

DIVISION FIVE -- VACANT RESIDENTIAL PROPERTY REGISTRATION  
[Adopted as Division Five of Article Eleven on  
November 20, 2018]

SECTION 11.05.010

PURPOSE AND POLICY

The purpose of this ordinance is to protect the health, welfare, and safety of the citizens of Coos County by protecting neighborhoods and communities from becoming blighted through the lack of adequate maintenance and security of vacant properties.

SECTION 11.05.020

DEFINITIONS

For the purpose of this Division the following terms shall apply:

- (1) Borrower means any person who becomes obligated on a real property loan agreement, either directly or indirectly, and includes, but is not limited to, mortgagors, vendees under conditional land sales contracts, and grantors under trust deeds.
- (2) Evidence of vacancy means any condition that on its own, or combined with other conditions present, would indicate to a reasonable person, when considering the totality of the circumstances, that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk and/or debris; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation; evidence of trespass or criminal mischief; or statements by neighbors, passerby, delivery persons, or others that the property is vacant.
- (3) Lender means person who makes, extends, or holds a real property loan agreement and includes, but is not limited to, mortgagees; beneficiaries under trust deeds; vendors under conditional land sales contracts; trustees and a successor in interest to any mortgagee, beneficiary, vendor, or trustee. The term also includes any mortgagee, beneficiary, or trustee that accepts a deed in lieu of foreclosure.
- (4) Notice of Default means a written notice to a borrower stating that a default on a real property loan

agreement has occurred and that legal action may be taken.

- (5) Out of area means any person outside of Coos County shall be deemed "out of area" for the purposes of this Division.
- (6) Person means any public or private corporation, local governmental unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity, contractor, subcontractor or combination thereof.
- (7) Real property loan agreement means any agreement providing for a loan on residential property, secured in whole or part by real property located within Coos County, or any interest therein, and includes, but is not limited to mortgages, trust deeds and conditional land sales contracts.
- (8) Vacant means any property that is not legally occupied.

#### SECTION 11.05.030

#### INSPECTION

- (1) Immediately upon default of the borrower under the terms of any real property loan agreement, and in no event later than recording any notice of default with the Coos County Clerk's Office, a lender shall perform, or cause to be performed, an inspection of the property that is the security for the applicable real property loan agreement.
- (2) If inspection reveals that the property is vacant, or shows evidence of vacancy as defined in Coos County Code 11.05.020(2), the lender shall, within fourteen (14) days of inspection, register the property with the Coos County Planning Department.
- (3) If the property is occupied but the borrower remains in default of the real property loan agreement, the property shall be inspected by the lender on a monthly basis until the borrower remedies the default. If any subsequent inspection shows that the property is vacant or shows evidence of vacancy, the lender shall, within fourteen (14) days of the inspection, register the property with the Coos County Planning Department.
- (4) This ordinance also applies to properties that have been the subject of a foreclosure sale where title has transferred from one lender to another lender; and a property transferred under a deed in lieu of foreclosure.

SECTION 11.05.040

REGISTRATION

- (1) The vacant property registration required pursuant to this Division shall contain the following information:
  - (a) The name of the lender;
  - (b) The mailing address of the lender;
  - (c) The direct contact name and phone number for the lender;
  - (d) The physical address for the lender's agent authorized to receive service of process, if applicable; and
  - (e) The direct contact information of the local property management company responsible for security, maintenance and marketing of the property, if applicable.
- (2) There shall be no registration fee. A lender who has registered a property under this ordinance shall report any change of information contained in the registration under subsection (1) above within ten (10) days of the change. Properties subject to this ordinance shall remain under the registration requirement as long as the property remains vacant.
- (3) Registration forms shall be available at the Coos County Planning Department and online at the Coos County Website.

SECTION 11.05.050

MAINTENANCE AND SECURITY  
REQUIREMENTS

- (1) A lender shall maintain properties subject to this ordinance. Maintenance includes all of the following:
  - (a) Keeping the premises free of dead vegetation, graffiti, trash, accumulated newspapers, circulars, flyers, discarded personal items, and any other item or condition that would cause a person to form a reasonable belief that the property is vacant;
  - (b) Ensuring that the property is maintained, protected, and managed in a manner that ensures that the property, or the use of the property by any individual while it is abandoned, does not constitute a violation of the Coos County Code or any Coos County Ordinance;
  - (c) Ensuring that the property remains secure and locked. Windows and doors may be boarded up if damaged. Otherwise, damaged windows and doors

shall either be repaired or replaced within ten (10) business days; and

- (d) Compliance with this section does not relieve a person subject to this ordinance of any obligations set forth by state law, or any covenants, conditions and restrictions which may apply to the subject property.

SECTION 11.05.060

LOCAL PRESENCE OF LENDER OR  
LENDER'S AGENT REQUIRED

An out of area lender shall retain the services of a local property management company to ensure compliance with this ordinance. The property management company shall post a direct contact name and 24-hour contact phone number for persons to report problems or concerns, and the posting shall be placed on the exterior of a window facing the street to the front of the property, so it is visible from the street. If no such area exists, then the posting shall be placed on the exterior of the property in a location visible from the street to the front of the property. Such exterior postings shall be constructed of and printed with weather resistant materials.

SECTION 11.05.070

VIOLATION; PENALTY

- (1) A lender that violates any section of this Division shall be subject to enforcement by Coos County pursuant to Coos County Code, Article Eleven, Division One. A violation of this Division shall be a Class A Violation.
- (2) Violation of Section 11.05.050 is declared to be a public nuisance, and may be abated in any manner authorized under the Coos County Code and Oregon Law.