Springfield; and

Comment: This section establishes the standards for imposing administrative penalties. Unlike the civil enforcement process through municipal court, the amount of penalty is determined at the time the administrative citation is issued. The penalty is due two weeks after the citation date, unless the person cited protests the citation and asks for a hearing with the hearings officer.

5.632 Administrative Enforcement – Penalties.

(3) When assessing an administrative penalty under this code, the City Manager or code enforcement officer shall consider the following factors:

- (a) The past history of the person cited in taking all feasible steps or procedures necessary or appropriate to correct the infraction or failure to comply;
- (b) Any prior violations of or failures to comply with statutes, rules order and permits, by the person cited or arising upon the same property;
- (c) The gravity and magnitude of the infraction;
- (d) Whether the infraction was inadvertent, negligent, or an intentional act;
- (e) The cooperativeness of the person cited, and any efforts correct the infraction; and
- (f) Whether the infraction involves commercial or financial gain, or avoidance of a financial detriment, by the person cited.

(2) The City Manager may adopt guidelines for the assessment of administrative penalties, provided that the City Manager reserves the right to modify the assessment of penalties considering the factors provided in subsection (1) above.

(3) Unless a Notice of Protest is timely filed pursuant to section 5.6XX, all penalties assessed by administrative citation are due to the city no later than 5:00 p.m. local time, 14 days from the date of the administrative citation.

(4) Delinquent penalties that were assessed for infractions that occurred on real property or for improper use of real property, shall constitute a lien against the real property that shall be imposed on the real property pursuant to Section [5.640](#) (imposition of nuisance liens). When posted in the city lien docket, nuisance liens may be collected in the same manner as other docketed lien debts owing to the city.

Comment: This section requires a person cited to file a notice of protest if they want to appeal their administrative citation.

5.634 Administrative Enforcement – Notice of Protest

Any person who is issued an administrative citation may protest the citation and penalty. The Notice of Protest shall be in writing and specify each and every reason for the protest, and provide accurate information. A Notice of Protest is timely only if received by the city no later than 5:00 p.m. local time, 14 days from the date of the administrative citation.

Comment: This section provides the process for a hearing in front of the hearings officer, including how the hearing will be scheduled, who has the right to appear and what kind of evidence can be introduced, and the hearings officer's authority to uphold or dismiss the citation. If the hearings officer dismisses a citation, the city cannot issue another citation for the same violation (e.g. same person, same property, same day/time). If the hearings officer upholds a citation, the penalty is due within two weeks of the hearings officer's decision.

5.636 Administrative Enforcement – Protest Hearing

(1) Referral of Protests to Hearings Officer.

(a) Upon receipt of a timely and complete Notice of Protest under section 5.634, the City will refer the protest to a hearings officer designated by the city manager, who shall conduct a hearing and make all decisions concerning the protest. An untimely protest shall be summarily dismissed.

(b) The hearings officer shall set a date and time for the hearing at the earliest possible opportunity. The city shall promptly notify the person requesting the hearing, using the contact information provided in the Notice of Protest, of the time and place for hearing. Notice may be by any means of giving actual notice. Notice may also be given to any person determined to be an interested party in the matter.

(c) The hearings officer may reschedule the hearing for good cause shown. A request to reschedule must be in writing and received by the hearings officer no later than three business days prior to the scheduled hearing date. In deciding whether to reschedule a hearing, the hearings officer may consider medical necessity; the potential harm caused by a delay in the hearing; the number of requests made to date; and such other matters as the hearings officer deems relevant. If the request is granted, the hearings officer shall set a new hearing date and notify the city. The city shall notify the person requesting a hearing as provided in subsection (b).

(2) Conduct of Hearing.

(a) The code enforcement officer and the person requesting the hearing may submit testimony, cross-examine witnesses, submit rebuttal evidence on the pertinent issues, make arguments, and may choose to be represented by an attorney at their own expense.

(b) The hearing shall be recorded in a manner that allows for written transcription to be made; the city shall retain all materials submitted at the hearing as required by state law.

(c) The City bears the burden of proving the cited infraction(s), by preponderance of the evidence.

(d) If the person cited fails to appear at the hearing or rescheduled hearing, the person cited waives the right to a hearing.

(3) Final Decision.

(a) If the hearings official concludes that the City has not met its burden of proof, the hearings officer shall dismiss the administrative citation with prejudice.

(b) If the hearings officer concludes that the City has met its burden of proof, the hearings officer shall uphold the administrative citation and assess the administrative penalty. The hearings officer shall further direct the person cited to correct the infraction(s) and pay any monetary amount owed within 14 calendar days after the hearings officer issues the order, or another period of time ordered by the hearings officer.

(c) If the hearings officer determines that the basis for protest was unreasonable or designed only for purposes of delay, or the person cited does not appear at the scheduled hearing, the person requesting the hearing may be assessed the costs of the hearing, including

the cost of the hearings officer. Any such costs imposed by the hearings officer shall constitute a cost of abatement and collectable under subsection (3)(b) herein.

(d) The hearings officer shall mail or otherwise delivery a copy of the order stating the hearings officer's decision to the person cited, and to the city manager, care of the code enforcement officer.

(3) Finality of Decision, Appeals.

(a) The hearings officer's decision is the final decision of the City.

(b) Judicial review of a decision of the hearings officer shall be on the record by writ of review pursuant to ORS Chapter 34 and not otherwise.

Comment: This section provides optional authority for the City Manager to temporarily waive enforcement action in certain situations, which would suspend code enforcement for a specific period of time.

5.638 Adjustments to Penalties.

(1) The city manager or designee may establish criteria to grant a temporary waiver of enforcement action, which will give a period of time, but no longer than six months to correct the violation(s) cited without being subject to enforcement action. The criteria shall include factors such as the extent and cost of repairs, seriousness of the condition, medical condition of the person, financial capacity of the person, the time of year, or other mitigating factors.

(2) The manager may revoke the waiver if any of the conditions that allowed the owner to qualify for a waiver change. The waiver is not transferable.

Comment: There are no changes to SMC 5.625 and 5.626 below, except renumbering, but they are provided here for context.

5.640 Imposition of Nuisance Liens.

(1) The finance officer or his/her designee shall provide a notice of the imposition of a nuisance lien to the property owner, by certified mail, return receipt requested, and by regular mail. Where service by certified mail is not accepted by the property owner, notice shall be deemed received on the date of attempted delivery. In addition, service in the same manner as provided for service of summons in Rule 7 of the Oregon Rules of Civil Procedure shall be deemed adequate. The notice shall state:

- (a) The facts supporting the delinquent forfeiture;
- (b) The total cost of the delinquent forfeiture, including any assessment for administrative overhead;
- (c) That the cost as indicated will become a lien against the property unless paid within 30 days from the date of the notice;
- (d) The date and time of the city council hearing to impose the lien;

(e) That the property owner may submit written objections to the finance director by 5:00 p.m. the day of the hearing or by oral or written objections at the city council hearing.

(2) The property owner may be heard at the city council hearing. The city council shall not consider protests that no nuisance or delinquent forfeiture exists. The city council shall enact a resolution that the delinquent forfeiture shall be imposed as a lien on the real property where the violation occurred.

(3) The finance officer or his/her designee shall communicate the city council's resolution in writing to the property owner in the same manner as set forth in subsection (1).

(4) The lien shall become effective immediately.

5.642 Other Relief Preserved.

Nothing in sections [5.600](#) to [5.642](#) shall be construed as limiting the right of the city to seek damages, injunctive or other appropriate relief under Oregon law for the termination of conduct in contravention of the code or ordinances of the city. Nothing herein shall be construed as limiting the rights of the city to pursue its abatement procedure as set forth in sections [6.105](#) to [6.120](#), sections [5.000](#) to [5.018](#), or any other applicable law.

5.000 Definitions.

For the purposes of sections [5.000](#) through [5.012](#) the following mean:

Enforcing Officer. The city manager or his or her designee.

Hearings Official. The person as defined in Article 2, Section 2.020 of the Springfield Development Code.

Person in Charge of Property. An agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property or the supervision of any construction project.

Person Responsible. The person responsible for abating a nuisance includes:

- (a) The owner.
- (b) The person in charge of property as defined above.
- (c) The person who caused a nuisance to come into or continue in existence.

Public View. The nuisance is visible from public or private property, including from any upper story. [Section [5.000](#) amended by Ordinance No. 5938, enacted October 4, 1999.]

5.002 Nuisances Prohibited.

No person shall cause or permit a nuisance on public or private property and causing or permitting a nuisance constitutes an offense under this code.

(1) Public Health Nuisances

No person shall cause or permit on property owned or controlled by him or her, a nuisance affecting the public health. Nuisances affecting the public health include but are not limited to:

A. An accumulation of debris, rubbish, junk or other refuse that is not removed within a reasonable time and that affects the health or livability of adjacent residents. All household or solid waste shall be managed in accordance with the following:

- 1. All household waste shall be stored in leakproof containers with close-fitting covers.

2. Every person who generates or produces wastes shall remove or have removed all putrescent wastes at least every seven days. More frequent removal may be required to protect the public health.

3. Subsection [\(A\)\(2\)](#) of this section does not apply to waste removed through a City-approved waste removal program that is less frequent than seven days.

B. Stagnant water that affords a breeding place for mosquitoes and other insect pests.

C. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water.

D. Maintaining premises or keeping animals in such a state or condition as to cause an offensive odor or that are in an unsanitary condition.

E. Drainage of liquid wastes from private premises.

F. Conditions Attracting Vermin. Conditions upon a property or any premises that allow, attract or are likely to attract, feed or harbor rodents.

G. Odors. Premises in such a state or condition as to cause an offensive odor or in an unsanitary condition.

H. Privies, etc. A privy, vault, cesspool, septic tank or drain which emits a noisome and offensive smell, or which is prejudicial to public health.

I. Stagnant water. An accumulation of stagnant or impure water which affords or might afford a breeding place for mosquitoes or other insects.

J. Vegetation. Any vegetation on public or private property that:

(1) Is a hazard to pedestrian or vehicular use of a sidewalk or street by obstructing free passage or vision. The hazards include but are not limited to:

a. Vegetation that encroaches upon or overhangs a pedestrian way or adjacent curb strip.

b. Vegetation which obstructs motorist or pedestrian view of traffic, traffic signs and signals, street lights and name signs, or other safety fixtures or markings placed in the public way.

(2) Is a hazard to the public or to persons or property on or near the property where the vegetation is located.

(3) Is an obstruction of access to and use of any public facilities.

(4) Is an obstruction of drainage facilities in the public way, including but not limited to roadside ditches, street curbs and gutters, catch basins and culverts.

(5) The roots of which have entered a sewer, lateral sewer or house connection and are stopping, restricting, redirecting, or retarding the flow of sewage therein.

K. Sidewalk accumulation. An accumulation of leaves, snow, ice, rubbish and other litter or any other obstruction upon or of a sidewalk.

L. Sidewalks. No owner or person in charge of property shall allow a sidewalk abutting that owner's or person's property to fall into disrepair or otherwise in violation of applicable city sidewalk design standards.

M. Structure interiors. Failing to maintain the interior of a structure in a clean and sanitary condition and free from any accumulation of debris, rubbish, or garbage so as not to breed insects and rodents; produce dangerous or offensive gases, odors and bacteria, or create other unsanitary conditions; or create a fire hazard.

N. Other. Any other thing, substance, condition, or activity prohibited by state law, common law, this code, other ordinances, or which is determined by the council to be injurious or detrimental to the public health, safety, or welfare of the city.

(2) Attractive Nuisance

No owner or person in charge of property shall permit on the property:

A. This section shall not apply to permitted construction projects with reasonable safeguards to prevent injury or death to children.

B. Machinery, equipment, or other devices that are dangerous, accessible and pose a reasonable risk of injury to children.

C. Lumber, logs, pilings, or materials placed or stored in a manner so as to be dangerous, accessible and pose a reasonable risk of injury to children.

D. An excavation that remains open for an unreasonable length of time without adequate barriers.

E. A cistern, well, or any other similar type of hole that is dangerous, accessible, and poses a reasonable risk of injury to children.

F. An abandoned refrigerator or other appliance with an air-tight door that has a space large enough that a child or infant may be enclosed.

H. Off-street vehicle parking between the street and primary building, except for approved or permitted driveways and parking lots.

I. Storage or parking of vehicles in a residential zone which require a commercial license to operate.

3) Dangerous, Abandoned, or Derelict Structures

Definitions in the State Structural, Plumbing, Electrical and Mechanical Codes apply to terms not defined in this section. The words dwelling unit, dwelling, premises, structure, or building shall be construed as though they were followed by the words "or any part thereof." Definitions for the purpose of Section 5.002(3), the following shall mean:

Abandoned Structure. A structure that has been left vacant for a significant period of time, showing no signs of active use or occupancy, and is considered to be in a state of disrepair or posing a potential hazard to the public due to its condition,

Boarded Building. An unoccupied building that has been secured against entry by material such as plywood, boards, or other similar material placed over openings designed for access or which may permit access.

Occupancy. The purpose for which a building or portion thereof is used or intended to be used.

Occupant. Any person living or sleeping in a building; or having possession of a space within a building or premises.

Owner. Any legal owner or any person having charge, care or control of a premises.

Partially Constructed. A structure that has been left in a state of partial construction for more than six months or after the expiration of any building permit or that has not had a required permit inspection within any six-month period.

Person. Any individual or entity.

Vermin. Any animals detrimental to humans or human concerns including but not limited to insects, rodents, rats or vermin.

Premises. An area of land including any structures on the land.

Skilled Manner. Executed in a manner that is generally plumb, level, square, in line, undamaged, without marring adjacent work and completed in conformance with generally accepted construction and maintenance practices.

Unfit for Human Habitation. A structure is unfit for human habitation whenever the City Manager finds that such structure is in disrepair, lacks maintenance, is unsanitary, is pest infested, contains filth and contamination, or lacks ventilation, illumination, sanitation or heating facilities to the extent that habitation would be injurious to the health and safety of the occupants.

Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Unoccupied. Not being used for a lawful occupancy.

A. Dangerous, Abandoned, or Derelict Structures Prohibited.

No structure shall be occupied if it is:

1. A boarded building;
2. Partially constructed;
3. Abandoned;
4. Unfit for human habitation; or and unsafe structure;
5. An imminent hazard as declared by the City Manager.

B. Closing of Structures.

The City Manager may order that a structure be vacated for violation of this chapter. The order shall be posted on the structure and shall contain the information required in this chapter.

1. Prohibited Habitation. No person shall occupy or allow another to occupy a structure or premises if the City Manager has ordered vacation thereof, including any outbuildings, temporary or otherwise.

C. Removal of Order.

1. The City Manager shall authorize removal of the order when the violation has been eliminated.
2. No person shall deface or remove a posted order authorized in this chapter without the approval of the City Manager.

E. Temporary Safeguards.

In case of an immediate danger to public health and safety, the City Manager may summarily order boarding up of openings or other work to make a structure temporarily safe without following the procedures of this chapter, consistent with summary abatement in section 5.018 of this Code.

F. Dangerous, Abandoned, or Derelict Structure Registration.

The owner of a structure ordered vacated shall register the structure within 10 calendar days of the posting of the order by submitting a completed City registration form. The registration form shall include information relating to the location and ownership of the structure, the expected period of its vacancy, a plan for regular maintenance during the period of vacancy, and a plan for its re-occupancy and use, or its demolition. Any change in the information provided pursuant to this section shall be given to the City Manager within 30 days. When all violations have been

corrected, the owner shall contact the City Manager or designee and request an inspection to determine compliance.

G. Dangerous, Abandoned, or Derelict Structure Fees.

1. Every owner of a registered dangerous, abandoned, or derelict structure shall pay a nonrefundable quarterly fee for each identified structure. The fee is for each calendar quarter or portion of a quarter. The fee for the current quarter shall be paid with the submission of the registration form. Any payment of the fee that is more than 30 days past due is subject to a penalty of \$100.00. The fee per quarter shall be \$150.00 or other higher amount set by Council resolution.

2. Dangerous, abandoned or derelict structure fees shall be paid prior to the issuance of any permit for the demolition, alteration, or repair of a structure.

H. Waiver of Dangerous, Abandoned, or Derelict Structure Fees.

The City Manager may waive all or a portion of the fees imposed under this chapter, if the following conditions are met:

1. All delinquent fees and penalties have been paid in full;
2. A timetable for the repair or demolition of the structure has been submitted by the owner and approved by the City Manager;
3. All appropriate permits have been obtained for the repair or demolition of the structure;
4. The manager is satisfied that the repairs or demolition of the structure are being undertaken and will be prosecuted to completion in a timely fashion; and
5. The owner provides written authorization for the City to enforce all applicable trespass laws.

I. Abatement by Demolition.

1. In addition to the abatement remedies provided for in sections 5.006 through 5.018, the City Manager may request a hearing before the Municipal Court for the purpose of seeking authority to order the demolition of a dangerous, abandoned or derelict structure.

2. Upon receipt of a demolition request from the City Manager, the Municipal Court Clerk shall set the matter for prompt hearing before the Municipal Court and give the owner(s) and occupant(s) notice by personal delivery or certified mail of the date and time set for hearing. Notice shall also be posted on or near the dangerous, abandoned, or derelict structure. Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of an owner(s) or occupant(s) shall not render the notice void.

C. The Municipal Court may authorize the demolition of the structure if the City shows by a preponderance of the evidence that demolition would be in the public interest. The burden of proof shall be upon the City.

D. In determining whether a structure is so derelict as to require its owner to demolish the structure, the Municipal Court may consider the number and extent of the following factors:

1. Dilapidation;
2. Disrepair;
3. Structural defects noted by the Building Official or fire hazard noted by the Fire Marshal;
4. Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause serious damage or injury;
5. Uncleanliness;
6. Lawful operation of sanitary facilities;
7. The presence of a public nuisance; and
8. The history of unlawful activity in or around the derelict structure.

J. Failure to Follow Order to Demolish.

1. Whenever a demolition is not commenced by the owner within 30 days after an order to demolish, the City Manager may file with the Municipal Court a request to authorize the City Manager to have the demolition performed and the cost of demolition assessed as a lien against the property where the structure is located.
2. The Municipal Court Clerk shall set the request for prompt hearing, and cause notice of the hearing to be served via certified mail to the owner(s) and occupant(s). Failure of the owner(s) or occupant(s) to receive the notice or an error in the name or address of a owner(s) or occupant(s) shall not render the notice void.
3. At the hearing, the owner(s) and occupant(s) shall have an opportunity to show cause why the demolition should not be performed and the cost assessed as a lien against the property.
4. The cost of demolition and 10 percent charge for administrative overhead will be assessed in the manner provided in 5.014.

5.004 Inoperable Vehicles, Automobile Wrecking and Storage Yards.

(1) The Springfield Development Code prohibits automobile wrecking or storage yards in all zones excepting the heavy industrial zoning district and where a discretionary use approval has been granted. No person, firm or corporation, not being duly licensed by the state of Oregon, shall engage in the business of wrecking, dismantling, permanently disassembling or substantially altering the form of any motor vehicle within the city.

(2) No person, firm or corporation shall dismantle or wreck, in whole or in part, any motor vehicle body, or portions thereof, to remain upon any public or private property, and leaving of such dismantled motor vehicle body upon any public or private property within the city.

(3) No person shall store or permit the storing of an inoperable, abandoned, or discarded vehicle, or parts thereof, on private property unless it is completely enclosed within a building.

(4) This section shall not apply to: licensed motor vehicle wreckers who are not otherwise in violation of this code or the development code; or motor vehicle bodies stored or kept in a garage so that the bodies cannot collect water, cannot be accessible to children, and cannot otherwise become a public nuisance; or motor vehicles stored upon property consistent with a lawful industrial use under the Springfield Development Code

AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	01/06/2025
	Meeting Type:	Regular Meeting
	Staff Contact/Dept:	Mary Bridget Smith/City Attorney's Office
	Staff Phone No:	541-744-4061
	Estimated Time:	Consent Calendar
	Council Goals:	Mandate

ITEM TITLE:

Proclamation of General Election Results

ACTION REQUESTED:

Accept the November 5, 2024, General Election Proclamation for the election of Springfield Utility Board Member Positions 1, 2, 4 and 5.

ISSUE STATEMENT:

The City Attorney's Office (acting as Interim Elections Filing Office) has forwarded to the City Council, the Proclamation for the November 5, 2024, General Election for the election of Springfield Utility Board Member Positions 1, 2, 4, and 5.

DISCUSSION/FINANCIAL IMPACT:

Per Springfield Municipal Code section 2.275, within 40 days after an election and after receiving the vote tally for nominated or elected officers and measures, the Elections Filing Officer will proclaim to the City Council the candidates nominated or elected and measures approved. The City received the General Election Abstract from Lane County Elections on December 2, 2024. The City Recorder is generally the local elections filing officer for the City of Springfield, but this election cycle was completed by the City Attorney's Office due to staffing considerations. The statewide General Election was held on November 5, 2024, and candidates were elected to the positions of Springfield Utility Board Member Positions 1, 2, 4 and 5.

No formal action by the City Council to approve the Proclamation is required; the Council is requested to accept the Proclamation.

Attachments

- 1. Proclamation
- 1a. Official Abstract

PROCLAMATION

STATE OF OREGON)
County of Lane) ss.
City of Springfield)

I, Linda J. Craig, Interim Elections Filing Officer for the City of Springfield, Oregon, do hereby certify, in accordance with the provisions of the 2001 Charter of the City of Springfield, the Springfield Municipal Code, and the laws of the State of Oregon, the following candidates nominated or elected at the General election held on November 5, 2024:

David C. Willis was elected to the Springfield Utility Board Member Position 1 for a four-year term commencing January 1, 2025;

Teresa "Terri" Dillon was elected to the Springfield Utility Board Member Position 2 for a four-year term commencing January 1, 2025;

Ryan Thomas was elected to the Springfield Utility Board Member Position 4 for a four-year term commencing January 1, 2025; and

Bruce K. Webber was elected to the Springfield Utility Board Member Position 5 for a four-year term commencing January 1, 2025.

A copy of the official certified Abstract of Votes received from Lane County Elections summarizing votes cast for such offices is attached hereto.

BE IT FURTHER CERTIFIED that the total number of votes cast for each of the candidates were as follows:

For the Position of Springfield Utility Board Member Position 1
(4-year term commencing January 1, 2025, expiring December 31, 2028)

David C. Willis	16,537
Write-In	287

For the Position of Springfield Utility Board Member Position 2
(4-year term commencing January 1, 2025, expiring December 31, 2028)

Teresa "Terri" Dillon	16,315
Write-In	274

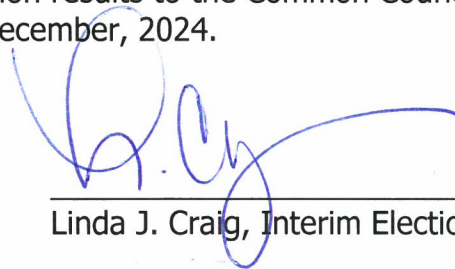
For the Position of Springfield Utility Board Member Position 4
(4-year term commencing January 1, 2025, expiring December 31, 2028)

Ryan Thomas	16,130
Write-In	274

For the Position of Springfield Utility Board Member Position 5
(4-year term commencing January 1, 2025, expiring December 31, 2028)

Bruce Webber	16,058
Write-In	264

I hereby proclaim the foregoing election results to the Common Council of the City of Springfield, Oregon, this 2nd day of December, 2024.

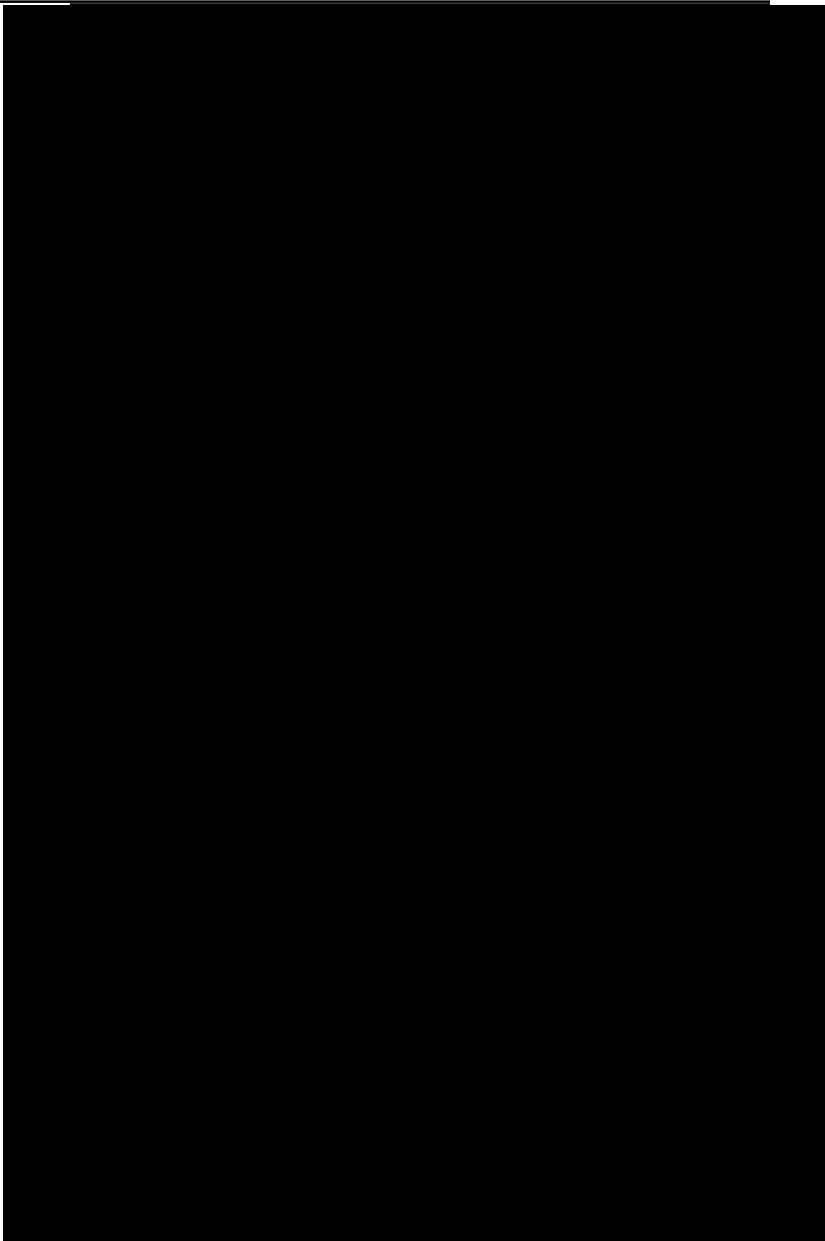


Linda J. Craig, Interim Elections Filing Officer

Statement of Votes Cast by Geography
Lane County, November 5, 2024 General Election
All Precincts, All Districts, All Counter Groups, All ScanStations, All Contests, All Boxes
Official Final Results
Total Ballots Cast: 213085

Page: 8 of 14

Choice	Votes	Vote %
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Springfield Utility Board Member Position 1 (Vote for 1)
30400 ballots (1 over voted ballots, 1 overvotes, 13575 undervotes)

David C Willis	16537	98.29%
Write-in	287	1.71%
Total	16824	100.00%
Overvotes	1	
Undervotes	13575	

Springfield Utility Board Member Position 2 (Vote for 1)
30400 ballots (0 over voted ballots, 0 overvotes, 13811 undervotes)

Teresa (Terri) Dillon	16315	98.35%
Write-in	274	1.65%

Statement of Votes Cast by Geography
Lane County, November 5, 2024 General Election
All Precincts, All Districts, All Counter Groups, All ScanStations, All Contests, All Boxes
Official Final Results
Total Ballots Cast: 213085

Page: 9 of 14

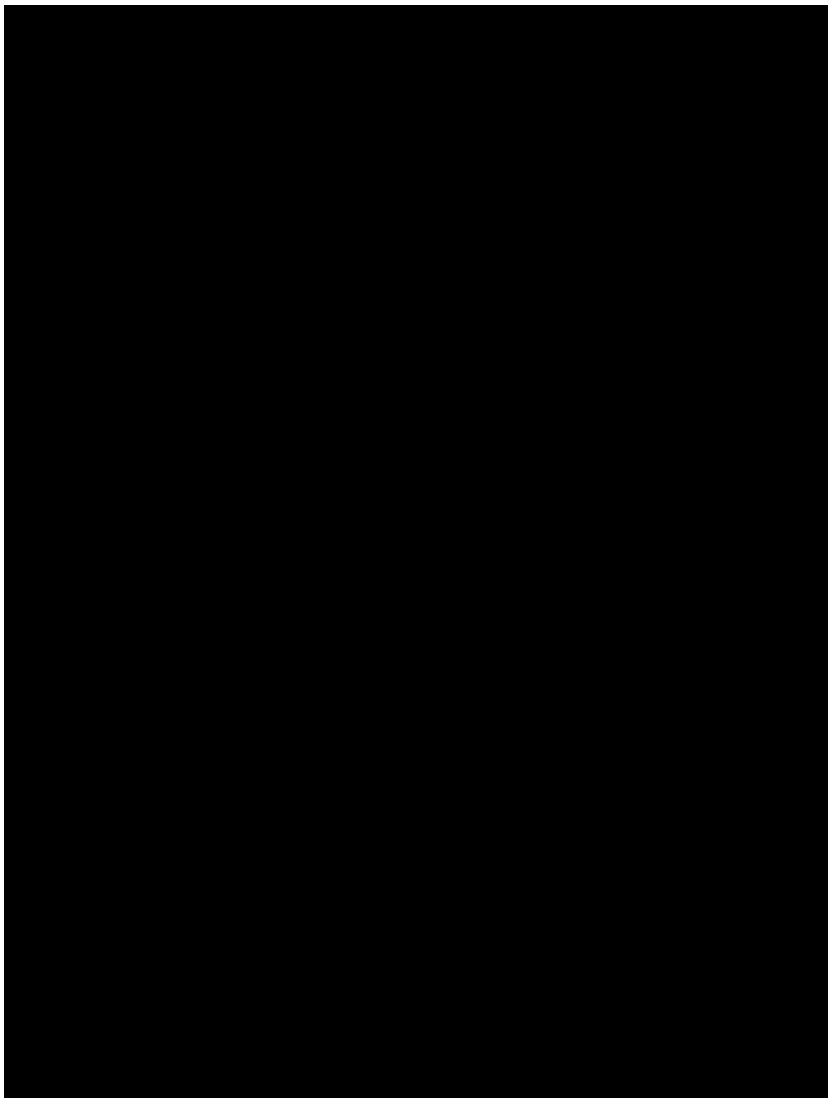
Choice	Votes	Vote %
Total	16589	100.00%
Overvotes	0	
Undervotes	13811	

Springfield Utility Board Member Position 4 (Vote for 1)
30400 ballots (0 over voted ballots, 0 overvotes, 13996 undervotes)

Ryan Thomas	16130	98.33%
Write-in	274	1.67%
Total	16404	100.00%
Overvotes	0	
Undervotes	13996	

Springfield Utility Board Member Position 5 (Vote for 1)
30400 ballots (0 over voted ballots, 0 overvotes, 14078 undervotes)

Bruce K Webber	16058	98.38%
Write-in	264	1.62%
Total	16322	100.00%
Overvotes	0	
Undervotes	14078	



Statement of Votes Cast by Geography
Lane County, November 5, 2024 General Election
All Precincts, All Districts, All Counter Groups, All ScanStations, All Contests, All Boxes
Official Final Results
Total Ballots Cast: 213085

Choice	Votes	Vote %



I certify that the votes recorded on this abstract correctly reflect the tally of votes cast in the November 5, 2024, General Election.

Dena Dawson, County Clerk
Lane County, Oregon

AGENDA ITEM SUMMARY S P R I N G F I E L D C I T Y C O U N C I L	Meeting Date:	01/06/2025
	Meeting Type:	Regular Meeting
	Staff Contact/Dept:	Allyson Pulido/City Manager's Office
	Staff Phone No:	541-726-3700
	Estimated Time:	5 Minutes
	Council Goals:	Mandate

ITEM TITLE:

Mayor/Council Committee Assignments

ACTION REQUESTED:

Mayor to confirm Mayor/Council board, committee and commission assignments.

ISSUE STATEMENT:

The Springfield Charter and Council operating policies require that the Mayor make and formally confirm Mayor/Council committee assignments.

DISCUSSION/FINANCIAL IMPACT:

Review and discuss the attached Council Committee assignments.

Attachments

1. List of Proposed Committee Assignments

2025 Springfield Committee Assignments

		Sean VanGordon	Michelle Webber	Steve Moe	Kori Rodley	Beth Blackwell	Victoria Doyle	Alan Stout
Committee Name/Staff Liaison	Meeting time	Mayor	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6
Art Commission/Mindy Linder	2nd Tues @ 5:30pm					x		
Bike & Ped Advisory Committee/Michael Liebler	2nd Tues/bi-monthly @ 6pm		x					
Budget Committee/Jessica Mumme & Nathan Bell	3-4xper yr/April-May		x	x	x	x	x	x
Chamber Liaison/Allie Camp	As Needed							x
Community Development Advisory Committee/Erin Fifield	3-4 times annually			x				
Emer Management Committee/Ken Vogeney	1st Thurs @ 2:30 p.m.							x
Finance & Judiciary/Nathan Bell	2-3 x per yr		x				x	x
Fire Governance Committee/Chief Mike Caven				x	x			
G St OASIS Steering Committee/Erin Fifield								x
Historic Commission/Tom Sievers	4th Tuesday/bi-monthly@4:30pm						x	
HOME Consortium/Erin Fifield	2-3 times annually	x			x			
HSC Exec Committee/Erin Fifield	monthly as needed		x		x			
Human Services Commission/Erin Fifield	3rd Monday @ 12:05 p.m.	a	x		x			
Council Human Service Qtrly Committee	Qtrly	x	x		x			
Lane Area Commission on Transportation (Lane ACT)/Drew Larson	2nd Wednesady @ 5:30 p.m.			x				
Lane Workforce Partnership/Allie Camp	2nd Wednesday 10:30a.m. to 12:00 p.m.		x				a	
LCOG	4th Thurs/Qtrly @ 6:00 p.m.				x			
Legislative Committee/Niel Laudati & Allie Camp	As Needed	x		x	x	x		
Library Advisory Board/Emily David	1st Tuesday@5:30 p.m.	x						
LOC Community & Economic Development Policy Committee	As Needed				x			
LOC General Government Policy Committee	As Needed				x			
LRAPA/Allyson Pulido	2nd Thursday@12 p.m.				x			
LTD Strategic Committee/Sandy Belson	Qtrly on the last Tuesday@5:30 p.m.					x		

MPC/Sandy Belson	1st Thursday @ 11:30 a.m.	x				x		
MWMC/Matt Stouder	2nd Friday @7:30 a.m.		a					x
Museum Committee/Maddie McGraw	3rd Tuesday@ 5:30 p.m.			x				
OMPOC/Sandy Belson	Qtrly Friday 9am-12pm							
Planning Commission/Sandy Belson & Sarah Weaver	1st&3rd Tuesday @6pm & 7pm						x	
Poverty and Homelessness Board/Erin Fifield	3rd Thursday@12pm						x	
SPAC/Tiffany Monroe	1st Thursday @6pm Every Other Month							x
Springfield Economic Development Agency/Allie Camp	As Needed	x	x	x	x	x	x	x
Springfield Utility Board	2nd Wednesday of each month at 6:00pm						x	
Travel Lane County/Allie Camp	1st Thursday@11:30am		x					
Travel Lane County Exec Committee/no staff assigned	3rd Wednesday@3:30pm		x					
		6	10	7	12	6	7	8

x= Primary

a= Alternante

AGENDA ITEM SUMMARY

Meeting Date: 01/06/2025
Meeting Type: Regular Meeting
Staff Contact/Dept: Mary Bridget Smith/City Attorney's Office
Staff Phone No: 541-744-4061
Estimated Time: 5 Minutes
Council Goals: Mandate

**S P R I N G F I E L D
C I T Y C O U N C I L**

ITEM TITLE:

City Council President Appointment

ACTION REQUESTED:

By motion, appoint a City Council President.

ISSUE STATEMENT:

The Springfield Charter and the City Council Operating Policies and Procedures provide that at the first regular meeting in January after each general election, the Council shall elect one of its members to serve as Council President.

DISCUSSION/FINANCIAL IMPACT:

The Council President shall serve for two years and function as Mayor when the Mayor is absent from a Council meeting, or the Mayor is unable to function as Mayor.
