

RESOLUTION NO. 4613

A RESOLUTION DIRECTING THE ALBANY CHIEF OF POLICE TO TAKE REASONABLE STEPS TO NOTIFY PROPERTY OWNERS OF THE OCCURRENCE OF GAMBLING, PROSTITUTION, OR CONTROLLED SUBSTANCE ACTIVITIES.

WHEREAS, Albany Municipal Code 7.96 makes it unlawful for structures to be employed for any activity involving the unauthorized delivery or manufacture of a controlled substance, gambling, or prostitution; and


WHEREAS, ORS 105.550 to ORS 105.600 similarly declares places of prostitution, gambling, and the delivery, possession, and manufacture of controlled substances to be nuisances, which may be abated by closure of the structure; and

WHEREAS, it is in the public interest that owners of real property in the City of Albany be notified when such prohibited activities occur at their property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Albany as follows:

1. The Police Chief of the City of Albany, or his/her designate, is directed to take reasonable steps to notify the owner of the real property when an arrest or search gives any police officer of the City of Albany reasonable cause to believe that any real property in the City of Albany has been used for prostitution, unlawful gambling, or the unauthorized delivery, manufacture, or possession of a controlled substance as defined in ORS 475.005.
2. The notice required in paragraph 1 above shall be given by first class mail to the owner shown on the Geographic Information System (GIS) records maintained by the City of Albany. Notice shall be in a form prescribed by the Chief of Police and delivered in as timely a manner as Police Department resources allow.
3. This Resolution is a statement of the City Council's expectations of the Chief of Police and does not create a mandatory obligation which may accrue to the benefit of any third party, nor shall any third party have a right to demand or expect compliance with this Resolution nor shall any third party be entitled to any remedy or relief in the event of noncompliance by the Chief of Police with the expectations stated herein.

DATED THIS 23rd DAY of JANUARY 2002.



Mayor

ATTEST:



City Recorder