

ORDINANCE NO. 4369

**AN ORDINANCE AMENDING PROVISIONS OF
CHAPTERS FIVE OF THE BEAVERTON CITY CODE
RELATING TO ASSESSMENT OF COSTS AND ENTRY OF LIEN**

WHEREAS, the City has the legal authority to and currently does enact and enforce reasonable regulations to preserve and protect the public safety and health; and

WHEREAS, Chapter 5 of the Beaverton Code is titled “Public Protection” and specifies many conditions that the City Council has decided are public nuisances and the due process for the City to abate those nuisances, if necessary; and

WHEREAS, Section 5.05.215 of the Beaverton Code provides the process for the City to recover the costs of abating nuisances on private property by placing liens on private property; and

WHEREAS, the City seeks to make certain changes to this process in order to make it more efficient and effective by assigning responsibility for the various steps in the process to the most appropriate departments in the City that can best carry out those steps, while still providing adequate due process for parties affected; Now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. BC 5.05.215 is amended by striking the existing text and inserting:

5.05.215 Assessment of Costs and Entry of Lien.

A. The code enforcement officer, by certified mail and regular first class mail, postage prepaid, shall send to the owner and the person responsible a notice stating:

1. the total cost of abatement pursuant to BC 5.05.015 including the cost of administrative overhead minus any salvage value pursuant to BC 5.05.210, subsection B;
2. that the cost as indicated will be assessed to and become a final lien against the property unless paid within 30 days of the date of mailing of the notice;

3. that for the period until the 30 day notice has lapsed, the finance director shall temporarily enter the cost of abatement into the City's lien docket;

4. that if the property owner or the person responsible objects to the cost of the abatement as indicated, a written notice of objection may be filed with the City finance director not more than ten days after the date the notice was mailed.

In the event that the certified mail and regular first class mail, postage prepaid, is returned to the City by the postal service, then the code enforcement officer shall post the notice on the property in question or publish the notice two times in a newspaper of general circulation.

B. If an objection is received on or before the expiration of ten days after the date the notice was mailed, or the date the notice was posted or published, whichever is later, the finance director, in the regular course of business, shall hear any timely objection and determine the costs to be assessed. The finance director's determination shall be by written order.

C. The property owner or person responsible may appeal the finance director's decision to the City Council by making a written request to the city recorder within ten days of the finance director's determination. If the costs of the abatement are not appealed in a timely manner and not paid within 30 days from the date the notice was mailed, or the date the notice was posted or published, whichever is later, then an assessment of the costs of abatement shall be entered into the City's permanent lien docket and shall become a final lien on the property from which the nuisance was abated. In the event of a timely objection or appeal, the assessment, if any, shall be entered upon conclusion of the objection or appeal process.

D. The lien shall be enforced in the same manner as liens for street improvements and shall bear interest at the rate established by Council resolution pursuant to BC 1.01.020. The interest shall begin to run from the date of the entry of the lien in the lien docket.

E. The City may include in one foreclosure proceeding as many accounts as the City may have against separate properties for abating nuisances pursuant to this chapter and may proceed to assess and collect single lot assessments against each of them in a single proceeding.

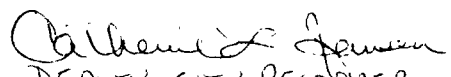
F. An error in the name of the person responsible shall not void the assessment, nor will a failure to receive the notice of the total cost of abatement render the assessment void, but it shall remain a valid lien against the property.

First reading this 10th day of October, 2005.


Passed by the Council this 17th day of October, 2005.

Approved by the Mayor this 18th day of OCTOBER, 2005.

ATTEST:


DEPUTY CITY RECORDER for
SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor