

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Crime Property Ordinance

<p>Background:</p> <p>The second reading of amendments to the County Crime Property Ordinance is set before the Board. The amendments expand the list of activity that would fall within the application of the ordinance, and also include activity with 400 feet of the property. The first reading was on March 15, 2023. Following the public hearing, the ordinance can be adopted.</p>	<p>Requested Action:</p> <p>(1) Second Reading – Public Hearing</p> <p>(2) Adopt Ordinance No. 2023-03</p>
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ATTACHMENTS: Proposed Ordinance

*****For Internal Use Only*****

Checkoffs:

- () Dept. Heard (copy)
- () Human Resources (copy)
- () Fiscal
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:

Needed at Meeting:

Scheduled for meeting on: April 5, 2023

Action taken:

Follow-up:

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amendment)	
to Crime Property Ordinance,)	
codified at Chapter 101)	ORDINANCE NO. 2023-03
Umatilla County Code of)	
Ordinances)	

WHEREAS Oregon law prohibits certain offenses against health and other public nuisances;

WHEREAS ORS 105.550 to 105.600 provide a means to abate nuisance activities or conditions;

WHEREAS, on May 21, 2008, the Board of Commissioners adopted Ordinance No. 2008-03, to protect public health and safety and prohibit public nuisances by adopting a process to address properties that are public nuisances due to the property being a site for on-going and repeated criminal behavior;

WHEREAS ORS 105.600 allows local governments to adopt ordinances and regulations that further restrict activities declared to be nuisances;

WHEREAS staff has identified a number of sections that should be updated and further clarified.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following amendment to Chapter 101 of the Umatilla County Code of Ordinances, to amend as follows (Strikethrough text is deleted; Underlined/Italicized text is added:

Section 101.02. Definitions

As used in this ordinance, except as the context otherwise requires:

(5) "Specific Crime Property" means any kind of real property which, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause does exist that possession, manufacture, or delivery of a controlled substance or precursor or related offenses as defined in ORS 475.005 or 475.940 through 475.995 has occurred within the previous

90 days, and the County or Sheriff's Office has determined that the search warrant was based on evidence of continuous or repeated nuisance activities at the property, or any kind of real property or within 400 feet of such real property upon which three or more separate factual incidents occur during any 90 day period that involve any of the below listed behaviors and that have been independently investigated by any law enforcement agency:

- (a) Crimes involving controlled substances as defined in ORS Chapter 475 and 475C;
- (b) Gambling or Lottery as defined by ORS 167.117;
- (c) Prostitution as defined by ORS 167.007;
- (d) Harassment as defined by ORS 166.065, excluding provision 1(b);
- (e) Intimidation as defined by ORS 166.155, excluding provision 1(a);
- (f) Disorderly Conduct as defined by ORS 166.025;
- (g) Unlawful use of a weapon as defined by ORS 166.220;
- (h) Noise disturbance as defined in Umatilla County Code of Ordinances Chapter 96;
- (i) ~~Minor in possession of alcohol as defined by ORS 471.430~~
Alcohol liquor violations as defined by ORS 471.001 through 471.482;
- (j) Assault as described by ORS 163.160 through 163.185;
- (k) Sexual Abuse as defined by ORS 163.415 to 163.427;
- (l) Public indecency as defined by ORS 163.465;
- (m) Trespass as defined by ORS 164.245 to 164.265;
- (n) Criminal mischief as defined by ORS 164.345 to 164.365;
- (o) Theft by Receiving as defined by ORS 164.095; or
- (p) Unauthorized Use of a Vehicle as defined by ORS 164.135 or Possession of a Stolen Vehicle as defined by ORS 819.300;
- (q) Public Indecency as defined by ORS 163.465;
- (r) Offensive littering as defined by ORS 164.805;
- (s) Arson or related offenses as defined by ORS 164.315 through 164.335;
- (t) Any attempt to commit (as defined by ORS 161.405), or conspiracy to commit (as defined by ORS 161.450), any of the above activities, behaviors, or conduct;
- (u) Any violation of §96.01 through §96.05 relating to noise control;
- (v) Curfew as defined by ORS 419C.680.

FIRST READING: March 15, 2023

SECOND READING: April 5, 2023

DATED this day of , 2023.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Daniel N. Dorran, Chair

John M. Shafer, Commissioner

Celinda A. Timmons, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer