



Summer

2016 CITY NEWSLETTER

PO Box 6, 722 S. Main Street, Milton-Freewater, OR 97862—www.mfcity.com

Police Response & Landlord/Tenant Dispute

by Doug Boedigheimer, Police Chief

Police everywhere are called upon to mediate and referee conflicts between people. Such intervention is not always related to actual criminal activity or wrong doing. Some situations fall into a gray area between the criminal and non-criminal worlds. In such cases, police must use their best judgement and act at the time, based on the facts they're given. Other situations are not so legally ambiguous, so police can make a clear assessment and render a definitive decision on what to do, or what not to do.

The world of landlord and tenant relations is typically considered to be a non-police issue. However, police are often called upon by landlords and tenants alike to fix or solve a problem that clearly is non-criminal in nature which is occurring in the landlord/tenant setting. Yet it is incorrect for either a landlord or a tenant to believe that a police officer should, or is required to take any type of criminal enforcement action in such situations, unless of course police determine an actual crime has occurred.

The relationship between a landlord and tenant is typically defined by the rental agreement and other paperwork completed at the time of the renting or leasing of a property, apartment, or residence. This creates a contract between the landlord, who by signing the contract agrees to certain things, and the tenant, who by signing also agrees to certain things. This contract is a legal agreement between the landlord and tenant, and as such, should be followed. If the contract however is breached or broken by either party, NOTHING regarding the contract is enforceable by police. The correct and proper venue for addressing contractual breaches would be a court of competent authority, such as a small claims or Circuit Court.

If police respond to a heated landlord/tenant dispute, they are responding simply to assure that no threat of harm to the public, or to either the landlord or tenant is occurring. Police are not required, nor should they be expected to review rental agreements, or look at court documents unless police are directed or otherwise empowered to take action by said court document. Likewise, police are not to exert authority over a landlord or tenant in order to somehow "enforce" the contract on behalf of either party. To do so would be an improper, and unethical use of police authority.

An example of what police will not do occurs when a landlord calls the police because the tenant has failed to pay his or her rent. It would not be lawful or proper for an officer to exert authority over the tenant to coax or coerce the payment of rent. The responsibility in this case falls on the landlord to take lawful action, per Oregon law, against the tenant.

Another example involves property damage to a rental dwelling. Police typically will not do a criminal investigation against a tenant for what appears to be "normal" damage or wear and tear to a rental property. Such damage should be covered by rental deposits paid by the tenant prior to taking possession of the property. If damage to a rental property exceeds the dollar amount of the deposits, the landlord must take action through either a small claims or other appropriate court of law. There may be rare circumstances where a vandalism investigation could ensue, but those are the exception rather than the rule.

Regarding evictions. Without a properly executed court order showing that a lawful eviction process has been executed, and that police are legally empowered to remove the tenant(s), police are not going to physically remove tenants from a residence or property. Further, when police clearly discover, either by a landlord's actions and/or statements that an eviction is unlawful on its face, police know not to engage in any assistance whatsoever. An example of this occurs when a landlord indicates to a police officer that they intend to turn off the tenant's power in order to force them to vacate the rental. This is unlawful, and may well indicate that the landlord perhaps has not followed lawful procedure regarding other aspects of the relationship with the tenant.

To sum up, police are not to be involved in landlord/tenant disputes regarding the rental agreement or contract. If police are called to a heated situation, police are only to respond to make sure no one gets physically hurt. Police are not to guard or stage at a residence because landlord or tenant claim violence might happen in the future. The landlord is essentially in control of the violence/safety aspect of a situation. The landlord should exercise common sense by not engaging a tenant if violence is a possibility, even if the landlord can lawfully do so upon proper notice. The real question becomes: "Should I as landlord really do this if I think physical violence could happen if I go on the property?" In ALL landlord/tenant matters, it's always best to take lawful action pursuant to Oregon landlord tenant law, and to not aggravate a situation by doing something just because you can.

Lastly for both landlords and tenants who find themselves involved in disputes: neither party is exempt or immune from arrest and prosecution for actual criminal behavior occurring as the result of landlord/tenant civil disputes. Crimes such as assault, harassment, and disorderly conduct are all in play.

This entire topic, the landlord/tenant dispute, refers to disputes that are civil, not criminal. "Civil" means what it says: being civil (nice, or at least professional) in the way we treat one another. A good rule of thumb in all matters.



Holiday Refuse Schedule...

| | | Holiday | Day of Refuse Pick-up |
|-----------|-------------|------------------|-----------------------|
| July | 4th of July | Monday, July 4th | Tuesday, July 5th |
| September | Labor Day | Monday, Sept 5th | Tuesday, Sept 6th |

And the winner for the *BEST TASTING WATER AWARD* is... The CITY OF MILTON-FREEWATER!!!

The 34th Annual Eastern Oregon Operators Conference (American Water Works Association, Pacific Northwest Section)—was a huge success!!! Shane Wright, Nathan Lyon and Dave Robertson from the City all attended the conference held in Ontario this year. Dave took a sample of the City's water with him to be judged on taste, odor and after-taste. The water was secretly labeled with two judges from Pendleton. There were four entries in the Eastern Oregon division—Pendleton, LaGrande, Ontario and Milton-Freewater. This conference is a 3-day conference held each year (one year in Ontario and the next in Pendleton) and provides the required 20 hours of training every 2 years to be re-certified for water and/or waste water utilities. The City sends half of their staff one year and the other half the next so that utility workers are still present for any issues that may arise over the three conference days. One of the events beyond the classroom is the equipment rodeo that is held using a backhoe and excavator. The American Water Works Association/Pacific Northwest Section committee, sets up all of the training after submitting all class work to the State of Oregon for certification for continuing education credits. As a member of the committee, Dave Robertson is instrumental in setting up the conference and the certified classes. So congratulations to the City for the best tasting water!!



Local Police officers at the Special Olympics! Shaking hands and congratulations at the finish line. From left to right, Corporal Shurtz, Officer Lackey and Officer Scott

(Photos by Sharame Marlatt, Code Enforcement Officer).

WAYS TO KEEP YOUR HOUSE COOL THIS SUMMER...

1. Start cooling your house BEFORE it starts getting hot. It is easier for your Air Conditioner to maintain temperature than to reduce temperature, and saves energy!
2. Close drapes or blinds on windows that receive full sun.
3. Using fans to keep air moving helps you feel cooler.

REBATES AVAILABLE: Ductless Heat Pumps, \$600, Central Air, \$500-\$1,000. Also available are rebates for Commercial HVAC systems. Contact the Conservation office for details.

REMEMBER to contact the Conservation Office at City Hall for approval **BEFORE** starting any projects **or** you may risk your rebate. **541-938-8237**

Conservation

Corner



**City of Milton-Freewater
 Joe Humbert Family Aquatic Center
 200 Dehaven Street
 541-938-9166—call for info or go online to
 www.mfcity.com**

General Swim

Session 1—11:30am to 4:00pm

Session 2—5:30pm to 8:00pm

Aerobics/Lap Swim—9am to 11:15am & 4:15pm-5:15pm

PRIVATE RENTALS

Monday—Sunday 8pm to 10pm

Also on Saturday & Sunday 9am to 11am

LESSONS (3 more sessions)

7/04-7/15, 7/18-7/29 & 8/1-8/12

Call or come to the pool for more information!

BBQ Night
Every Thursday
5:30pm to 7:30pm

HOW DO WE RECYCLE?

Horizon Project, Inc. is the recycling contractor for the City of Milton-Freewater. The City is required to offer these services as a condition of our State DEQ permit. To take advantage of this service, you may take your recyclables to one of two drop-off sites available—behind the South Fire station on Mill Street and at the Horizon Project Facility at 608 N. Russell Street. Or you can take advantage of the curbside service simply by placing your recyclables in a designated container and place it beside your garbage can for collection on your regular garbage pick up day. You can recycle flattened cardboard boxes, mixed papers, plastic bottles, glass bottles and steel, tin or aluminum cans. **NEED HELP? Call Horizon at 541-938-5658.**



City Council

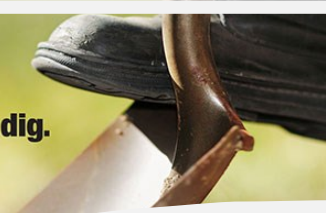
- Lewis S. Key, Mayor
- Orrin Lyon, Ward 1
- Bradley J. Humbert, Ward 2
- Jeff Anliker, Ward 3
- Steven Patten, At Large-Position 1
- Steve Irving, At Large-Position 2
- Edwin E. Chesnut, At Large-Position 3

City Manager

Linda Hall



**Know what's below.
 Call before you dig.**



NEED TRANSPORTATION?

**TAKE OUR BUS TO
 WALLA WALLA**

CALL 541-938-8243 FOR



City of
Milton-Freewater

PRESORTED
STANDARD
U.S. POSTAGE
PAID
PERMIT NO 5
MILTON-FREEWATER, OR

PO Box 6
Milton-Freewater, OR 97862

| | |
|---------------------------------|-------------------------|
| City Manager | 938.8242 |
| City Recorder | 938.8233 |
| Community Development | 938.8236 |
| Conservation | 938.8237 |
| Electric Department | 938.8232 or 938.8231 |
| Engineering | 938.8230 or 938.8238 |
| Finance Department | 938.5531 |
| (Utility payments/taxi tickets) | |
| Fire Business | 938.8256 |
| Golf Course | 938.7284 |
| Human Resources | 938.8243 |
| Library | 938.8247 |
| Municipal Court | 938.8203 |
| Planning & Zoning | 938.8234 or 938.8235 |
| Police Business | 938.5511 |
| | 938.8270 or 938.8272 or |
| Public Works | 938.8274 |
| Aquatic Center | 938.9166 |

Visit us online at www.mfcity.com

Check us out on Facebook - City of Milton-Freewater, Oregon

Meetings & Closures

July 2016

- ◆ 5 Planning Commission Meeting 7pm Albee Room
- ◆ **11 CITY COUNCIL MEETING - 7pm - Albee Room**
- ◆ **25 CITY COUNCIL MEETING - 7pm - Albee Room ***

August 2016

- ◆ 1 Planning Commission Meeting - 7pm Albee Room
- ◆ **8 CITY COUNCIL MEETING - 7pm - Albee Room**
- ◆ **22 CITY COUNCIL MEETING - 7pm - Albee Room ***
- ◆ 31 Library Board Meeting 7pm Albee Room

September 2016

- ◆ 6 Planning Commission Meeting - 7pm Albee Room
- ◆ **12 CITY COUNCIL MEETING - 7pm - Albee Room**
- ◆ **26 CITY COUNCIL MEETING - 7pm - Albee Room ***

*** TENTATIVE MEETING DATE**

All meetings are open to the public. The locations of the meetings are handicapped accessible. Please call City Hall at 541.938.5531, or write the City of Milton-Freewater, PO Box 6, Milton-Freewater, OR 97862 if you will need any special accommodations or an interpreter to attend or participate in the meeting.

Milton-Freewater City News, PO Box 6, Milton-Freewater, OR 97862
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