

Code Enforcement Officer Report September 2010

September was another busy month. City Council approved additional hours for the position at their September meeting. Those hours were needed, not only for normal increased workload, but a couple of special situations that require daily monitoring. In addition, there have been 63 citations issued requiring Municipal Court Hearings. One citation was resolved with a forfeiture of the fine and a waiver of a Municipal Court Hearing.

The other citations involve an alleged unlicensed vacation rental and are still in litigation. If the defendant does not have an Attorney, our Municipal Court Code does not allow our City Attorney to represent the City. That role fell to me.

Each Hearing takes much preparation time. Evidence must be documented, organized and duplicated for the judge and defendant. The argument must be prepared and responses for unanticipated questions need be thought out.

The City won a small victory last Friday, September 24 in the City of Yachats vs. Yount Municipal Court Hearing. The City won full forfeiture on three citations, \$600 each plus a State mandated \$45 charge per guilty verdict, \$1,935 total.

Ten additional citations had a full Hearing. The Judge will render his verdict this week. If guilty, the sentencing (fines) will take place on October 22, 9:00 AM in the Civic Meeting room. There are an additional 49 citations that will also have a full hearing. The Hearing on Friday took four and half-hours.

I want to give special mention to Debrah Edwards. She was assigned the duty of Court Clerk. She was responsible for maintaining all reports, preparing the citations, notifying the judge

and defendant, dealing with the process server (who called the defendant to see if he would accept the papers. He said no.) She kept record of the Hearing and handles the final paperwork on the judgment.

This was the first Municipal Court experience for both Debrah and myself. Both of us are willing to attend a training session, if and when it is available.

We worked well together and celebrated our first two successes. Debrah did an excellent job.

Other Code Enforcement items:

8/31 Received concerns regarding work going on o Gender Creek. Notified City Planner.

9/2 Demolition started on mobile home at the end of W. 4th Street.

9/2 Did a walk around Sea Aire Assisted Living and identified a large infestation of Himalayan Knotweed. Notified Josh Lambert, Lincoln Soil and Water Conservation District.

9/2 Talked to property owner on E 3rd Street regarding overgrown yard and derelict building. Not much cooperation. Might require a letter and deadline from the City. Fire danger potential is very high and endangers neighboring residences.

9/3 Demolition of mobile home on W 4th Street complete. Debris is being hauled away.

9/5 Continue to monitor Quiet Water Riparian zone. No new mowing.

9/5 Continue to monitor 380 Spruce Street, new occupants

9/6 Himalayan Knotweed on ODOT right of way at Yachats Ocean Road and Highway 101.

9/7 Attended Council work session

9/7 Cleaned up garbage on W. 4th Street vacation rental, probably a bear.

9/8 Received a complaint about clearing vegetation on creek behind Fisterra and work on damming the creek. Talked to the maintenance person. A letter was sent out to all residents from the Housing Authority prohibiting such activity.

9/8 Talked to property owner on Marine Drive. Growing a large Spanish Broom, which is listed on the invasive list.

9/8 Attended City Council meeting

9/11 Attended and presented at Quiet Water informational meeting.

9/12 Began monitoring two residences, possible illegal vacation rentals.

9/14 Bear in garbage at vacation rental on Ocean View Drive. Cleaned it up.

9/14 Quiet Water, work beginning on paths between cabins.

9/15. Checked out illegal dumping on cull de sac off of Horizon Hill Road, Keenah Lane, construction debris.

9/16 Cleaned up illegal dumping on Keenah Lane. No personal ID.

9/16 Quiet Water, work started on river trail. Seems to be following existing trail.

9/21 Met with City Attorney twice in preparation for Municipal Court Hearing.

9/22 Prepare evidence for Hearing.

9/23 Report of break-in on Driftwood Lane. Sheriff investigating.

9/24 Municipal Court Hearing, 4-1/2 hours.

9/25 No one answers the door at E. 2nd Street house. Car in lot. Trailer in lot and windows open.

9/26 Continuing confrontations on Driftwood Lane and Marine Drive.

9/26 Dumpster Diving signages replaced. New problems occurring between same participants.

9/27 More confrontation on Driftwood Lane and Marine Drive. Advised to keep log and report to Sheriff.

9/28 Checked out Hwy. 101 S. home. Does have a Transient Rental license.

Donald W. Niskanen
Code Enforcement Officer