



City of Yachats  
PO Box 345 (441 Highway 101 N.)  
Yachats OR 97498-0345

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[cityhall@YachatsMail.org](mailto:cityhall@YachatsMail.org)

COMPLAINT FORM - Nuisance, Land Use, or other Code Violations

Name of Complainant: TONY MOONEY  
(Person filing this complaint)

Mailing Address: P.O. Box 1285 - WACHAT, OR Phone Number: 541-547-4934

Name of Defendant: MALE & FEMALE TRANSIENTS RESIDING @ THE COMMONS.  
(Person against whom this complaint is made)

Address where violation occurred: ON THE BOARDWALK NEAR W. 4TH ST.  
(Nearest house number or intersecting street, if no address)

I have reasonable grounds to believe that the named Defendant did unlawfully violate:

- ☒ Title 5, Chapter 5.08 – Nuisances – City of Yachats Municipal Code  
☐ Title 9 - Zoning and Land Use – City of Yachats Municipal Code  
☐ Title \_\_\_\_\_ - City of Yachats Municipal Code

I observed this offense at approximately 5:30 a.m./p.m. on the 22 day of SEPTEMBER,

2017. (Multiple offense dates, if applicable: \_\_\_\_\_)

This offense occurred within the municipal boundaries of the City of Yachats, Oregon, at this address: ON THE BOARDWALK, E 200 FT FROM W. 4TH ST - SEATING AREA AT THE SPRUCE TREE

Or near this address or intersecting street: \_\_\_\_\_

Write a plain and concise statement of the facts constituting the offense:

(PLEASE SEE ATTACHED)

I further declare and certify that the above information is true and correct to the best of my knowledge. I further state that I understand that, as the Complainant, it may be necessary for me to testify in Yachats Municipal Court, as such.

Tony Mooney  
Complainant

9/27/17  
Date

PLEASE ATTACH ANY APPLICABLE PHOTOGRAPH(S)

NOTICE: Once filed, this document becomes public information, and may be used in Court.

**DATE: 09/22/2017**

**RE: Transient Harassment**

**Possible Violation of Titles 5.08.120 (Scattering Rubbish) and 5.08.180 (Unenumerated Nuisances)**

**While walking home from work on the boardwalk near 4<sup>th</sup> St, on above date at about 0830, I came across a bunch of garbage that had been strewn about in the center of the boardwalk in the area of the Big Spruce. Stuck in the railing of the boardwalk was a large knife with about a 7 inch blade-amongst the debris was two more large knives and a small pocket knife. The other items were food items out of the wrappers, beer bottles, paper napkins (that had been tossed into the pond), tobacco and cigarette butts.**

**After picking up all of the garbage above and putting it in a garbage bag that was laying in the middle of the boardwalk and removing the knife (I knew that children from the nearby school would be playing there later), a female and a male emerged from the area of the covered area and on to the trail and confronted me stating, "what are you doing with our sh#t?"**

**I said, "I'm picking up the garbage that you people left."**

**At this time, the male advanced and continued to walk towards me. The male-about 5' 8", 160, brown hair blue eyes wearing a brown baseball cap with a feather in it continued to yell expletives at me. I told him to stop and threw his garbage bag (or apparently his) to his left. He continued to advance and at the same time, reaching for something in his waist band (I could see nothing). During this time, the female tried to circle behind me. The female is about 5'10", 160, blond, blue eyed wearing a black plastic coat with Sherpa lining and jeans.**

**I then yelled "Hey, stop, or I'm calling the police and then you're going to jail"-I continued to back up with hands raised at that time. He continued to step towards me, I stepped back and called for police on my radio advising that I was being harassed and the man has access now to knives. At this point, the female walked quickly away onto the ball field and the male then continued to advance and insisted on shaking my hand-I declined for safety reasons. The man eventually turned and walked away, black garbage bag in hand.**

**I was shaken up pretty good and fearful as now, he has access to weapons as I gave him back his bag.**

**I then backed down the boardwalk and went home as dispatch told me to make contact with Dep. Davies.**

**I made phone contact and gave a description, changed into street clothing (as I had been off duty this whole time) and returned on my own to 4<sup>th</sup> St as I assumed that I would be needed to ID these people. Dep. Davies had stopped the female. I could hear her ranting about how I “stole” her tent and supplies. Dep. Davies then motioned me over-I got out of my private car and went over. She continued to rant as I walked up- I then removed my sunglasses, and Dep. Davies had her identify me as the one who “stole” her tent and “sh#t”. She then said, “that’s the f#\*kin f@g#t that stole my sh#t”.**

**I then said I didn’t take “your sh#t”-Davies then asked her about the other guy-I didn’t hear the response as I turned and left as she continued to call me expletives as I walked away.**

**I talked to Dep. Davies on the phone later, and his only report back to me was that he had spoken to both of them and I should have just walked away instead of being confrontational about their garbage.**

**I encountered the male and female while walking on the boardwalk later that day (about 3pm). I was walking on the boardwalk to see if the two had left. They were sitting on the marble bench at the ballfield and yelled at me “Hey, you’re the f#ckin guy from this morning!”**

**I said with arms raised desperation and somewhat fearful - “Yup, I am!”**

**Then they both began running to meet me at some juncture of the boardwalk, while I continued my jog in another direction. They continued to yell expletives at me as I continued through the forest with them attempting to pursue me.**

**Submitted,**

**Tony Mooney**