

FREQUENTLY ASKED QUESTIONS

Does participating in the TLC program mean that my property receives extra patrol?

No. Your signed consent authorizes officers to take trespass enforcement action on your behalf. The police department must first be notified of the situation by a neighbor or concerned citizen, for example, in order to respond to the scene.

WHAT HAPPENS IF YOU ARREST SOMEONE BASED ON MY SIGNED LETTER?

In some cases, officers are able to resolve trespass complaints without arresting the involved subject. However, there are situations where the officer has no choice but to cite or arrest an alleged offender. In those instances, you will be expected to participate in any resulting legal action.

WHAT HAPPENS IF I CHANGE MY MIND OR SELL MY PROPERTY?

If the status of your property changes in any way, you must notify the police department as soon as possible and arrange for your trespass letter of consent to be updated or removed from our files.

HOW DO I RENEW MY TLC?

The TLC expires one year from the first day of the month in which the authorization was granted. It is the property owner's responsibility to submit a renewal application. Applications are available at the Stayton Police Department.

WHAT ELSE DO I NEED TO KNOW?

In addition to your consent letter, your property *must* be posted with signs stating "No Trespassing and include a reference to the Oregon Revised Statute: ORS 164.245 and/or Stayton Municipal Code SMC: 9.36..020 (H). Do not add any other verbiage to the sign.

No Trespassing

ORS

164.245

Oregon Revised Statute: ORS. 164.245 Trespass II

1. A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully in a motor vehicle or in or upon premises.

ORS 164.205 Trespass Definitions

1. "Enter or remain unlawfully" means:
 - (a) To enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public or when the entrant is not otherwise licensed or privileged to do so;
 - (b) To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge;
 - (c) To enter premises that are open to the public after being lawfully directed not to enter the premises; or
 - (d) To enter or remain in a motor vehicle when the entrant is not authorized to do so.
2. "Open to the public" means premises which by their physical nature, function, custom, usage, notice or lack thereof or other circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required.
3. "Person" in charge means a person, a representative or employee of the person who has lawful control of premises by ownership, tenancy, official position or other legal relationship. Person in charge includes, but is not limited to the person, or holder of a position, designated as the person or position-holder in charge by the Governor, board, commission or governing body of any political subdivision of this state.
4. "Premises" includes any building and any real property, whether privately or publicly owned.

STAYTON POLICE DEPARTMENT

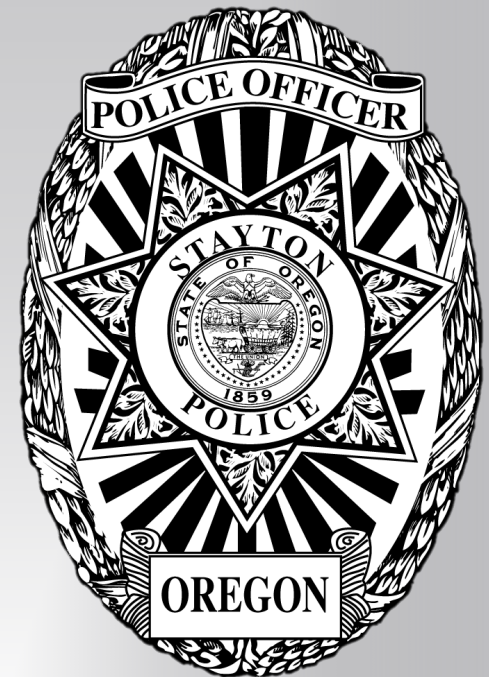
386 N. THIRD AVE.

STAYTON OR 97383

PHONE: 503-769-3421

STAYTON POLICE DEPARTMENT

TRESPASS LETTER OF CONSENT PROGRAM



TRESPASS LETTER OF CONSENT APPLICATION

WHAT IS A TRESPASS LETTER OF CONSENT?

A Trespass Letter of Consent (TLC) is a document which allows a police officer to take trespass enforcement action on your behalf without first contacting you.

Police officers do not normally have the authority to go onto private property, which is not open to the public, and remove individuals or request they leave the property. The consent or authority of the property owner or manager is needed.

If an officer observes someone on private property when the business is closed or a problem is reported by someone who does not have the authority to sign a trespass complaint, the police department must first contact the person who is legally responsible for the property before taking any arrest action.

A TLC gives Stayton Police Officers permission to act on behalf of the property owner or manager in trespass situations, even if immediate contact with the property owner is not possible.

INDICATE WHICH OF THE FOLLOWING STATEMENTS DESCRIBES YOUR PROPERTY TO DETERMINE IF IT QUALIFIES FOR A TLC:

- Owner and occupant of a commercial property
- Non-occupant owner of a commercial property and acts as property manager
- Owner of a vacant commercial property
- Commercial property manager or person responsible for the property
- Person responsible for a property under construction. (Note: The property must have an assigned street address.)

RESIDENTIAL PROPERTY

- Owner of a vacant property
- Person responsible for a property under construction. (Note: The property must have an assigned street address.)

MULTI-FAMILY HOUSE PROPERTY

Multi-family house properties do not qualify for this program.

If you have circumstances not addressed in the above, contact Stayton Police Department at (503) 769-3421.

If any of the above descriptions applies to your property, you may qualify for a TLC. Complete the application and return to:

Stayton Police Department
386 N. 3rd Ave.
Stayton, OR 97383

Once your application is received it will be reviewed by staff. If upon review of the application, your property does not qualify or additional information is needed, you will be contacted by telephone. Be aware it may take up to two weeks to process your application. You will be notified by telephone upon application acceptance.

ONLY ONE ADDRESS PER TLC APPLICATION

<u>EXPIRATION DATE – MO/YR</u>	<input type="checkbox"/> DENIED	<u>VICTOR #</u>	<u>STREET NAME</u>
	<input type="checkbox"/> APPROVED		
<u>DATE RECEIVED</u>	<u>DATE ENTERED</u>	For office use only	

COMMERCIAL PROPERTY	<input type="checkbox"/> INITIAL APPLICATION	<input type="checkbox"/> RENEWAL APPLICATION
	<u>PROPERTY NAME</u>	
	<u>PROPERTY ADDRESS</u>	
	<u>BUSINESS PHONE</u>	<u>AFTER HOURS PHONE</u>
	<u>APPLICANT NAME</u>	
	<u>HOME PHONE</u>	<u>BUSINESS PHONE</u>
	<u>CELL PHONE</u>	<u>EMAIL ADDRESS</u>
RESIDENTIAL PROPERTY	<input type="checkbox"/> INITIAL APPLICATION	<input type="checkbox"/> RENEWAL APPLICATION
	<u>PROPERTY NAME</u>	
	<u>PROPERTY ADDRESS</u>	
	<u>BUSINESS PHONE</u>	<u>AFTER HOURS PHONE</u>
	<u>APPLICANT NAME</u>	
	<u>MAILING ADDRESS, IF DIFFERENT THAN ABOVE</u>	
		<u>CITY</u>
		<u>ZIP</u>
	<u>HOME PHONE</u>	<u>BUSINESS PHONE</u>
	<u>CELL PHONE</u>	<u>EMAIL ADDRESS</u>

By affixing my signature to this document, I am identifying myself as the responsible party for the property listed above and do hereby designate each and every police officer employed by the City of Stayton as my agent and representative for the purpose of enforcing ORS 164.245, 164.205 and SMC 9.36.020 (H). I further understand and agree that as the responsible party for the property, I will:

- Appear in a Court of law for any proceedings related to the enforcement of this TLC
- Notify any other occupants or tenants of my participation in the TLC program.
- Immediately notify the police department of any changes to property status.

Unless revoked by the Stayton Police Department, this authorization shall continue in force for one year from the first day of the month in which the authorization was granted. (e.g., an application approved on October 15 will expire on October 1 of the following year.)

APPLICANT SIGNATURE: _____ **DATE:** _____

SECONDARY CONTACT FOR APPLICANT – REQUIRED

SECONDARY CONTACT: _____ HOME PHONE: _____

CELL PHONE: _____ BUSINESS PHONE: _____ DATE OF BIRTH: _____