

Code Enforcement Report
October 2010

The nice stretch of weather brought out quite a few contractors trying to finish work before the weather changes. Several were not licensed and have since taken care of that minor detail.

Debrah Edwards and I attended the Fall Conference of the Oregon Association for Court Administration (OACA) in Bend, OR. This two and a half day conference was very interesting and helpful. Two speakers stand out. Ms. Leigh Anne Jasheway from Eugene led a two-part seminar on "Too Much Stress is Criminal". She was very engaging and had all 90 of the delegates participating in the exercises. She would be an excellent speaker to bring to Yachats for City Staff, Commissions and interested citizens.

Attorney Thomas Langhouse from Richmond, VA led a four-part seminar on the Purpose and Responsibilities of Courts. Starting with the Magna Carta, Mr. Langhouse traced the history of the development of our own Bill of Rights and the United States Constitution. Significant Supreme Court rulings were cited to show the development of the U.S. Judicial system, its uniqueness and its potential.

This was a great opportunity to network with other Court systems throughout the State. Some representatives were from small communities similar to Yachats, others from larger communities that have a standing Court system.

The Spring Conference will be held in Newport on April 17 – 19, 2011.

My month came to a close with a six and a half hour Municipal Court Hearing regarding the ongoing Spruce Street Transient rental issues. The City was awarded guilty verdicts on the 10 citations litigated last month with full forfeiture on all 10 citations, \$6,000 plus a state mandated \$45.00 per guilty verdict, \$450. The Judge suspended \$3,000 of the fine, if there were no further citations that resulted in a guilty verdict in the next 180 days.

These Court Hearings are time consuming in preparation of materials, gathering of evidence, developing the City's argument and the Hearing itself. The nature of this Hearing and its participants make it even more stressful. I continue to represent the City, since the Defendant does not have an Attorney. I find it very interesting with a rather steep learning curve.

The City has been successful in 13 out of 13 citations that have been litigated and judgments rendered, all with full forfeiture. 49 additional citations were litigated on Friday and I served the Defendant two more citations. Sentencing on the 49 and Hearing on the two will take place on December 3, 9:00 AM.

Other monthly activities included:

- Tagged vehicle parked on W. 4th Street. It already had tags from one of our local churches. The tags were removed the next day. I replace the tags and the vehicle was removed the next day. I have not seen it anywhere in town.
- Wrote a letter of the chronology of events regarding the Driftwood Lane/Marine Drive neighbor dispute.
- Took photo and submitted a Statement of Fact on three chickens and one rooster on private property within City Limits.
- Checked out reported visual barrier on Shell Street. The bush blocks vision of oncoming vehicles heading north on Shell Street. A letter was sent to the property owner, He called the office and I discussed the situation with him. He is recovering from surgery and will deal with the problem, when he returns to Yachats.
- I continue to monitor two Transient Rental units on almost a daily basis.
- I continue to monitor the Quiet Water Riparian Area. The recent improvements to the gravel path, river trail, were done in a very sensitive manner and did not impact the Riparian zone. The improvements to the inner cabin paths and parking lots make it much safer. There have been no violations of the Riparian Ordinance.
- I also do weekly check up Horizon Hill road after finding construction debris. No more illegal dumping, but I have noticed multiple plantings of Butterfly Bush, which is on the Invasive Species list.
- Copied evidence to be submitted to the Court and sent it to the Defendant as ordered by the Court.
- Worked on presentation and argument for the Transient Court Hearing.
- Attended six hour-long Council work sessions.
- Attended four hour-long Council meeting.
- Attended OACA conference in Bend, OR
- Transient Rental Municipal Court Hearing.
- Served citation regarding chickens and rooster on private property within City Limits.

Respectfully Submitted,

Donald W. Niskanen
Code Enforcement Officer
City of Yachats