



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

July 23, 2018

**5:30 p.m. CITY COUNCIL WORK SESSION and
WORK SESSION OF THE URBAN RENEWAL AGENCY
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**Meeting of July 23, 2018;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Mike Clark, President
Greg Evans
Emily Semple
Jennifer Yeh

Betty Taylor, Vice President
Chris Pryor
Claire Syrett
Alan Zelenka

**5:30 p.m. CITY COUNCIL WORK SESSION and
WORK SESSION OF THE URBAN RENEWAL AGENCY
Harris Hall, 125 East 8th Avenue**

- 1. Committee Reports and Items of Interest**
- 2. URBAN RENEWAL AGENCY WORK SESSION: Proposed Terms for Downtown Riverfront Affordable Housing Parcel**
- 3. WORK SESSION: Nuisance Codes**

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at www.eugene-or.gov.

EUGENE AGENCY BOARD

AGENDA ITEM SUMMARY



Work Session: Proposed Terms for Downtown Riverfront Affordable Housing Parcel

Meeting Date: July 23, 2018
Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Michael Kinnison
Contact Telephone Number: 541-682-5500

ISSUE STATEMENT

This work session is a follow-up to the Agency Board's work session on July 9. At that meeting, the Board approved terms related to a disposition and development agreement with Williams/Dame & Associates (WDA). Since that time, staff have had additional conversations with WDA in response to the Board's July 9 motion and comments made by the Board.

At this meeting, the Board will be asked to review and approve terms for the sale of lot 10A to WDA to construct not less than 75 units of affordable housing. The proposed terms are in [Attachment A](#) along with a map that identifies parcel 10A and the other land to be sold or leased to WDA. In addition, in response to the Board's July 9 motion, staff will present information about an adjustment to one of the townhome lots in order to provide some additional green space and area between some of the townhomes and the park.

BACKGROUND

On July 9, 2018, the Agency Board approved terms for entering into a disposition and development agreement with WDA for the redevelopment of about half of the Downtown Riverfront site. The Agency Board also directed the Agency Director to negotiate for more green space and if possible return to the Agency Board.

Affordable Housing Parcel

During the July 9th meeting, questions were asked about whether WDA would be involved in the construction of the affordable housing on Lot 10A. WDA has confirmed that it is interested in acquiring lot 10A in order to construct at least 75 units of affordable housing. The housing would be affordable to households at or below 60% of the area median income. WDA likely would partner with an affordable housing provider both for the construction of the units and the ongoing management of those units.

On July 19, the River Guides voted unanimously to support the sale of lot 10A to WDA consistent with the terms contained in Attachment A. Those terms include the sale of the land for \$1 with a

requirement that the land be used to construct no fewer than 75 units of housing affordable to households at or below 60% of the area median income (AMI).

If the Agency Board approves the terms in Attachment A, the Agency and WDA will include the affordable housing parcel in the development and disposition agreement.

Green Space

As part of the Board's July 9 motion, the Board directed that we have further negotiations with WDA to see whether additional greenspace would be possible by changing the plan for some of the townhomes that would be located between the plaza and the Steamplant. WDA has determined that it is possible to shift some of the townhomes away from the river to provide some additional greenspace. At the meeting, staff will share a rough sketch of what that change would look like.

At this point, WDA does not know exactly how that change will affect the townhome building. It is possible that some of the townhomes might have a different orientation, or that a couple of the townhomes might not get built. That information may not be known for some time. However, the concept plan that will form the basis for the proposed land use code amendments will include the change that will be shown to the Board during the July 23 work session. Since the terms did not include details at this level, no motion is required by the Board.

AGENCY BOARD OPTIONS

1. Approve the terms in [Attachment A](#).
2. Propose modifications to the terms.
3. Reject the terms

AGENCY DIRECTOR'S RECOMMENDATION

The Agency Director recommends approval of the proposed terms included in [Attachment A](#).

SUGGESTED MOTION

Move to authorize the Agency Director to sell lot 10A to WDA to build (solely or in partnership with another entity) no fewer than 75 units of affordable housing. The units shall be affordable to households at or below 60% of the area median income.

ATTACHMENTS

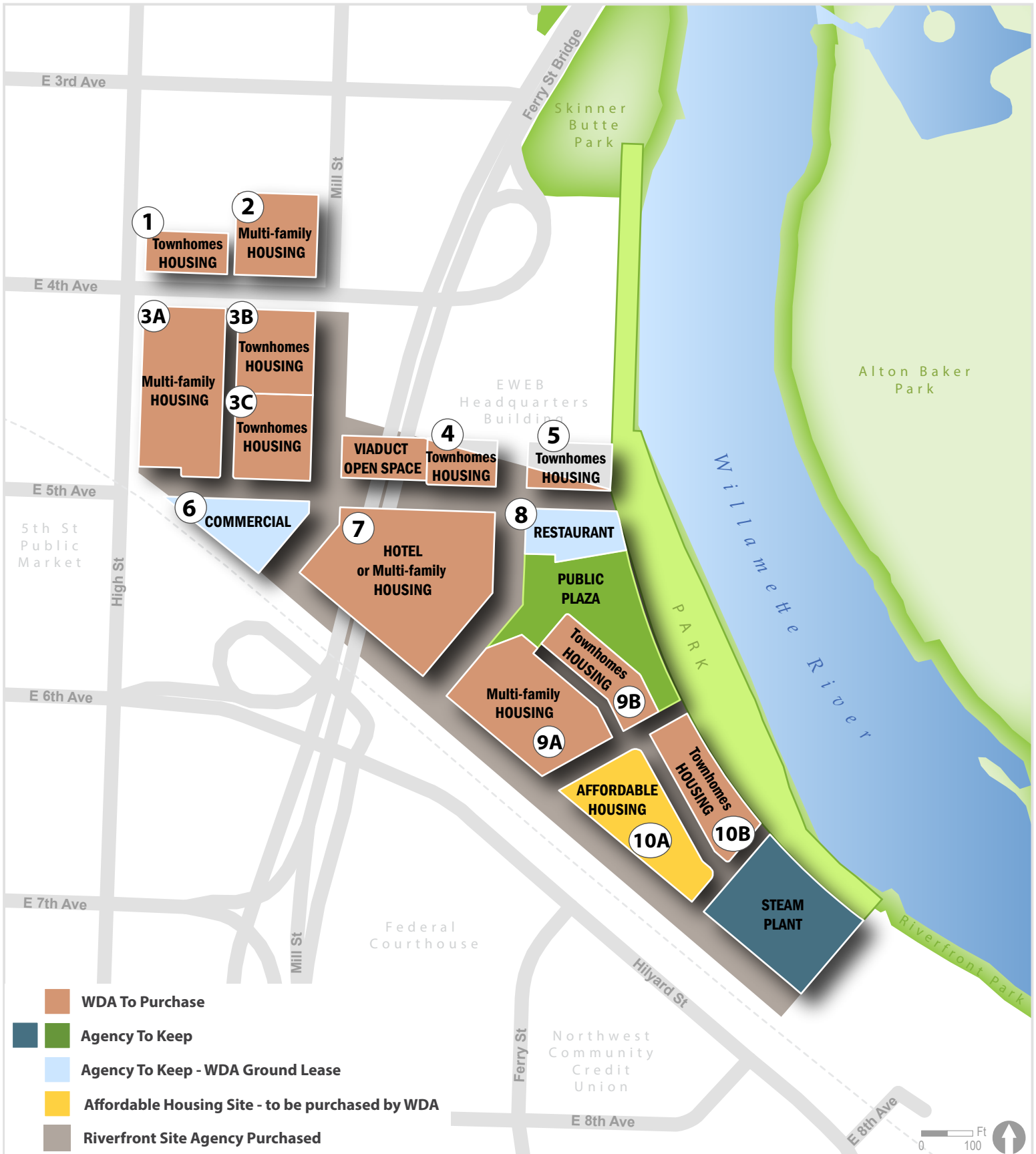
- A. Proposed Terms and Parcel Map

FOR MORE INFORMATION

Contact: Michael Kinnison, Community Development Director
Telephone: 541-682-5500
Staff E-Mail: michael.j.kinnison@ci.eugene.or.us

**Proposed Terms for Parcel 10A (Affordable Housing)
& Parcel Map**

- Affordable Housing: Agency sells lot 10a to WDA to build (themselves or in partnership with another entity) no fewer than 75 units of affordable housing. The units will be affordable to households at or below 60% of the area median income.
- Environmental: Property sold “as is.”
- Design, Uses & Schedule: WDA develops in accordance with the design criteria, uses and schedule to be included in the disposition and development agreement.
- Repurchase Right: Agency has right to repurchase if WDA fails to start construction within mutually agreeable periods of time.



EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Nuisance Codes

Meeting Date: July 23, 2018
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Rachelle Nicholas
Contact Telephone Number: 541-682-5495

ISSUE STATEMENT

City Council requested this work session to continue discussion around possible code language or policy that would address the maintenance of abandoned, derelict properties, and create a stronger response to concerns impacting neighborhood livability.

BACKGROUND

The purpose of the City's nuisance code compliance program is to ensure the public's safety, health, welfare and environment by enforcing regulations that preserve, protect and improve neighborhoods.

At the July 12, 2017, work session staff provided an overview of the City's nuisance, zoning and building codes already in place and how the City's enforcement process works. At the work session council expressed an interest in exploring code language that would further address the maintenance of abandoned, derelict properties, and create a stronger response to other issues impacting neighborhood livability.

Current Eugene Livability Codes

The City has a number of existing codes in place to help protect neighborhood livability and address problem properties (Attachment A). These codes are enforced on a complaint-only basis. The City receives about 1,800 complaints each year.

When a complaint is received staff attempt to contact the owner or the party responsible for the property, then typically conduct a site inspection to determine if a violation exists. Usually the person responsible for a violation is given an opportunity to voluntarily comply and correct the situation. The City's goal is to help property owners resolve violations in a timely manner, without additional enforcement action. If necessary, the City can issue a Notice to Correct with a deadline for compliance. The timeframe for compliance is typically from 5 to 60 days depending on the type or severity of the violation. If a complaint is not resolved through this process the City may issue a Notice of Civil Penalty or a Notice to Abate, depending on the situation.

In cases where there's an *immediate* concern for life and safety of the occupants or first

responders who may need to enter the structure, more immediate action may be required. Examples include; unsafe electrical conditions, inadequate exit ways, or unsanitary conditions that threaten the health of the occupant or community. In these situations, the City may take immediate action including posting a building as unsafe or dangerous, vacating any occupants, or disconnecting the power. Additional detail regarding these enforcement tools is included in Attachment B.

The City's nuisance codes have not been updated since the last 1980's. The City's existing codes may be deficient, in some areas, to address the livability issues that have emerged in the last 20 years. Eugene's population continues to grow and has resulted in an increase in density and a change in the character of properties, many of which have become mixed use.

Codes in Other Municipalities

Staff researched other communities including Portland, Gresham, Salem, Hillsboro, Brownsville, Dallas and Corvallis. Each of these communities has codes in place to address nuisance issues, abandoned and dangerous buildings. The definition of a dangerous or abandoned building varies among communities, as do their enforcement tools (Attachment C). Similar to Eugene, these cities can require the abatement of any violations and issue penalties. Corvallis, Gresham, Salem and Portland include the option to apply to the court for receivership.

A number of Oregon cities have adopted property maintenance codes including; Gresham, Portland, Salem and more recently Corvallis (Attachment D). The City of Eugene does not currently have a property maintenance code, or any code language that extends beyond addressing health and safety. The above-listed cities have adopted codes that address not only health and safety issues, but also encompass other livability concerns that are more aesthetic, such as a tarps on a roof left for a prolonged period of time, neglect, or lack of maintenance.

Potential Areas to Address Through Code Amendment

Vacant Buildings

A number of reasons can cause a home or other building to become vacant. Some are vacant because the owners have defaulted on their mortgage payments and the banks are in the process of foreclosing on the property. Other times a house remains vacant because the repairs require additional time and money for the owner to address the issues. There are situations where the owner may choose to secure the building and leave it vacant rather than make any corrections to reoccupy. Under the City's existing codes, as long as a vacant building remains secure and in compliance with other City codes no further enforcement action can be taken.

Vacant buildings may become an ongoing nuisance for the neighborhood and have an impact on City resources. Without an owner, tenant or property manager actively managing and monitoring the upkeep and activity of a property a building may deteriorate into a state of disrepair. Abandoned, distressed or derelict properties can result in general safety and health concerns; creating an attractant for squatters, trash, debris, rodents, and criminal activity. There are times when banks are unwilling to assume full responsibility for the property until it has regained legal possession. If left unresolved, these issues may have serious detrimental effects on neighborhoods. The City's current code does not require a house or building be maintained to any

minimum standards which could minimize the impacts abandoned buildings can have on the neighborhood.

Hoarding

In addition to seeing an increase in the number of vacant buildings, staff has seen a steady increase in the number of dangerous buildings as a result of hoarding. The City has an existing dangerous building code used to address this serious habitability concern. However, hoarding presents some unique challenges and updating the code language would provide the City with an opportunity to add some clarification around specific issues—not only to address hoarding, but vacant, abandoned buildings and other unsafe situations.

Odors

Since the legalization of commercial, medical and recreational marijuana, the City has seen an increase in the number of odor complaints. State law allows for persons, to potentially, grow and process, up to 12 mature plants and 24 immature plants per residence. Commercial and mixed use zones, may allow for a higher number of plants. The complaints are specific to the intense odor that occurs during the processing of the plant.

Prior to legalization, staff has enforced using the existing “odor” language without challenge. However more recently, the City has received several requests for appeal to a hearings official, which led us to put enforcement action on hold. Staff are researching what other communities are doing to address this concern.

RELATED CITY POLICIES

City Council Goals

- Safe Community: A community where all people are safe, valued and welcome.
- Sustainable Development: A community that meets its present environmental, economic and social needs without compromising the ability of future generations to meet their own needs.

Envision Eugene Pillars

- Provide affordable housing for all income levels
- Promote compact urban development and efficient transportation options
- Protect, repair, and enhance neighborhood livability

COUNCIL OPTIONS

1. Direct the City Manager to 1) bring back ordinance language similar to the cities of Corvallis, Portland, Gresham and Salem to address negative effects on neighborhoods caused by vacant buildings, dangerous conditions caused by hoarding, and nuisance odors related to the processing of marijuana in residential zones; and 2) conduct a comprehensive review of the existing nuisance code for additional revisions that may address other modern livability issues, which may include adding a property maintenance

- code similar to the cities of Corvallis, Portland, Gresham and Salem.
2. Take no action.

CITY MANAGER'S RECOMMENDATION

Option 1.

SUGGESTED MOTION

Direct the City Manager to 1) bring back ordinance language similar to the cities of Corvallis, Portland, Gresham and Salem to address negative effects on neighborhoods caused by vacant buildings, dangerous conditions caused by hoarding, and nuisance odors related to the processing of marijuana in residential zones; and 2) conduct a comprehensive review of the existing nuisance code for additional revisions that may address other modern livability issues, which may include adding a property maintenance code similar to the cities of Corvallis, Portland, Gresham and Salem.

ATTACHMENT

- A. Common Eugene Livability Codes
- B. Existing Enforcement Tools
- C. Abandoned or Foreclosed Properties
- D. Other Oregon Cities Property Maintenance Code

FOR MORE INFORMATION

Staff Contact: Rachelle Nicholas
Telephone: 541-682-5495
Staff E-Mail: rachelle.d.nicholas@ci.eugene.or.us

Common Eugene Livability Codes

ATTACHMENT A

Violation Example	Code Chapter	Code Section/Names
Junk/Debris/Garbage <ul style="list-style-type: none"> Accumulation of junk, trash or garbage Outdoor storage of junk or debris Parking of unlicensed vehicles Odors from improperly stored animal waste or garbage 	Chapter 6 – Nuisance	<ul style="list-style-type: none"> 6.010 (c) - Debris 6.055 - Garbage Can and Containers 6.800 (1) & (2) -Junk and Used Vehicle Accumulations 6.010 (f) - Odors
Work without a permit <ul style="list-style-type: none"> Installing or altering the plumbing, electrical etc. prior to receiving a permit. Creating a new dwelling unit Living in or inhabiting an unpermitted building 	Chapter 8 - Structures	<ul style="list-style-type: none"> 8.005 (10) – When Permits Required 8.005 (19) – Certificate of Occupancy
Occupancy Limits <ul style="list-style-type: none"> More than 5 unrelated people living in a home 	Chapter 9	<ul style="list-style-type: none"> 9.0500 Definition of family
Business activities within a Residential zone <ul style="list-style-type: none"> Operating a business from a residential home with alters the use of the dwelling 	Chapter 9 – Land Use	<ul style="list-style-type: none"> 9.5350 – Home Occupation Standards
Garbage Can Placement <ul style="list-style-type: none"> Leaving garbage or recycling cans on public property beyond the allotted time 	Administrative Rule No. 53-15-05-f	<ul style="list-style-type: none"> R-3.250-U (4) – Time of Receptacle Placement
Unsafe/Unfit/Illegal Structures <ul style="list-style-type: none"> Vacant and open structures, abandoned and trespassers have gained access Hoarding limiting ingress and egress Unsanitary conditions likely to cause or spread infectious disease Damaged or deteriorated structural components 	Chapter 6 – Nuisance Chapter 8 - Structures	<ul style="list-style-type: none"> 6.010 (b) – Attractive Nuisances 8.005 (25) – Abatement of Dangerous Buildings
Signs <ul style="list-style-type: none"> Placing a sign in the public right of way Too many signs 	Chapter 9 – Land Use	<ul style="list-style-type: none"> 9.6600 – Sign Standards
Rodent Harborage <ul style="list-style-type: none"> Conditions causing or likely to cause harborage or a food source for rats or mice: <ul style="list-style-type: none"> Accessible animal feed Open composting Overgrown brush 	Chapter 6 – Nuisance	<ul style="list-style-type: none"> 6.015 – Rodent Control
Animals/Dogs <ul style="list-style-type: none"> More animals than allowed <ul style="list-style-type: none"> More than 3 dogs over the age of 6 months <u>Chickens, domestic fowl, rabbits, and miniature goats and pigs</u> 	Chapter 9 – Land Use	<ul style="list-style-type: none"> 9.2740 – Residential Zone Land Use 9.5250 – Urban Animal Keeping

○ Barking Dogs – See ‘Noise’ Below		
Smoking (Indoor & Outdoor) <ul style="list-style-type: none"> Smoking within 10’ of an entrance to a public building 	Chapter 6 – Nuisance	<ul style="list-style-type: none"> 6.230 – Smoking Prohibited in Public Places and Places of Employment
Noise <ul style="list-style-type: none"> Construction activity beginning prior to 7 a.m Lawn equipment like leaf blowers, residential heat pumps or fans Dogs barking for longer than 15 minutes continuously* Amplified music, or other noise disturbances between 10:00 p.m. and 7:00 a.m.* <p>*Not enforced by Code Compliance – instead contact EPD Non-Emergency at 541-682-5111. Barking Dog complaints between 8am-5pm should be directed to Animal Services 541-687-4060 (after hours EPD Non-Emergency).</p>	Chapter 6 – Nuisance Chapter 4 – Offenses	<ul style="list-style-type: none"> 6.750 – Environmental Noise Disturbance – Specific Prohibitions Animal Regulations: 4.430 – Continuous Annoyance
Fences <ul style="list-style-type: none"> Erecting a fence too high or in violation of setback requirements 	Chapter 9 – Land Use	<ul style="list-style-type: none"> 9.2751 (14) - Fences
Rental Housing Issues: <ul style="list-style-type: none"> Mold Caused by a roof or plumbing leak Inadequate heating source 	Chapter 8 – Structures	<ul style="list-style-type: none"> 8.400 Rental Housing
Camping <ul style="list-style-type: none"> Using a vehicle or RV for sleeping purposes in violation of code requirements 	Chapter 4 – Offenses	<ul style="list-style-type: none"> 4.816 Permitted Overnight Sleeping
Setbacks <ul style="list-style-type: none"> Putting a shed within 5 ft of the property line in the backyard of a residential property 	Chapter 9 – Land Use	<ul style="list-style-type: none"> 9.2750 Setback Requirements

Existing Enforcement Tools

Notice of Civil Penalty

A Notice of Civil Penalty is used as a last resort where violations continue to exist after a deadline has passed, or where an owner is unresponsive or is a repeat offender. The amount of a civil penalty is determined using a matrix which takes the following into consideration;

- The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
- Any prior violations of statutes, rules, orders and permits;
- The gravity and magnitude of the violation;
- Whether the violation was repeated or continuous;
- Whether the cause of the violation was an unavoidable accident, negligence or an intentional act;
- The violator's cooperativeness and efforts to correct the violation; and
- Any relevant rule of the city manager.

A civil penalty may be issued for one-day or, if the situation warrants, civil penalties may be issued each day a violation exists.

Notice to Abate

In lieu of, or in addition to, there may be situations where the City issues a Notice to Abate. The Notice to Abate provides a responsible party 10-days to voluntarily correct the violation(s). If the responsible person doesn't take corrective action, the City may hire a contractor to correct some, or all, of the violations. The cost of the abatement is the responsibility of the owner and if unpaid, becomes a lien on the property. Issuance of a Notice to Abate is dependent on available budget resources, and only used in situations where not addressing the violations would have a detrimental impact to the health and safety of neighboring properties.

Dangerous Building

In cases where there's an *immediate* concern for life and safety of the occupants or first responders who may need to enter the structure, more immediate action may be required. Examples include; unsafe electrical conditions, inadequate exit ways, or unsanitary conditions that threaten the health of the occupant or community. In these situations, the City may take immediate action including posting a building as unsafe or dangerous, vacating any occupants, or disconnecting the power

The City may need to board doors and windows to protect the safety of community members and deter people from entering the structure.

The owner of a dangerous building is provided ten days to address the violations. In most situations owners make the necessary corrections to reoccupy the building.

Abandoned or Foreclosed Properties				
City	Type of Code(s)	Compliance Tools	Property Registration Required	
Eugene, OR	Dangerous Building Code Open and Vacant	<ul style="list-style-type: none"> • Civil Penalty • Abatement • Utility Disconnect 	No	
Other Cities				
Brownsville, OR	Dangerous Building Code Nuisance: partially dismantled, or constructed more than 30-days	<ul style="list-style-type: none"> • Civil Penalty • Abatement 	No	
Corvallis, OR	Dangerous Building Code Livability Code (Aesthetics) https://www.municode.com/library/or/corvallis/codes/code_of_ordinances?nodeId=TIT9BUSACOST_CH9.02COLICO Nuisance Code Derelict Structure Code	<ul style="list-style-type: none"> • Civil Penalty • Abatement • Receivership • Misdemeanor (Class C) Limit use of tarps on roofs to 45 days in a 12 month period.	No	
Dallas, OR	Dangerous Building Code Housing Code Standards-Interior and Exterior (Aesthetics) http://library.amlegal.com/nxt/gateway.dll/Oregon/dallas_or/dallascitycode?f=templates\$fn=default.htm\$3.0\$vid=amlegal:dallas_or Nuisance Code includes language to address abandoned building	<ul style="list-style-type: none"> • Abatement • Misdemeanor (Class C) Limit use of tarps on roofs to 30-day with two extensions for weather.	No	

Abandoned or Foreclosed Properties				
City	Type of Code(s)	Compliance Tools	Property Registration Required	
	<p>"So dilapidated it has become an attractive nuisance, a harbor for vagrants, or enable persons to resort for purposes of committing crime."</p> <p>"Abandoned for a period in excess of 6-month constitutes an attractive nuisance or hazard to public."</p>			
Hillsboro, OR	<p>Dangerous Building Code http://qcode.us/codes/hillsboro/</p> <p>Distressed Residential Property Registration</p>	<ul style="list-style-type: none"> • Civil Penalty • Abatement • Registration with fee. 	Yes Local property manager required.	
Gresham, OR	<p>Property Maintenance Code-adopted International Property Maintenance Code (Aesthetics) https://greshamoregon.gov/City-Codes-and-Policies/</p> <p>Dangerous Building</p> <p>Derelict Building</p>	<ul style="list-style-type: none"> • Civil Penalty • Abatement • Receivership • Registration Required <p>Limit use of tarps on roofs.</p> <p>Relocation cost for displaced tenant.</p>	Yes Require local contact to be posted on structure.	
Salem, OR	<p>Dangerous Building http://new.cityofsalem.net/code/salem-revised-code-056-building-code.pdf</p> <p>Derelict Building</p>	<ul style="list-style-type: none"> • Civil Penalty • Abatement • Receivership • Derelict Structure Fee 	Yes Require local contact to be posted on structure.	

Abandoned or Foreclosed Properties

City	Type of Code(s)	Compliance Tools	Property Registration Required
	<p>Building Property Maintenance (Aesthetics) http://new.cityofsalem.net/code/salem-revised-code-050-property-maintenance.pdf</p> <p>Housing Code http://new.cityofsalem.net/code/salem-revised-code-059-housing-code.pdf</p>	<p>No boarded windows longer than 15-days</p> <p>Limit use of tarps on roofs.</p>	<p>If structure remains derelict a monthly fee is charged by the City.</p>
Portland, OR	<p>Property Maintenance –Interior and exterior standards (Aesthetics) https://www.portlandoregon.gov/citycode/28193</p> <p>Dangerous Building Code</p> <p>Nuisance Code</p> <p>An abandoned structure is an attractive nuisance if vacant in excess of 6 months.</p> <p>Derelict Commercial Bldg. Code</p>	<ul style="list-style-type: none"> • Civil Penalty • Abatement • Receivership 	No

Information on Oregon Housing Receivership Act can be found in ORS 105.420 to 105.455.

https://www.oregonlegislature.gov/bills_laws/ors/ors105.html

Example of Receivership Code Language: City of Portland <https://www.portlandoregon.gov/citycode/28738>

Oregon Cities Property Maintenance Codes

1. City of Gresham, Oregon (<https://greshamoregon.gov/City-Codes-and-Policies/>)
2. City of Portland, Oregon (<https://www.portlandoregon.gov/citycode/28193>)
3. City of Salem, Oregon
([https://library.municode.com/or/salem/codes/code of ordinances?nodeId=PTIICOOR TITIVHE SA CH50PRMA](https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=PTIICOOR_TITIVHE_SA_CH50PRMA))
4. City of Corvallis, Oregon (<https://www.corvallisoregon.gov/cd/page/corvallis-livability-code>)

Article 10.30**PROPERTY MAINTENANCE CODE****Sections:**

- 10.30.010 Short Title.**
- 10.30.020 Purpose.**
- 10.30.030 Scope and Application.**
- 10.30.033 Exterior Conditions and Derelict Structures.**
- 10.30.035 Adoption of International Property Maintenance Code.**
- 10.30.050 Definitions.**
- 10.30.060 Responsibility.**
- 10.30.070 Modifications.**
- 10.30.140 Emergency Repair.**
- 10.30.170 Weather Proofing and Screens.**
- 10.30.200 Derelict Structures Prohibited.**
- 10.30.205 Inspection of Property in Default.**
- 10.30.210 Closing and Securing Derelict Structures.**
- 10.30.220 Derelict Structure Registration.**
- 10.30.230 Residential Rental Property and Derelict Structure Complaint Process.**
- 10.30.235 Decommissioning and Removal of Renewable Energy Systems.**
- 10.30.270 Temporary Waivers of Enforcement Action.**
- 10.30.280 Hardship Waivers of Enforcement Action.**
- 10.30.290 Enforcement.**
- 10.30.310 Receivership Authority.**
- 10.30.320 Lien.**
- 10.30.340 Application of Other Codes.**
- 10.30.360 Coordination of Enforcement.**

10.30.010 Short Title.

This article shall be known and may be cited as the Property Maintenance Code of Gresham, hereinafter referred to as the "PMC."

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.020 Purpose.

The council finds and declares that conditions that promote blight and deterioration or that create a hazard to the public health and safety, are

injurious to the health, safety and general welfare of the public, and that the provisions of the PMC are necessary to protect the public health, safety and general welfare.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1535, Enacted, 10/02/2001)

10.30.030 Scope and Application.

The purpose of this article is to:

(1) Establishes the property maintenance requirements applicable to all residential rental property as defined in GRC Article 9.55.

(2) Establish property maintenance requirements applicable to derelict structures as defined in GRC 10.30.050.

(3) Establish property maintenance requirements applicable to exterior conditions of all properties in the city.

(Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Amended, 10/02/2001)

10.30.033 Exterior Conditions and Derelict Structures.

(1) The following provisions relating to exterior conditions and derelict structures apply to all property in the city:

(a) Administrative provisions of the PMC are as follows: GRC 10.30.020; GRC 10.30.050; GRC 10.30.060; GRC 10.30.070; GRC 10.30.170; GRC 10.30.230; GRC 10.30.240; GRC 10.30.270; GRC 10.30.280; GRC 10.30.290; GRC 10.30.300; GRC 10.30.310; GRC 10.30.320; GRC 10.30.340; and GRC 10.30.360.

(b) Emergency repair provision of GRC 10.30.140.

(c) Weatherproofing and Screens provision of GRC 10.30.170.

(d) Derelict Structures Provisions of GRC 10.30.200; GRC 10.30.210; and GRC 10.30.220.

(e) Section 108 Unsafe Structures and Equipment, Section 109 Emergency Measures, and Section 110 Demolition, of the International Property Maintenance Code, 2012 Edition, prepared by the International Code Council, as hereinafter amended or revised ("ICCPMC").

(f) Rodent harborage provision of ICCPMC, Section 302.5.

(g) Swimming pools provision of ICCPMC, Section 303.1.

(h) Exterior surfaces provision of ICCPMC, Section 304.

(i) Street numbers provision of ICCPMC, Section 304.3, as amended by GRC 10.30.035(4).

(j) Foundation walls provision of the ICCPMC, Section 304.5.

(k) Exterior walls provision of the ICCPMC, Section 304.6.

(l) Roofs and drainage provision of the ICCPMC, Section 304.7.

(m) Decorative features provision of the ICCPMC, Section 304.8.

(n) Windows and doors provision of the ICCPMC, Section 304.13.

(o) Glazing provision of the ICCPMC, Section 304.13.1.

(p) Accessory structures provision of the ICCPMC, Section 302.7.

(q) Sidewalks and driveways provision of the ICCPMC, Section 302.3.

(Ord. No. 1783, Amended, 05/01/2018; Ord. No. 1770, Amended, 03/23/2017; Ord. No. 1756, Amended, 08/20/2015; Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1669, Renumbered and Amended, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Amended, 10/02/2001)

10.30.035 Adoption of International Property Maintenance Code.

(1) The International Property Maintenance Code, 2012 Edition, prepared by the International Code Council, as thereafter amended or revised ("ICCPMC"), except as repealed or amended below, is hereby adopted as part of the PMC.

(2) When the phrase "the code official shall" is used in the ICCPMC with respect to enforcement, it refers to the manager's discretionary option, rather than a mandatory obligation, to choose the course of action that would be appropriate when a violation of the code is found. The phrase "code official shall" does not impose on the city a mandatory duty to implement particular enforcement procedures.

(3) The following sections of the ICCPMC are repealed:

(a) Section 102.6 of the ICCPMC.

(b) Sections 103.1, 103.2 and 103.3 of the ICCPMC.

(c) Section 106 of the ICCPMC.

(d) Section 108.2 of the ICCPMC. The Derelict Structures provisions of GRC 10.30.200, GRC 10.30.210, GRC 10.30.220, and GRC 10.30.230 are adopted in its place.

(e) Section 111 of the ICCPMC.

(f) Section 304.14 of the ICCPMC.

(g) Section 404.5 of the ICCPMC.

(4) The following sections of the ICCPMC are amended to read as follows:

101.1 Title. These Regulations shall be known as the Property Maintenance Code of Gresham, hereinafter referred to the "PMC."

102.3 Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy and

all other work required under the PMC shall be done in accordance with the procedures and provisions of the codes and provisions adopted in GRC Articles 10.05, 10.15, 10.20, 10.25, 10.26 and 10.60.

103.4 Liability. The provisions and protections of the Oregon Tort Claims Act, ORS 30.265 et. seq. shall apply to all city officials, agents and employees charged with the enforcement of the PMC. The PMC shall not be construed to relieve from or lessen the responsibility of any non-city agent or employee, including but not limited to any owner, owner's agent, builder, contractor, agent or employee of any builder or contractor, or any person owning, operating or controlling any building, structure or premises, for any damages to persons or property caused by defects or violations of this code, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

103.5 Fees. Fees charged under the PMC shall be adopted by council resolution.

201.3 Terms Defined in Other Codes. Where terms are not defined in the PMC and are defined in the codes and provisions adopted in GRC Articles 10.05, 10.15, 10.20, 10.25, 10.26 and 10.60, such terms shall have the meanings ascribed to them as stated in those codes.

302.4 Weeds. All premises and exterior property shall be maintained free from invasive or noxious weeds in accordance with GRC 7.15.020, GRC 7.15.040 and GRC Article 10.25 and any action taken thereunder.

302.8 Motor Vehicles. Except as provided in other provisions of the GRC,

no vehicle shall be kept on residential premises in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, except and unless it is covered by a manufactured vehicle cover designed specifically for that purpose, enclosed within a permitted structure, or behind a fence.

302.9 Defacement of Property. The owner or occupant of property, or person in charge of property, shall comply with the requirements of GRC Article 7.80.

304.3 Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way as required by the Fire Code. This section shall apply if, due to deterioration or loss, the numbers must be otherwise repaired, placed or replaced.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.

304.13.3 Window Sill Height. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements shall have a sill height of no more than 44 inches above the floor or above an approved, permanently installed step. The step must not exceed 12 inches in height and must extend the full width of the window. The top surface of the step must be a minimum of six feet from the ceiling above the step.

Exception: Window sill heights constructed in accordance with code requirements in place for sleeping rooms at the time of construction.

304.13.4 Minimum Dimensions.

Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements shall have a minimum net clear opening at least 20 inches wide, at least 22 inches high, and, if constructed after July 1, 1974, at least five square feet in area.

Exception: Window dimensions constructed in accordance with code requirements in place for sleeping room at the time of construction.

304.13.5 Ability to Open. Every window required for ventilation or emergency escape shall be capable of being easily opened and held open by window hardware. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

305.3.1 Interior Dampness. Every residential rental unit, including basements, and crawl spaces, shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

401.3 Alternative devices. In lieu of the means for natural light and ventilation prescribed in Sections 402 and 403 of this code, artificial light or mechanical ventilation complying with GRC Article 10.05 shall be permitted.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

Exception: Range hoods constructed in accordance with code requirements in place at the time of construction.

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the provisions of GRC 10.05.070.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a year-round room temperature of 68°F (20°C) in all habitable rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Portable heating devices may not be used to meet the dwelling heat requirements of this code. No inverted or open flame fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not

less than 68°F (20°C) in all habitable rooms.

602.4 Occupiable Work Spaces.

Indoor occupiable work spaces shall be supplied with heat to maintain a year-round temperature of not less than 68°F (20°C) during the period the spaces are occupied.

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. Mechanical ventilation systems for range hoods and bathrooms shall be maintained in sound working order meeting manufacturer specifications for operation and function.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with GRC 10.05.080. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with GRC Article 10.25.

702.2 Aisles. The required width of aisles in accordance with GRC Article 10.25 shall be unobstructed.

702.3 Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by GRC Article 10.05.

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with GRC Article 10.25.

704.2 Smoke Alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or a dwelling unit with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with GRC Article 10.25.

705.1 Carbon Monoxide Detectors. Carbon monoxide alarms shall be installed, maintained and repaired in residential units in accordance with ORS Chapter 90.

(Ord. No. 1756, Amended, 08/20/2015; Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1649, Enacted, 12/18/2007)

10.30.050 Definitions.

In addition to the definitions set forth in GRC 1.05.010 and, in addition to the definitions set forth in the ICCPMC, the following definitions shall apply to the PMC:

Where terms are not defined in the PMC or other code section and are defined in the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those state codes. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words “premises,” “building” or other similar words are stated in the PMC, they shall be construed as though they were followed by the words “or any part thereof.” Unless otherwise expressly stated, the following terms shall, for the purposes of the PMC, have the following meanings:

Attractive nuisance. A condition that can attract children and be detrimental to the health or safety of children whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned buildings, abandoned wells, shafts, basements, excavations, abandoned freezers or refrigerators with self-latching doors, motor vehicles, structurally unsound fences or structures, lumber, trash, fences, debris, or water feature that may prove hazardous for inquisitive minors.

Boarded building. An unoccupied or derelict building that has been secured against entry by material such as plywood, boards or other similar material placed over openings that are designed for and/or are required for windows and doors, and which is visible off the premises and is not both lawful and customary to install on an occupied structure.

Building. Any structure occupied or intended for any occupancy.

Building code. GRC Article 10.05.

Derelict Structure. Any structure that is:

- (1) unoccupied and unsecured,

- (2) partially constructed without an active building permit,

- (3) maintained in a condition that is unfit for human habitation,

- (4) maintained in a condition that is an imminent threat to public health and safety,

- (5) while vacant, has been subject to a city-initiated abatement pursuant to GRC Article 7.50.

Deterioration. A lowering in quality of the condition or appearance of a building, structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, neglect, excessive use, or lack of maintenance.

Lender. Any person that makes, extends or holds a loan secured by real property and includes, but not limited to, mortgages, beneficiaries under trust deeds, vendors under conditional land sales contracts, trustees and a successor in interest to any mortgage, beneficiary, vendor, or trustee.

Manager. The city manager or the manager’s designee.

Notice of Default. A written notice to a borrower stating that a default on a mortgage, deed of trust, or other loan agreement, is in default, and that legal action may be taken to cure the default or foreclosure on the security interest.

Partially constructed. An occupied or vacant structure, or portion thereof, that has been left in a state of partial construction for more than six months or after the expiration of any building permit, or that has not had a required permit inspection within any six month period.

Renewable Energy System. Systems which produce energy from sources that do not use up finite natural resources. Examples include, but are not limited to, solar, wind, biomass, geothermal, and micro-hydro systems.

Unoccupied. Vacant or not being used for a lawful occupancy.

(Ord. No. 1770, Amended, 03/23/2017; Ord. No. 1756, Amended, 08/20/2015; Ord. No. 1726, Amended, 07/18/2013; Ord. No. 1709, Amended, 12/01/2011; Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.060 Responsibility.

(1) Unless otherwise provided for, the manager shall be responsible for the ultimate enforcement of all of the provisions of the PMC. The manager may appoint such enforcement officers, technical assistants, inspectors and other employees as may be necessary for the administration of the PMC. For the purpose of the PMC, any person so appointed will be deemed a "code official" as defined in the ICCPMC. The manager is authorized to designate an employee who shall exercise all the powers of the manager during the temporary absence or disability of the manager.

(2) Where work is required to be done to correct violations under the PMC any and all permits required for such work by the Building Code shall be obtained. All final inspections shall be approved for the associated permits prior to the violations being considered resolved.

(Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.070 Modifications.

In the event of extreme hardships involved in carrying out provisions of the PMC relating to external conditions and derelict structures, the manager shall have the right to vary or modify the provisions of the PMC upon application of an owner, provided that the spirit and intent of the law is observed and that the public health and safety is assured.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1602, Amended 04/01/2005; Ord. No. 1535, Enacted, 10/02/2001)

10.30.140 Emergency Repair.

The use of tarps or similar material for the purpose of an emergency repair, or temporarily in place of a customary building component such as a roof, siding or a door, shall not exceed 90 days in any consecutive 12 month period; provided, however, that this subsection is subject to, and does not supersede, the requirements of the

Building Code and Fire Code. The use of tarps or similar material in place of a customary building component is not permitted under the Building Code.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.170 Weather Proofing and Screens.

Where windows and doors have been sealed by plastic or other materials for weather proofing, said materials shall be maintained in a workmanlike manner. Window and door screens, while not required by the PMC, shall be maintained in a sound working condition.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.200 Derelict Structures Prohibited.

(1) No person shall own or operate a property that contains a derelict structure.

(2) A derelict structure, once identified, shall be inspected and maintained by the property owner or lender in accordance with this code until it is lawfully occupied, to ensure it does not become a general nuisance, chronic nuisance, or does not violate the Property Maintenance Code.

(Ord. No. 1770, Amended, 03/23/2017; Ord. No. 1709, Amended, 12/01/2011; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.205 Inspection of Property in Default.

(1) Within 30 days of issuing a Notice of Default to a borrower for property located in the City of Gresham, the lender shall perform an inspection to determine if the property is or appears to be a derelict structure as defined in GRC 10.30.050.

(2) If the property is or appears to be a derelict structure, the lender shall register the property and comply with GRC 10.20.220.

(3) Unless the borrower remedies the Notice of Default and the property is not or does not appear to be a derelict structure, the lender shall inspect the property monthly during the period of the Notice of Default, any foreclosure process, or while the lender has title to the property. If during

these monthly inspections, the property becomes or appears to become a derelict structure, the lender shall register the property as a derelict structure per GRC 10.30.220.

(Ord. No. 1783, Amended, 05/01/2018; Ord. No. 1770, Enacted, 03/23/2017)

10.30.210 Closing and Securing of Derelict Structures.

(1) The manager may order appropriate measures to render a derelict structure secure from entry. The securing of the structure shall be by methods calculated to render entry very difficult, including, but not limited to, the use of lag bolts in the boarding of entry points, instead of nailing.

(2) In order to perform the function or duty authorized or required under this section, city representatives and their agents shall have the right at reasonable times to enter upon the property and render a derelict structure secure from entry. If consent to inspect or secure the property is refused, abatement and/or inspection warrants under GRC 7.50.222 and GRC 7.50.520 shall be utilized.

(3) The costs incurred by the city in boarding or securing a derelict structure may be assessed to the property owner and collected as costs of abatement under GRC 7.50.240 and GRC 7.50.260.

(4) The manager may order the perimeter of the lot upon which a derelict structure is located to be secure from unauthorized entry if there are reports that the property is subject to trespass, vandalism, or other nuisance or chronic nuisance activities. Examples of securing the perimeter of a lot includes installing a temporary six-foot fence with structurally sound top and bottom rails, posted no trespassing noticed and warnings, secured to prevent unauthorized entry, and maintained in good condition. The requirements of the perimeter fence are at the discretion of the manager.

(Ord. No. 1770, Amended, 03/23/2017; Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.220 Derelict Structure Registration.

(1) The manager shall maintain a list of derelict structures.

(2) The owner or lender of a derelict structure shall register the structure with the manager within 10 calendar days of the manager's written direction to register, or the determination by the lender that the property is or appears to be a derelict structure. Registration shall be completed on forms provided by the manager, and shall include:

(a) the location of the property;

(b) the ownership of the property, including address, phone number, and email address;

(c) the name of the lender, balance of the mortgage or deed of trust on the property, and lender's contact number, including phone, address, and email address;

(d) the expected period of its vacancy;

(e) a schedule for inspection and maintenance of the property during the period of vacancy, with a minimum of monthly inspections and maintenance to ensure compliance with the city code;

(f) the agent responsible for inspection and maintenance, including address, phone number, and email address;

(g) a plan and schedule for repairs that will allow re-occupancy and use of the structure, or for its demolition to remove the structure from derelict status; and

(h) a provision whereby the owner of the structure shall indemnify, defend and hold the city harmless from any and all claims asserted against the city by third parties stemming from injuries to persons or to property as a result of the condition or accessibility of the structure.

(3) The plan required by subsection (2)(g) of this section shall include the following:

(a) how the property will comply with the general nuisance requirements of GRC Article 7.15;

(b) how the property will be kept free of all weeds, dry brush, trash, junk and other items that give the appearance that the property is abandoned;

(c) how the property will be kept free of all graffiti, tagging and other markings. Any removal or painting over of graffiti shall be with an exterior grade paint that matches the color of the exterior of the structure;

(d) if pools and spas will not be completely drained, how pools and spas will be kept in working order so that water remains clear and free of pollutants and debris. Pools and spas must comply with the minimum security fencing requirements of Property Maintenance Code;

(e) how the property will be secured in a manner so it is not accessible to unauthorized persons.

(4) Fee. An initial registration application and a registration renewal must be accompanied by a non-refundable fee in the amount established by council resolution.

(5) The registration and plan are subject to review and approval by the manager. Failure by the owner, person in charge of property, or lender to implement the terms of the approved derelict structure registration and plan is a violation of this code.

(6) A derelict structure, once identified and registered, shall be inspected and maintained by the property owner, lender or designated local agent on a schedule and in a manner to ensure the property is in compliance with GRC Article 10.30, the Gresham Revised Code and the approved derelict structure registration and plan, until the structure is no longer a derelict structure.

(7) The lender or local designated agent 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

interior of a window facing the street to the front of the property so it is visible and legible from the street. If no such area exists, the posting shall be placed on the exterior of the property in a location visible and legible from the street to the front of the property. An exterior posting shall be printed with on and with weather resistant materials.

(8) Any change in the information provided pursuant to this subsection shall be given to the manager within 30 calendar days of the change. When the owner or lender believes the structure is no longer derelict the owner shall contact the manager and request an inspection to determine that the structure is no longer derelict.

(Ord. No. 1783, Amended, 05/01/2018; Ord. No. 1770, Amended, 03/23/2017; Ord. No. 1709, Amended, 12/01/2011; Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.230 Residential Rental Property and Derelict Structure Complaint Process.

(1) Complaints of a derelict structure or for violations of the PMC are to be directed to the manager. The manager shall take the necessary steps to determine the existence of any violations, including any not listed in the original complaint; take steps to require property owners to remedy conditions and defects found to violate the PMC; initiate suspension or revocation of a residential rental property license or other remedies under GRC Article 9.55 if applicable; initiate enforcement procedures under GRC Article 7.50; or take other such action as may be appropriate to ensure compliance with the PMC.

(2) When the complaint relates to a derelict structure or exterior property conditions only, the manager may direct a copy of the complaint to the relevant neighborhood association or the Neighborhood Coalition. The affected neighborhood association or the Neighborhood Coalition may provide information and evidence to the manager concerning the complaint. Neither the neighborhood association nor the Neighborhood Coalition has any authority to enforce any aspect of the PMC.

(3) The manager may initiate an inspection of residential rental property, a specific

residential rental unit, if necessary, or a derelict structure, to determine the validity of the complaint. Any such inspection may be in addition to residential rental property inspections contemplated under GRC Article 9.55.

(4) If the property owner, designated agent, or tenant refuses to allow an inspection of the premises or residential rental unit that is the subject of the complaint, the city may obtain an administrative inspection warrant as provided for in GRC 7.50.510 and GRC 7.50.520.

(5) For residential rental units, following each inspection, the inspector will complete an inspection checklist for each residential rental unit inspected and provide a copy of the completed form to the owner or designated agent and the residential rental unit tenant. The occupier will receive a copy of the notice of inspection checklist.

(6) If the manager determines that the complaint is verified, or the residential rental unit subject to the complaint failed to meet the standards set forth in the PMC, GRC Article 10.30, the manager will initiate enforcement as provided in GRC Article 7.50 or GRC 10.30.210 as applicable.

(7) In the event any life threatening health and/or safety condition or defect is found to exist, the condition or defect may be summarily abated as provided in GRC Article 7.50.

(a) In addition to summary abatement, the residential rental license may be denied, suspended or revoked, and the tenant(s) relocated with the assistance of the city and/or emergency housing service providers.

(b) Residential rental units found to be directly affected by life threatening health and/or safety condition(s) or defect(s) shall not be occupied unless and until the designated condition and/or defect has been satisfactorily corrected as determined by subsequent inspection.

(c) All costs of abatement, including all tenant relocation costs incurred by the city in

this section, shall be the responsibility of the residential rental property owner and assessed as provided for in GRC Article 7.50.

(8) An existing license may be suspended, or a renewal license not issued, unless and until all conditions and/or defects concerning the licensed residential rental property subject to the complaint have been corrected.

(9) Complaints under this section shall be considered confidential by the city and shall not be subject to public disclosure under the Oregon Public Records Act, unless disclosure is required by law.

(Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.235 Decommissioning and Removal of Renewable Energy Systems.

(1) Renewable energy systems that have reached the end of their useful life or have been abandoned shall be decommissioned and removed.

(2) A renewable energy system that is no longer in use or that has reached the end of its useful life shall be considered abandoned.

(3) Absent notice from an owner that a renewable energy system has been abandoned, a renewable energy system shall be considered abandoned when it does not operate for more than one year.

(4) If the owner of a renewable energy system demonstrates extenuating circumstances for the reasons a renewable energy system has not been in operation, the owner of a renewable energy system may submit a written request to the manager requesting an extension to the time period before it will be determined to be abandoned. The manager shall grant such reasonable requests.

(5) The owner of a renewable energy system shall decommission and remove a renewable energy system within 90 days of the date that it is abandoned.

(6) Decommissioning and removal shall consist of:

(a) deactivating a renewable energy system from use;

(b) physical removal of all equipment, wiring, mounting, security barriers, foundations and transmission lines;

(c) disposal of any solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and

(d) stabilization or re-vegetation of the site as necessary to minimize erosion.

(7) Upon written request to the manager, the owner may be permitted to leave landscaping or designated below-grade foundations to minimize erosion and disruption to the vegetation.

(Ord. No. 1726, Enacted, 07/18/2013)

10.30.270 Temporary Waivers of Enforcement Action.

(1) The manager may issue a temporary waiver of enforcement action, which will give a period of time that the manager determines is reasonable, but no longer than six months, to correct the violations found. The length of time given will depend on several factors, such as the extent and cost of the repairs, seriousness of the conditions, financial capacity of the owner, and the time of year. During the waiver period, the affected residential rental unit(s) may not be occupied.

(2) The manager may revoke the waiver if any of the conditions that allowed the owner to qualify for a waiver change. Because the waiver is granted to a specific property owner, the waiver automatically terminates upon change in ownership. The manager may, assist the owner in obtaining information regarding financial or other assistance to make the necessary repairs.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.280 Hardship Waivers of Enforcement Action.

(1) The manager may issue a hardship waiver of enforcement action only if the owner currently legally resides on the property. A hardship waiver

may be issued only in those instances when the owner is found by the manager to be over 65 years of age, disabled, or classified as "very low income" under the US Department of Housing and Urban Development (HUD) standards. Hardship waivers shall not exceed three years. The income level of the owner will be reevaluated before the end of the three year waiver period. Application for a hardship waiver must be filed with the manager in writing. The manager may require the owner to supply all information necessary to demonstrate the owner's eligibility for the waiver. The owner must submit a separate application for waiver for each notice of complaint and violation.

(2) The manager may revoke the waiver if any of the conditions that allowed the owner to qualify for a waiver change. Because the waiver is granted to a specific property owner, the waiver automatically terminates upon change in ownership or tenure of the property.

(3) The owner may reapply for new hardship waivers to become effective at the expiration of the term of any hardship waiver previously granted.

(4) The manager may assist the owner in obtaining information concerning financial or other assistance to make the necessary repairs.

(Ord. No. 1535, Enacted, 10/02/2001)

10.30.290 Enforcement.

(1) Violation of any section of the PMC may be subject to a fine or penalty in the maximum amount of \$1,000. A violation applies to each property or residential rental unit in violation of the PMC. Each day a violation occurs or continues is a separate violation.

(2) The remedies available under GRC 9.55.160 shall also be available to address violations of the PMC.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1669, Amended, 04/16/2009; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1647, Amended, 09/20/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.310 Receivership Authority.

In addition to, and not in lieu of any other provisions of the PMC, when residential property is found to violate the PMC, the violation is a threat to the public health and safety, and the legal owner has not acted in a timely manner to correct the violation(s), the manager may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1535, Enacted, 10/02/2001)

10.30.320 Lien.

Abatement costs, late payment charges, reinspection fees, or other fees or charges imposed under the PMC, shall constitute a valid lien against the property in favor of the city of Gresham if not paid within 30 calendar days of imposition of the fees. The lien shall remain valid against the property until fully paid. The manager may record the lien in the Multnomah County deed records. The city may collect an administrative fee for the release of any lien issued by the city that shall be set and adjusted by council resolution.

(Ord. No. 1700, Amended, 03/03/2011; Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1602, Amended, 04/01/2005; Ord. No. 1535, Enacted, 10/02/2001)

10.30.340 Application of Other Codes.

Nothing in the PMC shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the GRC, or the requirement to obtain all necessary permits and approvals.

(Ord. No. 1649, Amended, 12/18/2007; Ord. No. 1535, Enacted, 10/02/2001)

10.30.360 Coordination of Enforcement.

The manager shall make reasonable effort to arrange for the coordination of enforcement efforts and any necessary inspections in an effort to minimize conflicts between the activities of affected city departments.

(Ord. No. 1535, Enacted, 10/02/2001)

Chapter 29.05 Title, Purpose and Scope

29.05.010 Title.

(Amended by Ordinance No. 180330, effective August 18, 2006.) Title 29 of Portland City Code shall be known as the “Property Maintenance Regulations.”

29.05.020 Purpose.

(Amended by Ordinance No. 182488, effective February 21, 2009.) The purpose of this Title is to protect the health, safety and welfare of Portland citizens, to prevent deterioration of existing housing and the exterior of non-residential structures, and to contribute to vital neighborhoods by:

- A. Establishing and enforcing minimum standards for residential structures regarding basic equipment, facilities, sanitation, fire safety, and maintenance.
 - B. Establishing and enforcing minimum standards of maintenance for outdoor areas and adjacent rights of way.
 - C. Regulating and abating dangerous and derelict buildings.
 - D. Establishing and enforcing minimum standards for the exterior maintenance of non-residential structures.
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29.05.030 Scope.

(Amended by Ordinance No. 180330, effective August 18, 2006.) The provisions of this Title shall apply to all property in the City except as otherwise excluded by law.

29.05.040 Application of Titles 24, 25, 26, 27, 28, and 33.

Any alterations to buildings, or changes of their use, which may be a result of the enforcement of this Title shall be done in accordance with applicable Sections of Title 24 (Building Regulations), Title 25 (Plumbing Regulations), Title 26 (Electrical Regulations), Title 27 (Heating and Ventilating Regulations), Title 28 (Floating Structures), and Title 33 (Planning and Zoning) of the Code of the City of Portland.

29.05.050 Use of Summary Headings.

(Repealed by Ordinance No. 180330, effective August 18, 2006.)

Chapter 29.10 Definitions

29.10.010 General.

(Amended by Ordinance No. 180330, effective August 18, 2006.) For the purpose of this Title, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this Chapter. "And" indicates that all connected items or provisions apply. "Or" indicates that the connected items or provisions may apply singly or in combination. Terms, words, phrases and their derivatives used, but not specifically defined in this Title, either shall have the meanings defined in Title 24, or if not defined, shall have their commonly accepted meanings.

29.10.020 Definitions.

(Amended by Ordinance Nos. 173248, 173270, 174265, 176381, 176955, 180330, 181699, 182488 and 183534, effective July 1, 2010.) The definitions of words with specific meaning in this Title are as follows:

A. Abatement of a nuisance. The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.

B. Accessory Structure. Any structure not intended for human occupancy which is located on residential or non-residential property. Accessory structures may be attached to or detached from the residential or non-residential structure. Examples of accessory structures include: garages, carports, sheds, and other non-dwelling buildings; decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways, and other exterior structures on the property.

C. Adjacent right of way. The sidewalks and planting strips that border a specific property as well as the near half of the streets, alleys, or other public rights of way that border a specific property.

D. Apartment House. See Dwelling Classifications.

E. Approved. Meets the standards set forth by applicable Portland City Code including any applicable regulations for electric, plumbing, building, or other sets of standards included by reference in this Title.

F. Basement. The usable portion of a building which is below the main entrance story and is partly or completely below grade.

G. Boarded. Secured against entry by apparatus which is visible off the premises and is not both lawful and customary to install on occupied structures.

H. Building. Any structure used or intended to be used for supporting or sheltering any use or occupancy.

I. Building, Existing. Existing building is a building erected prior to the 1972 adoption of the building code by the City of Portland, or one for which a legal permit has been issued.

J. Ceiling Height. The clear distance between the floor and the ceiling directly above it.

K. Court. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

L. Dangerous Building. See Dangerous Structure.

M. Dangerous Structure. Any structure which has any of the conditions or defects described in Section 29.40.020, to the extent that life, health, property, or safety of the public or its occupants are endangered.

N. Demolition Warrant. An order from the Circuit Court authorizing the demolition of a dangerous structure as authorized by this Title, including disposal of all debris in an approved manner, and returning the lot to a clean and level condition.

O. Derelict Building. Any structure which has any of the conditions or defects described in Section 29.40.010 A.

P. Director. Is as defined in Section 24.15.070.

Q. Disabled vehicle. Any vehicle which is or appears to be inoperative, wrecked or dismantled, or partially dismantled.

R. Duplex. See Dwelling Classifications, “Two-Family Dwelling.”

S. Dwelling. Any structure containing dwelling units, including all dwelling classifications covered by the Title.

T. Dwelling Classifications. Types of dwellings covered by this Title include:

1. **Single-Family Dwelling.** A structure containing one dwelling unit.
2. **Two-Family Dwelling.** A structure containing two dwelling units, also known as a “duplex.”
3. **Apartment House.** Any building or portion of a building containing three or more dwelling units, which is designed, built, rented, leased, let, or hired out to be occupied for residential living purposes.
4. **Hotel.** Any structure containing six or more dwelling units that are intended, designed, or used for renting or hiring out for sleeping purposes by residents on a daily, weekly, or monthly basis.
5. **Motel.** For purposes of this Title, a motel shall be defined the same as a hotel.
6. **Single-Room Occupancy Housing Unit.** A one-room dwelling unit in a hotel providing sleeping, cooking, and living facilities for one or two persons in which some or all sanitary or cooking facilities (toilet, lavatory, bathtub or shower, kitchen sink, or cooking equipment) may be shared with other dwelling units.

7. Manufactured Dwelling. The term “manufactured dwelling” includes the following types of single-family dwellings as noted below. Manufactured Dwelling does not include any unit identified as a recreational vehicle by the manufacturer:

a. Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed before January 1, 1962.

b. Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

c. Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations.

8. Floating Home. A floating structure used primarily as a dwelling unit. Application of this Title shall be modified for floating homes, when appropriate, by nautical application and tradition as defined in Portland City Code 28.01.020.

U. Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating, and sanitation.

V. Eradication. Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

W. Exit. (Means of Egress.) A continuous, unobstructed means of escape to a public way, including intervening doors, doorways, exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, passageways, exterior courts and yards.

X. Exterior Property Area. The sections of residential property which are outside the exterior walls and roof of the dwelling.

Y. Extermination. The elimination of insects, rodents, vermin or other pests at or about the affected building.

Z. Floor Area. The area of clear floor space in a room exclusive of fixed or built-in cabinets or appliances.

AA. Guard or Guardrail. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

BB. Habitable Room (Space). Habitable room or space is a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

CC. Handrail. A horizontal or sloping rail intended for grasping by the hand for guidance or support.

DD. Hotel. See Dwelling Classifications.

EE. Immediate Danger. Any condition posing a direct immediate threat to human life, health, or safety.

FF. Infestation. The presence within or around a dwelling of insects, rodents, vermin or other pests to a degree that is harmful to the dwelling or its occupants.

GG. Inspection. The examination of a property by the Director for the purpose of evaluating its condition as provided by this Title.

HH. Inspection Warrant. An order from the Circuit Court authorizing a safety or health inspection or investigation to be conducted at a designated property.

II. Inspector. An authorized representative of the Director whose primary function is the inspection of properties and the enforcement of this Title.

JJ. Interested Party. Any person or entity that possesses any legal or equitable interest of record in a property including but not limited to the holder of any lien or encumbrance of record on the property.

KK. Kitchen. A room used or designed to be used for the preparation of food.

LL. Lavatory. A fixed wash basin connected to hot and cold running water and the building drain and used primarily for personal hygiene.

MM. Lawn area. Any area of a property, including vacant lots, where lawn grasses are used as ground cover, or where the ground covering vegetation does not permit passage to substantial portions of the property without walking directly on the vegetation.

NN. Lawn grass. Varieties of grass that were planted, or are commonly sold, for the purpose of maintaining a mowed lawn.

OO. Maintenance. The work of keeping property in proper condition to perpetuate its use.

PP. Maintained compost area. A small portion of a property set aside for the purpose of encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer for the soil on the property. A maintained compost area shows clear indicators that the yard debris placed there is being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition is not a maintained compost area.

QQ. Manufactured Dwelling. See Dwelling Classifications.

RR. Motel. See Dwelling Classifications.

SS. Naturescape. Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

TT. Nuisance Abatement Warrant. An order from the Circuit Court authorizing the removal and abatement of any nuisance as authorized by this Title, including disposal of the nuisance items removed in an appropriate manner.

UU. Occupancy. The lawful purpose for which a building or part of a building is used or intended to be used.

VV. Occupant. Any person (including an owner or operator) using a building, or any part of a building, for its lawful, intended use.

WW. Operator. Any person who has charge, care or control of a building or part of a building in which dwelling units are let or offered for occupancy.

XX. Outdoor area. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

YY. Owner. The person whose name and address is listed as the owner of the property by the County Tax Assessor on the County Assessment and Taxation records.

ZZ. Plumbing or Plumbing Fixtures. Plumbing or plumbing fixtures mean any water heating facilities, water pipes, vent pipes, garbage or disposal units, waste lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connection to water, gas, sewer, or vent lines.

AAA. Property. Any real property and all improvements, buildings or structures on real property, from property line to property line.

BBB. Public right-of-way. Any sidewalk, planting strip, alley, street, or pathway, improved or unimproved, that is dedicated to public use.

CCC. Repair. The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

DDD. Resident. Any person (including owner or operator) hiring or occupying a room or dwelling unit for living or sleeping purposes.

EEE. Residential Property. Real property and all improvements or structures on real property used or intended to be used for residential purposes including any residential structure, dwelling, or dwelling unit as defined in this chapter and any mixed-use structures which have one or more dwelling units. Hotels that are used exclusively for transient occupancy, as defined in this Title, are excluded from this definition of residential property.

FFF. Residential Rental Property. Any property within the City on which exist one or more dwelling units which are not occupied as the principal residence of the owner.

GGG. Residential Structure. Any building or other improvement or structure containing one or more dwelling units as well as any accessory structure. This includes any dwelling as defined in this Title.

HHH. Shall. As used in this Title, is mandatory.

III. Single-Family Dwelling. See Dwelling Classifications.

JJJ. Single-Room Occupancy Housing Unit. See Dwelling Classifications.

KKK. Sink. A fixed basin connected to hot and cold running water and a drainage system and primarily used for the preparation of food and the washing of cooking and eating utensils.

LLL. Sleeping Room. Any room designed, built, or intended to be used as a bedroom as well as any other room used for sleeping purposes.

MMM. Stagnant Water. Any impoundment of water in which there is no appreciable flow of water through the impoundment and the level of water does not vary during any 48-hour period.

NNN. Street. Includes any street, avenue, boulevard, alley, lane, bridge, bicycle path, road, walk, public thoroughfare or public way, and any land over which a right of way has been obtained, or granted and accepted for any purpose of public travel, including all area between property lines, and area dedicated to street use.

OOO. Structure. That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

PPP. Summary Abatement. Abatement of a nuisance by the City, or by a contractor hired by the City, without obligation to give prior notice of the abatement action to the owner or occupant of the property.

QQQ. Supplied. Installed, furnished or provided by the owner or operator.

RRR. Swimming Pool. Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above ground and on-ground swimming pools, hot-tubs and spas.

SSS. Toilet. A flushable plumbing fixture connected to running water and a drainage system and used for the disposal of human waste.

TTT. Toilet Compartment. A room containing only a toilet or only a toilet and lavatory.

UUU. Transient Occupancy. Occupancy of a dwelling unit in a hotel where the following conditions are met:

1. Occupancy is charged on a daily basis and is not collected more than six days in advance;

2. The lodging operator provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy;
3. The period of occupancy does not exceed 30 days; and
4. If the occupancy exceeds five days, the resident has a business address or a residence other than at the hotel.

VVV. Two-Family Dwelling. See Dwelling Classifications.

WWW. Unsecured. Any structure in which doors, windows, or apertures are open or broken so as to allow access by unauthorized persons.

XXX. Vehicle. Any device in, on, upon, or by which any person or property is or may be transported or drawn upon a public highway, except a device moved by human power or used exclusively upon stationary rails or tracks, including but not limited to a body, an engine, a transmission, a frame, or other major part.

YYY. Warehousing. Securing a structure against vandalism, deterioration, and unauthorized entry pending its return to active use or occupancy.

ZZZ. Yard. An open, unoccupied space, other than a court, unobstructed from the ground to the sky, and located between a structure and the property line of the lot on which the structure is situated.

Chapter 29.20 Property Nuisances

29.20.010 Outdoor Maintenance Requirements.

(Amended by Ordinance Nos. 176381, 180330, 183534, 184522, 185448 and 186053, effective January 1, 2015.) It is the responsibility of the owner of any property, improved or unimproved, to maintain the outdoor areas of the property and adjacent rights of way in a manner that complies with the following requirements:

A. Holes, tanks, and child traps. Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.

B. Unsecured structures. Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any structure so as to prevent access by unauthorized persons through such openings.

C. Rat harborage. Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.

D. Emergency access routes. Remove and keep removed all brush, vines, overgrowth and other vegetation located within 10 feet of a structure or within 10 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.

E. Thickets that conceal hazards. Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:

1. Concealing trash and debris; or
2. Creating rat harborage; or
3. Creating harborage for people involved in criminal activity or for products used for criminal activity.

F. Overgrown lawn areas. Cut and remove and keep cut and removed all weeds and grass that are located in lawn areas and have a prevailing height of more than 10 inches.

G. Nuisance Plants. Eradication, as defined in 29.10.020 V., is required of all plants identified on the Nuisance Plants List. The Director shall adopt administrative rules detailing implementation and enforcement of this provision.

H. Trash and debris. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

1. All garbage, offal, dead animals, animal and human waste, and waste materials (All garbage shall be stored as specified in Section 29.30.140);
2. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;
3. All dead bushes, dead trees, and stumps with the exception of such material which:
 - a. Is being maintained as part of a naturescaped property;
 - b. Does not result in a nuisance as otherwise defined in this chapter; and
 - c. Is located on a property which is otherwise substantially in compliance with this chapter;
4. All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property per the provisions in Title 11;
5. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and
6. Accumulations of clothing and any other items not designed for outdoor storage.

I. Storage of non-trash items. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

1. Accumulations of wood pallets.
2. Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester, per the provisions in Title 11, Trees.
3. Accumulations of vehicle parts or tires.
4. All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.
5. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.
6. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.
7. All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal) that are stored in a well-maintained manner.
8. All other non-trash items which:

- a. Are of a type or quantity inconsistent with normal and usual use; or
- b. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

J. Disabled vehicles. Neither store nor permit the storing of a disabled vehicle for more than 7 days unless the vehicle is enclosed within a legally permitted building or unless it is stored by a licensed business enterprise dealing in junked vehicles lawfully conducted within the City. Removal and disposition of such disabled vehicles shall be in accordance with the provisions of Section 16.30.320, 16.30.340, 16.30.350 and 16.30.500 of the Code to the extent that such provisions are applicable.

K. Obstructions to sidewalks, streets, and other rights of way. Keep the adjacent rights of way free of anything that obstructs or interferes with the normal flow of pedestrian or vehicular traffic, unless specifically authorized by permit or ordinance to do otherwise. This responsibility includes, but is not limited to, removal of earth, rock, and other debris, as well as projecting or overhanging bushes and limbs that may obstruct or render unsafe the passage of persons or vehicles. This responsibility also includes, but is not limited to, the obligation to maintain all rights of way referenced in this subsection to meet the following minimum clearances:

- 1. Sidewalks.** All sidewalks must be clear of obstructions by earth, rock, or vegetation from edge to edge and to an elevation of 7-1/2 feet above sidewalk level. For example, bushes that encroach on or over any part of a sidewalk area must be cut back or removed and limbs of trees that project over the sidewalk area at an elevation of less than 7 1/2 feet above the sidewalk level must be removed. Pruning Street Trees and tree removal is subject to the requirements of Title 11, Trees.
- 2. Improved streets.** On any improved street designated as a Regional Trafficway, Major City Traffic Street, District Collector, or a one-way street where parking has been prohibited, branches must be trimmed to a height of 14 feet above the crown of the street. Moreover any other improved streets must be clear of obstructions to vehicle movement and parking from edge to edge and to an elevation of 11 feet above street level. For example, bushes that encroach on or over any part of a street must be cut back or removed; limbs of trees that project over a street at an elevation of less than 11 feet above street level must be removed; and no wires or other things shall be maintained over the street level at any elevation less than 11 feet. Pruning Street Trees and tree removal is subject to the requirements of Title 11, Trees.
- 3. Alleys and unimproved rights of way.** All alleys, unimproved streets, and other public rights of way must be clear of obstructions that may hinder the normal flow of traffic or render the right of way unsafe for its current and necessary use.

29.20.020 Other Endangering Conditions.

(Amended by Ordinance Nos. 176381 and 183397, effective January 8, 2010.) It is the responsibility of the owner of any property, improved or unimproved, to remove or repair:

- A.** Any damage to or failure of an on-site sewage disposal system, private or common private sewer lines, or rain drain system, and

B. Any other substance, material or condition that is determined by the Director to endanger neighboring property, the health or safety of the public, or the occupants of the property.

29.20.030 Nuisance Defined, Summary Abatement Authorized.

(Amended by Ordinance No. 180330, effective August 18, 2006.) All conditions in violation of Sections 29.20.010 and 29.20.020 of this Title shall constitute a nuisance. Any person whose duty it is to correct such conditions and who fails to do so shall be subject to charges according to the Fee Schedule approved by the City Council. In cases where the Director determines that it is necessary to take immediate action in order to meet the purposes of this Title, summary abatement of such nuisances is authorized.

Chapter 29.30 Housing Maintenance Requirements

29.30.005 General.

(Amended by Ordinance Nos. 180330 and 181699, effective April 25, 2008.)

- A. An owner may not maintain or permit to be maintained, in violation of this Chapter, any residential property.
 - B. All residential property shall be maintained to the building, mechanical, plumbing and electrical code requirements in effect at the time of construction, alteration, or repair.
 - C. Where construction, alteration or repair has been made to a residential property illegally without benefit of a permit, all work shall be required to meet current requirements of the applicable Oregon Specialty Code as adopted in Sections 24.10.040, 25.01.020, 26.01.030 and 27.01.030 of the City Code.
 - D. The specific minimum maintenance standards set forth in Sections 29.30.010 through 29.30.240 shall only apply to residential property that was constructed, altered or repaired before July 1, 1974. Subsections 29.30.250 through 29.30.290 shall apply to all applicable structures regardless of construction date.
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29.30.010 Display of Address Number.

Address numbers posted shall be the same as the number listed on the County Assessment and Taxation Records for the property. All dwellings shall have address numbers posted in a conspicuous place so they may be read from the listed street or public way. Units within apartment houses shall be clearly numbered, or lettered, in a logical and consistent manner.

29.30.020 Accessory Structures.

All accessory structures on residential property shall be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

29.30.030 Roofs.

(Amended by Ordinance No. 176381, effective May 10, 2002.) The roof shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building and shall channel rainwater in an approved manner to an approved point of disposal.

29.30.040 Chimneys.

Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.

29.30.050 Foundations and Structural Members.

A. Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.

B. The supporting structural members in every dwelling shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

29.30.060 Exterior Walls and Exposed Surfaces.

A. Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.

B. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Wood used in construction of permanent structures and located nearer than six inches to earth shall be treated wood or wood having a natural resistance to decay.

C. Exterior metal surfaces shall be protected from rust and corrosion.

D. Every section of exterior brick, stone, masonry, or other veneer shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

29.30.070 Stairs and Porches.

Every stair, porch, and attachment to stairs or porches shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, or loose.

29.30.080 Handrails and Guardrails.

(Amended by Ordinance No. 176381, effective May 10, 2002.) Every handrail and guardrail shall be firmly fastened, and shall be maintained in good condition, capable of supporting the loads to which it is subjected, and meet the following requirements:

- A. Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.
 - B. Where not otherwise required by original building codes, exterior stairs of more than three risers which are designed and intended to be used as part of the regular access to the dwelling unit shall have handrails. Interior stairs of more than three risers shall have handrails. When required handrails are installed they shall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.
 - C. Where not otherwise required by original building codes, porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guardrails. When required guardrails are installed, they shall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.
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29.30.090 Windows.

(Amended by Ordinance No. 181699, effective April 25, 2008.)

- A. Every habitable room shall have at least one window facing directly to an exterior yard or court. The minimum total glass area for each habitable room shall be 6.8 percent of the room's floor area, except for basement rooms where the minimum shall be 5 percent. The glazed areas need not be provided in rooms where artificial light is provided capable of producing an average illumination of 3 foot-candles over the area of the room measured at a height of 30 inches above the floor and the minimum ventilation requirements in Subsection B below are satisfied.
- B. Except where another approved ventilation device is provided, the total openable window area in every habitable room shall be equal to at least one-fortieth (2.5%) of the area of the room. The glazed areas need not be openable where the opening is not required for emergency escape and an approved mechanical ventilation system is provided capable of producing 0.35 air changes per hour in the room.
- C. Every bathroom or toilet room or compartment shall comply with the light and ventilation requirements for habitable rooms as required by Subsections 29.30.090 A and B, except that no window shall be required in bathrooms or toilet compartments equipped with an approved ventilation system.

D. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements described in Section 29.30.230 A shall have a sill height of no more than 44 inches above the floor or above an approved, permanently installed step. The step must not exceed 12 inches in height and must extend the full width of the window. The top surface of the step must be a minimum of six feet from the ceiling above the step.

E. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements described in Section 29.30.230 A shall have a minimum net clear opening of at least 20 inches wide and at least 22 inches high.

F. Every window required for ventilation or emergency escape shall be capable of being easily opened and held open by window hardware. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

G. All windows within 10 feet of the exterior grade that open must be able to be securely latched from the inside as well as be openable from the inside without the use of a key or any special knowledge or effort. This same requirement shall apply to all openable windows that face other locations that are easily accessible from the outside, such as balconies or fire escapes, regardless of height from the exterior grade.

H. Every window shall be substantially weather-tight, shall be kept in sound condition and repair for its intended use, and shall comply with the following:

1. Every window sash shall be fully supplied with glass windowpanes or an approved substitute without open cracks and holes.
2. Every window sash shall be in good condition and fit weather-tight within its frames.
3. Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling.

29.30.100 Doors.

A. Every dwelling or dwelling unit shall have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment, to an exterior yard or court or to an approved exit. All such doors shall be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.

B. In hotels and apartment houses, exit doors in common corridors or other common passageways shall be openable from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.

C. Every door to the exterior of a dwelling unit shall be equipped with a lock designed to discourage unwanted entry and to permit opening from the inside without the use of a key or any special knowledge or effort.

D. Every exterior door shall comply with the following:

1. Every exterior door, door hinge, door lock, and strike plate shall be maintained in good condition.
2. Every exterior door, when closed, shall fit reasonably well within its frame and be weather-tight.
3. Every doorframe shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling.

E. Every interior door and doorframe shall be maintained in a sound condition for its intended purpose with the door fitting within the doorframe.

29.30.110 Interior Walls, Floors, and Ceilings.

A. Every interior wall, floor, ceiling, and cabinet shall be maintained in a clean, sanitary, safe, and structurally sound condition, free of large holes and serious cracks, loose plaster or wallpaper, flaking or scaling paint.

B. Every toilet compartment, bathroom, and kitchen floor surface shall be constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

29.30.120 Interior Dampness.

Every dwelling, including basements, and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

29.30.130 Insect and Rodent Harborage.

Every dwelling shall be kept free from insect and rodent infestation, and where insects and rodents are found, they shall be promptly exterminated. After extermination, proper precautions shall be taken to prevent reinfestation.

29.30.140 Cleanliness and Sanitation.

(Amended by Ordinance Nos. 176381, 177254, 181699 and 184885, effective October 28, 2011.)

A. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. All household garbage shall be stored in receptacles which are free from holes and covered with tight fitting lids.

B. The interior of every dwelling shall be maintained in a clean and sanitary condition and free from any accumulation of rubbish or garbage so as not to breed insects and rodents, produce dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or create a fire hazard.

C. The owner of a residential rental property shall provide for each dwelling unit, or subscribe for service where a franchisee provides at least one 20 gallon receptacle into which garbage and rubbish may be emptied for storage and collection. Receptacles must be of sufficient capacity to prevent the overflow of garbage and rubbish from occurring. Receptacles and lids shall be watertight and provided with handles. All receptacles shall be maintained free from holes and covered with tight-fitting lids at all times. The owner of the residential rental property shall subscribe to and pay for weekly recycling and composting service and every-other-week garbage removal service by a refuse collection permittee or franchisee as defined in Chapter 17.102 of the Code of the City of Portland.

D. The owner of any owner occupied residential property shall be required to subscribe and pay for weekly recycling and composting service and every-other-week garbage removal service by a refuse collection permittee or franchisee as defined in Chapter 17.102 of the Code of the City of Portland if the property has been posted two or more times within one year for violation of Subsection 29.20.010 H.1. or 2.

29.30.150 Bathroom Facilities.

Except as otherwise noted in this Section, every dwelling unit shall contain within its walls in safe and sanitary working condition:

A. A toilet located in a room that is separate from the habitable rooms and that allows privacy;

B. A lavatory basin; and

C. A bathtub or shower located in a room that allows privacy.

In hotels and apartment houses where private toilets, lavatories, or baths are not provided, there shall be on each floor at least one toilet, one lavatory, and one bathtub or shower each provided at the rate of one for every twelve residents or fraction of twelve residents. Required toilets, bathtubs, and showers shall be in a room, or rooms, that allow privacy.

29.30.160 Kitchen Facilities.

A. Every dwelling unit shall contain a kitchen sink apart from the lavatory basin required under Section 29.30.150, with the exception of single-room occupancy housing units which shall comply with Subsection 29.30.290 B.

B. Except as otherwise provided for in Subsections 29.30.290 B and C, every dwelling unit shall have approved service connections for refrigeration and cooking appliances.

29.30.170 Plumbing Facilities.

(Amended by Ordinance 180330, effective August 18, 2006.)

A. Every plumbing fixture or device shall be properly connected to a public or an approved private water system and to a public or an approved private sewer system.

B. All required sinks, lavatory basins, bathtubs and showers shall be supplied with both hot and cold running water and have a water pressure of at least 15 psi. Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to all required sinks, lavatory basins, bathtubs and showers. Water heating facilities shall be capable of heating water enough to permit an adequate amount of water to be drawn at every required facility at a temperature of at least 120 degrees at any time needed.

C. In every dwelling all plumbing or plumbing fixtures shall be:

1. Properly installed, connected, and maintained in good working order;
2. Kept free from obstructions, leaks, and defects;
3. Capable of performing the function for which they are designed; and
4. Installed and maintained so as to prevent structural deterioration or health hazards.

D. All plumbing repairs and installations shall be made in accordance with the provisions of Title 25 (Plumbing Regulations).

29.30.180 Heating Equipment and Facilities.

(Amended by Ordinance Nos. 179842 and 180330, effective August 18, 2006.)

A. All heating equipment, including that used for cooking, water heating, dwelling heat, and clothes drying shall be:

1. Properly installed, connected, and maintained in safe condition and good working order;
2. Free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards; and
3. Capable of performing the function for which they are designed.

B. Every dwelling shall have a heating facility capable of maintaining a room temperature of 68 degrees Fahrenheit at a point 3 feet from the floor in all habitable rooms.

1. Portable heating devices may not be used to meet the dwelling heat requirements of this Title.
2. No inverted or open flame fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

C. All mechanical repairs and installations shall be made in accordance with the provisions of Title 27 (Heating and Ventilating Requirements.)

29.30.190 Electrical System, Outlets, and Lighting.

(Amended by Ordinance 180330, effective August 18, 2006.) All buildings used for residential purposes shall be connected to an approved source of electric power. Every electric outlet and fixture shall be maintained and safely connected to an approved electrical system. The electrical system shall not constitute a hazard to the occupants of the building by reason of inadequate service, improper fusing, improper wiring or installation, deterioration or damage, lack of access to a dwelling unit's breaker or disconnect switch or similar reasons.

In addition to other electrical system components that may be used to meet cooking, refrigeration, and heating requirements listed elsewhere in this Title, the following outlets and lighting fixtures are required:

A. Every habitable room shall contain at least two operable electric outlets or one outlet and one operable electric light fixture.

B. Every toilet compartment or bathroom shall contain at least one supplied and operable electric light fixture and one outlet. Every laundry, furnace room, and all similar non-habitable spaces located in a dwelling shall have one supplied electric light fixture available at all times.

C. Every public hallway, corridor, and stairway in apartment houses and hotels shall be adequately lighted at all times with an average intensity of illumination of at least one foot candle at principal points such as angles and intersections of corridors and passageways, stairways, landings of stairways, landings of stairs and exit doorways, and at least ½-foot candle at other points. Measurement of illumination shall be taken at points not more than 4 feet above the floor.

D. All electrical repairs and installations shall be made in accordance with the provisions of Title 26 (Electrical Regulations.)

29.30.200 Ceiling Heights.

(Amended by Ordinance Nos. 180330 and 181699, effective April 25, 2008.) Habitable rooms in existing one and two family dwelling buildings shall have a clear ceiling height of at least 7 feet. Habitable rooms in other existing buildings shall have a clear ceiling height of at least 7 feet 6 inches. The following height exceptions may be used for the one and two family dwelling ceiling height requirements:

A. **Flat ceilings.** Where the ceiling is flat, ceiling heights may be a minimum of 6 feet 8 inches. Pipes, ducts, beams, or similar objects projecting from the ceiling may be as follows:

1. Ceiling projections may be as low as 6 feet where they are located within 2 feet from the wall; or

2. Ceiling projections may be as low as 6 feet 2 inches where they do not occupy more than 10 percent of the floor area in the room where they are located.

B. Sloped ceilings.

1. **General.** Where the ceiling is sloped, the height may be as follows:

- a. The minimum ceiling height must be at least 6 feet 8 inches over an area comprising at least 50% of the overall room area; and
- b. Portions of the room with a ceiling height less than 5 feet shall not be counted toward the overall room area.

2. **Bathrooms.** In bathrooms with sloped ceilings not more than 75% of the floor area of a bathroom is permitted to have a sloped ceiling less than 7 feet in height, provided an area of 21 inches by 24 inches in front of toilets and lavatories has a minimum of 6 feet 4 inches in height. An area of 24 inches by 30 inches in front of and inside a tub or shower shall have a minimum of 6 feet 4 inches in height.

C. These exceptions to the current building codes shall not apply where any occupancy has been changed, or the occupant load has been increased, contrary to the provisions of this Title.

29.30.210 Sleeping Room Requirements.

Every room used for sleeping purposes:

- A. Shall be a habitable room as defined in this title;
- B. Shall not be a kitchen;
- C. Shall have natural light, ventilation, and windows or other means for escape purposes as required by this Title; and
- D. Shall comply with the following minimum requirements for floor area:
 1. Shall have a minimum area of at least 70 square feet of floor area, except that where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each person in excess of two. No portion of a room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the room's minimum area.
 2. Any dwelling or portion of any dwelling constructed pursuant to permit or lawfully constructed prior to permit requirements shall be deemed in compliance with respect to sleeping room area provided that the deficiency in floor area is no more than 15 percent of that required by Subsection 29.30.210 D 1. This subsection shall not apply where any occupancy has been changed, or the number of occupants has been increased, contrary to the provisions of this Title.
 3. Floor area requirements for single-room occupancy housing units shall be in accordance with Section 29.30.290 of this Title.

29.30.220 Overcrowding.

No dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there are more residents than one plus one additional resident for every 100 square feet of floor area of the habitable rooms in the dwelling unit.

29.30.230 Emergency Exits.

(Amended by Ordinance Nos. 176381 and 180330, effective August 18, 2006.)

A. Every sleeping room shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full clear opening without the use of special knowledge, effort, or separate tools. Windows used to meet this requirement shall meet the size and sill height requirements described in 29.30.090 D. and E. All below grade windows used to meet this requirement shall have a window well the full width of the window, constructed of permanent materials with a minimum 3 foot by 3-foot clearance in front of the window measured perpendicular to the outside wall. If the bottom of the window well is more than 44" below the ground level, approved steps or an approved permanently attached ladder shall be used.

B. Required exit doors and other exits shall be free of encumbrances or obstructions that block access to the exit.

C. All doorways, windows and any device used in connection with the means of escape shall be maintained in good working order and repair.

D. In addition to other exit requirements, in hotels and apartment houses:

1. All fire escapes shall be kept in good order and repair and painted so as to prevent corrosion of metal, in a manner approved by the Fire Marshal.
 2. Every fire escape or stairway, stair platform, corridor or passageway which may be one of the regular means of emergency exit from the building shall be kept free of encumbrances or obstructions of any kind.
 3. Where doors to stair enclosures are required by City code to be self-closing, the self-closing device shall be maintained in good working order and it shall be unlawful to wedge or prop the doors open.
 4. Windows leading to fire escapes shall be secured against unwanted entry with approved devices.
 5. Every apartment house and hotel shall have directional signs in place, visible throughout common passageways, that indicate the way to exit doors and fire escapes. Emergency exit doors and windows shall be clearly labeled for their intended use.
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29.30.240 Smoke Detectors.

(Amended by Ordinance Nos. 176381 and 180330, effective August 18, 2006.) Smoke detectors sensing visible or invisible particles of combustions or alarms shall be required in all buildings where a room or area therein is designated for sleeping purposes either as a primary use or use on a casual basis. Smoke detectors or alarms shall be installed in each sleeping room or area, in the immediate vicinity of the sleeping rooms and on each additional story of the dwelling, including basements and attics with habitable space. All detectors or alarms shall be approved, shall be installed in accordance with the manufacturer's instructions, shall plainly identify the testing agency that inspected or approved the device, and shall be operable.

29.30.250 Fire Safety Conditions for Apartment Houses and Hotels of More than Two Stories.

(Amended by Ordinance No. 178745, effective October 1, 2004.) In addition to other fire safety requirements of this title, hotels and apartment houses of more than two stories in height shall meet the following requirements:

A. Minimum fire safety standards shall be as provided in Appendix Chapter 12 of the State of Oregon Structural Specialty Code, 1979.

B. Residential High Rise Buildings constructed in accordance with the high-rise building requirements of the Oregon Structural Specialty Code shall maintain all the required fire and life safety systems and equipment in good repair and working order. Upon request of the Director the owner shall produce proof that required fire and life safety systems are fully operational.

29.30.260 Hazardous Materials.

(Amended by Ordinance No. 180330, effective August 18, 2006.)

A. When paint is applied to any surface of a residential structure, it shall be lead-free.

B. Residential property shall be free of dangerous levels of hazardous materials, contamination by toxic chemicals, or other circumstances that would render the property unsafe. Where a governmental agency authorized by law to make the determination has verified that a property is unfit for use due to hazardous conditions on the property, the property shall be in violation of this Title. Any such property shall remain in violation of this Title until such time as the agency has approved the abatement of the hazardous conditions. The Director may order such property vacated pursuant to Section 29.60.070 of this Title.

C. No residential property shall be used as a place for the storage and handling of highly combustible or explosive materials or any articles which may be dangerous or detrimental to life or health. No residential property shall be used for the storage or sale of paints, varnishes or oils used in the making of paints and varnishes, except as needed to maintain the dwelling

D. Residential property shall be kept free of friable asbestos.

29.30.270 Maintenance of Facilities and Equipment.

In addition to other requirements for the maintenance of facilities and equipment described in this Chapter:

A. All required facilities in every dwelling shall be constructed and maintained to properly and safely perform their intended function.

B. All non-required facilities or equipment present in a dwelling shall be maintained to prevent structural damage to the building or hazards of health, sanitation, or fire.

29.30.280 Swimming Pool Enclosures.

(Amended by Ordinance Nos. 180330 and 181699, effective April 25, 2008.) Swimming pool enclosures shall comply with either the provisions in the 2005 Oregon Residential Specialty Code or Oregon Administrative Rule 333.060.0105 (effective 09-1-1994) as appropriate.

29.30.290 Special Standards for Single-Room Occupancy Housing Units.

(Amended by Ordinance Nos. 176955 and 180330, effective August 18, 2006.) In addition to meeting requirements for residential structures defined elsewhere in this Title, hotels containing single-room occupancy housing units shall comply with the following:

A. The unit shall have at least 100 square feet of floor area, except that any single-room occupancy housing unit constructed pursuant to permit or lawfully constructed prior to permit requirements shall be deemed in compliance with respect to floor area provided it has at least 85 square feet of floor area. This exception shall not apply where any occupancy has been changed or increased contrary to the provisions of this Title.

B. Either a community kitchen with facilities for cooking, refrigeration, and washing utensils shall be provided on each floor, or each individual single-room occupancy housing unit shall have facilities for cooking, refrigeration and washing utensils. In addition, facilities for community garbage storage or disposal shall be provided on each floor.

C. Where cooking units are provided in individual single-room occupancy housing units, they shall conform to the requirements set forth below.

1. All appliances shall be hard-wired and on separate circuits or have single dedicated connections;
2. All cooking appliances shall be fixed and permanent;

3. The Mechanical Specialty Code, as adopted by Section 27.01.030, shall be used for setting standards for cooking appliances. Cabinets over cooking surfaces shall be 30 inches above the cooking surface, except that this distance may be reduced to 24 inches when a heat shield with 1-inch airspace and extending at least 6 inches horizontally on either side of the cooking appliance is provided. Cooking appliances are limited to two cooking elements or burners and located with at least a 6-inch clear space in all directions from the perimeter of the cooking element or burner. In lieu of two-burner cooking appliances, standard third-party tested and approved ranges with ovens are acceptable, provided that the units are fixed and hard-wired or have single dedicated connections;
4. All cooking appliances shall be installed under permit from the Bureau of Development Services; and
5. All cooking appliances shall be installed so as to provide a minimum clear workspace in front of the appliance of 24 inches.

Chapter 29.35 Maintenance Requirements for the Exterior of Non-Residential Structures.

- Note

(Chapter added by Ordinance No. 182488, effective February 21, 2009.)

29.35.010 General.

- A. The following requirements shall apply to non-residential properties.
 - B. The exterior of non-residential structures shall be maintained to the building code requirements in effect at the time of construction, alteration, or repair.
 - C. The specific minimum maintenance standards set forth in Subsections 29.35.020 through 29.35.100 shall apply to all non-residential structures.
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29.35.020 Accessory Structures.

All accessory structures on non-residential property shall be maintained structurally safe and in good repair and sound condition. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

29.35.030 Roofs.

The roof shall be maintained structurally sound, and have no exterior defects which might admit rain. Storm water shall be channeled in an approved manner to an approved point of disposal.

29.35.040 Chimneys.

Every masonry, metal, or other chimney shall remain adequately supported, structurally sound and free from obstructions and shall be maintained in good repair and sound condition which ensures there will be no leakage or backup of noxious gases. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced.

29.35.050 Foundations and Structural Members.

- A. Foundation elements shall be adequately maintained to support the building and shall be free of rot, crumbling elements, or similar deterioration.
 - B. The supporting structural members shall be maintained structurally sound, showing no evidence of deterioration or decay which could substantially impair their ability to carry imposed loads.
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29.35.060 Exterior Walls and Exposed Surfaces.

- A. Every exterior wall and weather-exposed exterior surface or attachment shall be maintained to be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.
 - B. All exterior wood surfaces shall be substantially impervious to the adverse effects of weather and shall be maintained in good repair and sound condition. Wood used in repair of permanent structures and located nearer than six inches to earth shall be treated wood or wood having a natural resistance to decay.
 - C. Exterior metal surfaces shall be protected from rust and corrosion where applicable.
 - D. Every section of exterior brick, stone, masonry, or other veneer shall be maintained structurally sound.
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29.35.070 Stairs and Porches.

Every stair, porch, and attachment to stairs or porches shall be maintained so as to be safe to use and capable of supporting the loads to which it is subjected, and shall be maintained in good repair and sound condition, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear, are broken, warped or loose.

29.35.080 Handrails and Guardrails.

Every handrail and guardrail shall be firmly fastened, and shall be maintained in good repair and sound condition capable of supporting the loads to which it is subjected, and meet the following requirement:

- A. Handrails and guardrails required by the building codes at the time of construction shall be maintained or, if removed, shall be replaced.
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29.35.090 Windows.

Every window shall be substantially weather-tight, maintained in good repair and sound condition for its intended use and shall comply with the following:

- A. Every window shall be fully supplied with glass window panes or an approved substitute without open cracks and holes.
 - B. Every window sash shall be in good repair and sound condition and fit weather-tight within its frames.
 - C. Every window frame shall be maintained so as to exclude rain as completely as possible and to substantially exclude wind from entering the building.
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29.35.100 Doors.

Every exterior door shall comply with the following:

- A. Every exterior door, door hinge, door lock, and strike plate shall be maintained in good working condition.
 - B. Every exterior door shall be maintained in good repair and sound condition and be weather-tight.
 - C. Every doorframe shall be maintained so as to substantially exclude rain and wind from entering the building.
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29.35.110 Cleanliness and Sanitation.

All exterior property areas shall be maintained in a clean and sanitary condition free from any significant accumulation of rubbish or garbage. All garbage shall be stored in receptacles which are watertight and free from holes and covered with tight fitting lids at all times.

29.35.120 Enforcement.

The Director's authority to enforce the requirements of Title 29 shall be the sole and exclusive means of enforcement of the provisions of Title 29 as those provisions apply to non-residential structures. There shall be no separate private right of enforcement action arising from any violation of Title 29 as those provisions apply to non-residential structures. This limitation does not restrict the exercise of any private legal rights that may arise under contract or other applicable law.

Chapter 29.40 Dangerous and Derelict Structures

29.40.005 Generally.

No property shall contain any dangerous structure or derelict building as described in this chapter. All such structures shall be repaired or demolished.

29.40.010 Derelict Buildings.

(Amended by Ordinance Nos. 176381 and 181699, effective April 25, 2008.)

A. A derelict building shall be considered to exist whenever any building, structure, or portion thereof which is unoccupied meets any of the following criteria or any residential structure which is at least 50% unoccupied meets any of the following two criteria:

1. Has been ordered vacated by the Director pursuant to Chapter 29.60;
2. Has been issued a correction notice by the Director pursuant to Section 29.60.050;
3. Is unsecured;
4. Is boarded;
5. Has been posted for violation of Chapter 29.20 more than once in any two year period; or
6. Has, while vacant, had a nuisance abated by the City pursuant to this Title.

B. Any property which has been declared by the Director to include a derelict building shall be considered in violation of this Title until:

1. The building has been lawfully occupied;
 2. The building has been demolished and the lot cleared and graded under building permit, with final inspection and approval by the Director; or
 3. The owner has demonstrated to the satisfaction of the Director that the property is free of all conditions and in compliance with all notices listed in the definition of a derelict building in this Section.
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29.40.020 Dangerous Structures.

Any structure which has any or all of the following conditions or defects to the extent that life, health, property, or safety of the public or the structure's occupants are endangered, shall be deemed to be a dangerous structure and such condition or defects shall be abated pursuant to Sections 29.60.050 and 29.60.080 of this Title.

A. High loads. Whenever the stress in any materials, member, or portion of a structure, due to all dead and live loads, is more than 1-1/2 times the working stress or stresses allowed in the Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location.

B. Weakened or unstable structural members or appendages.

1. Whenever any portion of a structure has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability is materially less than it was before such catastrophe and is less than the minimum requirements of the Oregon State Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location; or
2. Whenever appendages including parapet walls, cornices, spires, towers, tanks, statuary, or other appendages or structural members which are supported by, attached to, or part of a building, and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Oregon State Structural Specialty and Fire and Life Safety Code.

C. Buckled or leaning walls, structural members. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

D. Vulnerability to earthquakes, high winds.

1. Whenever any portion of a structure is wrecked, warped, buckled, or has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction; or
2. Whenever any portion of a building, or any member, appurtenance, or ornamentation of the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Oregon State Structural Specialty Code and Fire and Life Safety Code for such buildings.

E. Insufficient strength or fire resistance. Whenever any structure which, whether or not erected in accordance with all applicable laws and ordinances:

1. Has in any non-supporting part, member, or portion, less than 50 percent of the strength or the fire-resisting qualities or characteristics required by law for a newly constructed building of like area, height, and occupancy in the same location; or
2. Has in any supporting part, member, or portion less than 66 percent of the strength or the fire-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

This subsection does not apply to strength required to resist seismic loads. For application of seismic requirements see Chapter 24.85.

F. Risk of failure or collapse.

1. Whenever any portion or member of appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property; or
2. Whenever the structure, or any portion thereof, is likely to partially or completely collapse as a result of any cause, including but not limited to:
 - a. Dilapidation, deterioration, or decay;
 - b. Faulty construction;
 - c. The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such structure; or
 - d. The deterioration, decay, or inadequacy of its foundation.

G. Excessive damage or deterioration. Whenever the structure exclusive of the foundation:

1. Shows 33 percent or more damage or deterioration of its supporting member or members;
2. 50 percent damage or deterioration of its non-supporting members; or
3. 50 percent damage or deterioration of its enclosing or outside wall coverings.

H. Demolition remnants on site. Whenever any portion of a structure, including unfilled excavations, remains on a site for more than 30 days after the demolition or destruction of the structure;

I. Lack of approved foundation. Whenever any portion of a structure, including unfilled excavations, remains on a site, including:

1. Where a structure is not placed on an approved foundation and no valid permit exists for a foundation for that structure; or
2. For more than 90 days after issuance of a permit for a foundation for a structure, where the structure is not placed on an approved foundation.

J. Fire hazard. Whenever any structure is a fire hazard as a result of any cause, including but not limited to: Dilapidated condition, deterioration, or damage; inadequate exits; lack of sufficient fire-resistive construction; or faulty electric wiring, gas connections, or heating apparatus.

K. Other hazards to health, safety, or public welfare.

1. Whenever, for any reason, the structure, or any portion thereof, is manifestly unsafe for the purpose for which it is lawfully constructed or currently is being used; or

2. Whenever a structure is structurally unsafe or is otherwise hazardous to human life, including but not limited to whenever a structure constitutes a hazard to health, safety, or public welfare by reason of inadequate maintenance, dilapidation, unsanitary conditions, obsolescence, fire hazard, disaster, damage, or abandonment.

L. Public nuisance.

1. Whenever any structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence; or

2. Whenever the structure has been so damaged by fire, wind, earthquake or flood or any other cause, or has become so dilapidated or deteriorated as to become:

a. An attractive nuisance, or

b. A harbor for vagrants or criminals.

M. Chronic dereliction. Whenever a derelict building, as defined in this Title, remains unoccupied for a period in excess of 6 months or period less than 6 months when the building or portion thereof constitutes an attractive nuisance or hazard to the public.

N. Violations of codes, laws. Whenever any structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such structure provided by the building regulations of this City, as specified in the Oregon State Structural Specialty Code and Fire and Life Safety Code or any law or ordinance of this State or City relating to the condition, location, or structure or buildings.

29.40.030 Abatement of Dangerous Structures.

All structures or portions thereof which are determined after inspection by the Director to be dangerous as defined in this Title are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified herein. If the Director determines that a structure is dangerous, as defined by this Title, the Director may commence proceedings to cause the repair, vacation, demolition, or warehousing of the structure.

Chapter 29.50 Other Requirements

29.50.010 Permits Required.

(Amended by Ordinance No. 184522, 185448 and 186053, effective January 1, 2015.) No person, firm or corporation shall construct, alter, repair, move, improve, or demolish any structure without first obtaining applicable building permits as required by City code. No person, firm or corporation shall prune or remove a tree without first obtaining applicable tree permits as required by Title 11, Trees.

29.50.020 Inspections Required.

(Amended by Ordinance No. 180330, effective August 18, 2006.) All buildings, structures, or other improvements within the scope of this Title and all construction work for which a permit is required shall be subject to inspection as required by the City Code.

29.50.030 Requested Inspections for Residential Structures.

(Amended by Ordinance No. 176528, effective June 28, 2002.) Requested inspections that are not part of the City's code enforcement program will be made as soon as practical after payment to the Director of the fee specified in the Property Maintenance Regulations Fee Schedule as approved by City Council.

29.50.040 Occupancy of Property After Notice of Violation.

(Amended by Ordinance Nos. 172088, 176381, 176528 and 182488, effective February 21, 2009.)

A. If a notice of violation of Chapters 29.30, 29.35, or 29.40 has been issued, and if the affected structure or any portion thereof is residential or neighborhood commercial use or becomes vacant, it shall be:

1. Unlawful to re-enter the affected structure or any portion thereof for any purpose if the affected structure or any portion thereof is found to be substantially dangerous or unsafe, unless authorized in writing by the Director.
2. Unlawful to re-enter the affected structure or portion thereof for any purpose other than work associated with the correction of violations noted in the Notice of Violation.

B. In addition to any civil penalties imposed pursuant to Section 22.05.010 A.5. or Section 29.70.020 D., and as collected through a municipal lien process, any person unlawfully occupying any such affected structure or portion thereof shall upon conviction be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or both.

29.50.050 Illegal Residential Occupancy.

When a property has an illegal residential occupancy, including but not limited to occupancy of tents, campers, motor homes, recreational vehicles, or other structures or spaces not intended for permanent residential use or occupancy of spaces constructed or converted without permit, the use shall be abated or the structure brought into compliance with the present regulations for a building of the same occupancy.

29.50.060 Interference with Repair, Demolition, or Abatement Prohibited.

It is unlawful for any person to obstruct, impede, or interfere with any person lawfully engaged in:

- A.** The work of repairing, vacating, warehousing, or demolishing any structure pursuant to the provisions of this Title;
 - B.** The abatement of a nuisance pursuant to the provisions of this Title; or
 - C.** The performance of any necessary act preliminary to or incidental to such work as authorized by this Title or directed pursuant to it.
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29.50.070 Warehousing of Structures.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

A. When the Director determines that a structure is suitable, due to its historic designation or other significant features, the owner may be permitted to warehouse such structure, as defined in this Title, for a period of up to 30 months. An extension for one further period of 1 year may be permitted by the Director, provided that the condition of the warehoused structure is determined by inspection, to be satisfactory.

B. The Director shall have the authority to adopt and enforce written rules concerning the maintenance and monitoring of warehoused structures. The requirements for the warehousing of each structure under the rules shall be recorded in the files of the Bureau of Development Services.

C. All work necessary in warehousing a structure shall be carried out under permits required by City Codes.

D. Owners of a warehoused structure shall continue to be subject of the penalties set forth in Chapter 29.70 to pay the Bureau of Development Services for the cost of regular inspections of their buildings during the warehousing period.

Chapter 29.60 Administration and Enforcement

29.60.010 Administration Authority and Responsibility.

The Director is hereby authorized to administer and enforce all of the provisions of this Title. In accordance with approved procedures, the Director may employ qualified officers, inspectors, assistants, and other employees as shall be necessary to carry out the provisions of this Title. The authority of the Director to enforce the provisions of this Title is independent of and in addition to the authority of other City officials to enforce the provisions of any other Title of the City Code.

29.60.020 Authorization to Inspect.

(Amended by Ordinance No. 176955, effective October 9, 2002.) The Director is authorized to make inspection of property for the purposes of enforcing this Title. Wherever possible, inspections made by the personnel of the Bureau of Development Services or Fire shall be coordinated in order to avoid the issuance of multiple or conflicting orders.

29.60.030 Enforcing Compliance.

To enforce any of the requirements of this Title, the Director may gain compliance by:

- A. Instituting an action before the Code Hearings Officer as set out in Title 22 of City code;
 - B. Causing appropriate action to be instituted in a court of competent jurisdiction; or
 - C. Taking other action as the Director in the exercise of the Director's discretion deems appropriate.
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29.60.040 Right of Entry; Inspection Warrants.

(Replaced by Ordinance No. 173248; amended by Ordinance Nos. 174225 and 176381, effective May 10, 2002.)

- A. Right of Entry. The Director may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any building regulations, or whenever the Director has reasonable cause to believe that there exists in any structure or upon any

property any condition which makes such property substandard as defined in any building regulations. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

1. Occupied Property. If any structure on the property is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant;
2. Unoccupied Property.
 - a. If the property is unoccupied, the Director shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant.
 - b. If structures on the property are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant; or
3. Open, Unoccupied Property. If any structure on the property is unoccupied and open:
 - a. The Director shall notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons. If the property is not secured within fifteen (15) days from the date notice is sent, the Director may secure the property as provided in PCC Chapter 29.20.
 - b. If the Director believes that a hazardous condition exists, the Director may immediately secure the property as provided in PCC Chapter 29.20. Following the summary abatement, the Director shall notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection or abatement warrant.

B. Grounds for Issuance of Inspection Warrants; Affidavit.

1. Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.
2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any building regulation exists with respect to the designated property, or an investigation is

reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with building regulations.

C. Procedure for Issuance of Inspection Warrant.

1. Examination. Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.
2. Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.
3. Police Assistance. In issuing an inspection warrant on unoccupied property, including abatement warrants pursuant to Section 29.60.060, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the Director or representative of the department inspecting the property in any way necessary to complete the inspection.

D. Execution of Inspection Warrants

1. Occupied Property. Except as provided in subsection 2. of this section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.
2. Unoccupied Property. In executing an inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1. of this section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.
3. Return. An inspection warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

29.60.050 Notice and Order.

(Amended by Ordinance Nos. 177254 and 180330, effective August 18, 2006.)

A. Notification Required. Except in the case of summary abatement or immediate danger, if the Director finds one or more violations of the provisions of this Title on a property or adjacent right of way, the Director shall notify the property owner to repair, remove or take any other action as

necessary to correct the violations. Notification to the property owner shall be accomplished by mailing a notice to the owner, at the owner's address as recorded in the county assessment and taxation records for the property. The notice may be sent via First Class Mail or certified mail at the Director's discretion. Notice to the property owner may also be accomplished by posting notice on the property.

In addition to the above notice to the property owner, prior notice before towing a disabled vehicle must be provided by mailing a notice to the registered owner(s) and any other persons who reasonably appear to have an interest in the vehicle within 48 hours, Saturdays, Sundays and holidays excluded, after the notice has been posted on the property. The Director shall also provide notice to the registered owner and other persons who have an interest in the disabled vehicle by posting written notice on the vehicle.

B. Content of the Notice. The notice shall include:

1. The date of posting (if notice was posted at the property);
2. The street address or a description sufficient for identification of the property;
3. A statement that one or more violations of this Title exist at the property with a general description of the violation(s);
4. Disclosure that penalties, charges, and liens may result from a failure to remedy the violations, and in the case of a disabled vehicle, a statement that the City intends to tow and remove the vehicle if the violation is not corrected;
5. Specification of a response period during which the property may be brought into compliance with this Title before penalties, charges, or liens will be assessed; and
6. Disclose the owner's right to appeal the findings of the notice of violation and a description of the time limits for requesting an administrative review or a hearing, as described in Chapter 29.80 of this Title.

C. Notification by Mail. An error in the name of the property owner or address listed in the county assessment and taxation records for the property shall not render the notice void, but in such case the posted notice, if a notice was posted on the property, shall be deemed sufficient.

D. Notification Following Summary Abatement. When summary abatement is authorized by this Title, the decision regarding whether or not to use summary abatement shall be at the Director's discretion. In the case of summary abatement, notice to the owner or occupant of the property prior to abatement is not required. However, following summary abatement, the Director shall post upon the property liable for the abatement a notice describing the action taken to abate the nuisance violation. In addition, a Notice of Summary Abatement shall be mailed to the property owner. The Notice of Summary Abatement shall include:

1. The date the nuisance on the property was abated;
2. The street address or description sufficient for identification of the property;
3. A statement of the violations of Title 29 that existed at the property and were summarily abated;

4. Disclosure that penalties, charges and liens will result from the summary abatement;
5. Disclosure of the owner's right to appeal the findings of the notice.

E. Compliance Inspections and Penalties. The Director shall monitor compliance with the notice through periodic tracking and inspection. Once a notice has been mailed, the owner shall be responsible for all enforcement penalties associated with the property, as described in Chapter 29.70, until the violations are corrected and the Director has been so notified. Except in the case of summary abatement, whenever the owner believes that all violations listed in the first or any subsequent notice of violation have been corrected, they shall notify the Director.

F. Time Limits for Repair. The Director may set time limits in which the violations of this Title are to be corrected. Failure to comply with the time limits shall be a violation of this Title.

G. Effective Date of Notice. All notices served pursuant to this section shall be considered served as of the date and time of mailing the notice described in subsections A. and C. of this section.

H. Information Filed with County Recorder . If the Director finds violations of this Title on any property, the Director may record with the County Recorder information regarding City code violations and possible liens on the property.

29.60.060 Nuisance Abatement; Warrants.

(Replaced by Ordinance No. 173248; amended by Ordinance No. 176381, effective May 10, 2002.)

A. Abatement. If, within the time limit set by the Director in the notice of violation, any nuisance described in the notice has not been removed and abated, or cause shown, as specified in Chapter 29.80 of this Title, why such nuisance should not be removed or abated, or where summary abatement is authorized, the Director may cause the nuisance to be removed and abated, including disposal in an approved manner.

B. Warrants. The Director may request any Circuit Court judge to issue an nuisance abatement warrant whenever entry onto private property is necessary to remove and abate any nuisance, or whenever the Director has reasonable cause to believe that there exists in any building or upon any property any nuisance which makes such property substandard as defined in any building regulations.

C. Grounds for Issuance of Nuisance Abatement Warrants; Affidavit.

1. Affidavit. A nuisance abatement warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the removal and abatement of the nuisance, the building or property to be entered, the basis upon which cause exists to remove or abate the nuisance, and a statement of the general types and estimated quantity of the items to be removed or conditions abated.

2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for removing and abating nuisances are satisfied with respect to any building or upon any property, or if there is cause to believe that a nuisance violation exists, as defined in this Title, with respect to the designated property.

D. Procedure for Issuance of a Nuisance Abatement Warrant.

1. **Examination.** Before issuing a nuisance abatement warrant, the judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.
2. **Issuance.** If the judge is satisfied that cause for the removal and abatement of any nuisance exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement of the general types and estimated quantity of the items to be removed or conditions abated. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.
3. **Police Assistance.** In issuing a nuisance abatement warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the representative of the bureau in any way necessary to enter the property and, remove and abate the nuisance.

E. Execution of Nuisance Abatement Warrants.

1. **Occupied Property.** Except as provided in subsection 2. of this section, in executing a nuisance abatement warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.
2. **Unoccupied Property.** In executing a nuisance abatement warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1. of this section, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the nuisance abatement warrant shall be conspicuously posted on the property.
3. **Return.** A nuisance abatement warrant must be executed within 10 working day of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

F. Disposal of Nuisance Items Removed. The Director may cause the nuisance items removed pursuant to the nuisance abatement warrant to be disposed of in an approved manner whenever the Director, in the Director's sole discretion, finds that the fair and reasonable value of the items at resale would be less than the cost of storing and selling the items. In making the above determination, the Director may include in the costs of sale the reasonable cost of removing the items to a place of storage, of storing the items for resale, of holding the resale including reasonable staff allowances, and all other reasonable and necessary expenses of holding the sale

29.60.070 Vacating Structures.

(Amended by Ordinance Nos.176381 and 182488, effective February 21, 2009.)

A. Any structure found to be in violation of Chapter 29.30 or 29.35 to such an extent as to be a hazard or declared a dangerous structure under Chapter 29.40 may be vacated, secured, and maintained against entry by order of the Code Hearings Officer.

B. If the Director finds violations to the extent that an immediate danger is posed to the health, safety, or welfare of the occupants, or that of the general public, the Director may order part of the structure, or all of the structure, to be vacated or demolished forthwith, if in the Director's discretion, circumstances are found that do not allow time for prior application to the Hearings Officer.

1. The owner or any tenant of the property, who has been affected by the Director's determination to vacate may appeal that determination to the Code Hearings Officer by following the procedure contained in Section 22.20.030 of City code.

2. Upon receipt of a request for hearing pursuant to Section 22.20.030 of City code, the Code Hearings Officer shall schedule and hold an appeal hearing within ten (10) days after the receipt of the request.

C. Upon vacation of the structure a notice shall be posted at or on each exit of the building. Whenever such notice is posted, the Director shall include in such notice a statement declaring the building unsafe to occupy and specifying the conditions that necessitate the posting.

D. Unless authorized by the Director, it is unlawful for any person knowingly to enter or remain in any structure that the Director has ordered vacated pursuant to this Section. In addition to any civil penalties imposed pursuant to Section 22.05.010A.5. or Chapter 29.70 of City code, any person knowingly entering or remaining in such a structure shall upon conviction be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or both.

29.60.080 Referral to the Hearings Officer for Repair or Demolition of Dangerous Structures.

(Amended by Ordinance No. 176955, effective October 9, 2002.) At any time after the Director identifies a property as containing a dangerous structure and has notified the owner as specified in Section 29.60.050, the Director may cause an action to be instituted before the Code Hearings Officer as provided in Title 22 of City code. In the event the owner fails or neglects to comply with any order of the Hearings Officer to repair or demolish a structure, the Hearings Officer may authorize the Bureau of Development Services to carry out such repairs or demolish the structure.

29.60.085 Demolition; Warrants

(Added by Ordinance No. 174265; amended by Ordinance No. 176381, effective May 10, 2002.)

A. Abatement. If, within the time limit set by the Hearings Officer's Order for Demolition, the dangerous structure described in the Order has not been removed and abated, or cause shown, as specified in Chapter 29.80 of this Title, why such dangerous structure should not be removed or abated, or where summary abatement is authorized, the Director may cause the dangerous structure to be removed and abated, including disposal in an approved manner.

B. Warrants. The Director may request any Circuit Court judge to issue a demolition warrant whenever entry onto private property is necessary to demolish a dangerous structure.

C. Grounds for Issuance of Demolition Warrants; Affidavit

1. Affidavit. A demolition warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the demolition of the dangerous structure, the building or property to be entered, the basis upon which cause exists to demolish the dangerous structure and a general statement describing the structure to be demolished. In addition, the affidavit shall contain a statement describing the conditions under which the demolition is to be completed, including completion of all work on the property within a thirty-day period.

2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards are satisfied with respect to the demolition of the dangerous structure.

D. Procedure for Issuance of a Demolition Warrant.

1. Examination. Before issuing a demolition warrant, the judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.

2. Issuance. If the judge is satisfied that cause for the demolition of any dangerous structure exists and that the other requirements for granting the application are satisfied, the judge shall issue the demolition warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement describing the structure to be demolished and the work to be performed. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

3. Police Assistance. In issuing a demolition warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the representative of the bureau in any way necessary to enter the property and demolish the dangerous structure.

E. Execution of Demolition Warrants.

1. Execution. In executing the demolition warrant, the person authorized to execute the warrant need not inform anyone of the person's authority or purpose but may promptly enter the designated property if it is or at the time reasonably appears to be a) unoccupied, or b) not in the possession of any person. A copy of the demolition warrant shall be conspicuously posted on the property.

2. Return. A demolition warrant must be executed within 10 working days of its issuance by the judge. The authority to enter into the property and perform the demolition work shall continue for a period of up to 30 days after the date of execution, unless the judge extends this time before it has expired. The executed warrant shall be returned to the judge upon the completion of the demolition or the expiration of the authorized time, whichever occurs first. If the warrant is not executed within 10 days after the issuance by the judge, the warrant shall be void.

F. Disposal of Demolition Debris. The Director may cause the debris to be removed pursuant to the demolition warrant and disposed of in an approved manner whenever the Director, in the Director's sole discretion, finds that the fair and reasonable value of the debris would be less than the cost of storing and selling the items. In making the above determination, the Director may include in the costs of sale the reasonable cost of removing debris to a place of storage, of storing the items for resale, of holding the resale including reasonable allowances for costs of staff, and any other reasonable and necessary expenses of holding a sale.

29.60.090 Contracts to Repair or Demolish.

(Amended by Ordinance No. 176955, effective October 9, 2002.) If the Bureau of Development Services is authorized to repair or demolish a structure by the Hearings Officer pursuant to 29.60.080, the Director is authorized to enter into a contract or contracts for such work on behalf of the City in a sum not to exceed \$18,000 on any single structure.

Repair or demolition contracts in excess of \$18,000 shall be approved by Council by ordinance. Any sums expended by the City for repair or demolition of any structure pursuant to this Chapter shall be a lien upon the structure and/or real property on which the structure is located pursuant to the provisions of Chapter 22.06 of City code.

29.60.100 Exceptions.

(Replaced by Ordinance No. 177254, effective March 14, 2003.)

A. The Director may grant an exception when the enforcement of the requirements of this Title would cause undue hardship to the owner or occupants of the affected property, or whenever the Director deems it necessary in order to accomplish the purpose of this Title.

B. To carry out the intent of this Section the Director shall establish written policies in the form of waivers to explain the exceptions that are available to property owners. The waivers shall include the following information:

1. An explanation of the purpose of the waiver;
2. A list of the requirements the owner must meet in order to qualify for the waiver;
3. An explanation of the period of time during which the waiver will be in effect;

4. A list of the actions the owner must perform to fulfill their responsibilities to maintain the waiver and to prevent the waiver from being cancelled.

C. The owner must apply for a waiver in writing. This Section shall not be construed so as to evade the provisions of Title 22.

Chapter 29.70 Costs and Penalties

29.70.005 Generally.

In order to defray the costs of enforcement of, and to encourage compliance with, this Title, the Director shall impose penalties on those properties which are found to be in violation of this Title.

29.70.010 Enforcement Fees or Penalties for Nuisance, Housing and Dangerous and Derelict Buildings.

(Amended by Ordinance Nos. 176528, 181699, 182488 and 183793, effective May 19, 2010.)

A. The City may charge a penalty in the form of a monthly enforcement fee for each property found in violation of Chapters 29.20, 29.30, 29.35 or 29.40 of this Title that meets the following conditions:

1. The property is a subject of a notice of violation of this Title as described in Section 29.60.050; and
2. A response period of 30 days has passed since the effective date of the initial notice of violation; and
3. The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.

B. The amount of the monthly enforcement fee shall be charged as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council. If all violations are not corrected within three months from the date of the initial notice of violation, subsequent enforcement fees or penalties shall be twice the amount listed in the Enforcement Fee and Penalty Schedule as approved by City Council.

C. Whenever the property owner believes that all violations have been corrected, the property owner shall so notify the Director. Upon receipt of such notice, the Director shall promptly schedule an inspection of the property and shall notify the property owner if any violations remain uncorrected.

D. Once monthly enforcement fees or penalties begin, they shall continue until all violations have been corrected, inspected and approved.

E. When a property meets the conditions for charging an enforcement fee or penalty, the Director shall file a statement with the City Auditor that identifies the property, the amount of the monthly fee or penalty, and the date from which the charges are to begin. The City Auditor shall then:

1. Notify the property owner(s) of the assessment of enforcement fees or penalties and the 10 percent City Auditor charge; and

2. Record a property lien in the Docket of City Liens; and
3. Bill the property owner(s) monthly for the full amount of enforcement fees or penalties owing, plus additional charges to cover administrative costs of the City Auditor; and
4. Maintain lien records until:
 - a. The lien and all associated interest, penalties, charges and costs are paid in full; and
 - b. The Director certifies that all violations listed in the original or any subsequent notice of violation have been corrected.

F. When a property meets the conditions for assessment of fees or penalties as described in this Title, the Director may also cause appropriate collection measures, including legal action in a court of competent jurisdiction, to be instituted against the property owner in order to collect the assessed fees or penalties.

29.70.020 Costs and Penalties for Abatement of Nuisances, Disable Vehicles, and Re-occupancy in Violation.

(Replaced by Ordinance No. 176528; amended by Ordinance Nos. 176955 and 183793, effective May 19, 2010.)

A. Nuisances.

1. Whenever a nuisance is abated by the City, the Director shall keep an accurate account of all expenses incurred for each nuisance abated including but not limited to abatement costs, civil penalties, fees, administrative costs, recorders fees and title report charges as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council.
2. When the City has abated a nuisance maintained by any owner of real property, for each subsequent nuisance which is abated by the City within 2 consecutive calendar years concerning real property, owned by the same person, an additional civil penalty as set forth in the Enforcement Fee and Penalty Schedule shall be added to the costs, charges and civil penalties. The additional civil penalty shall be imposed without regard to whether the nuisance abated by the City involved the same real property or are of the same character.
3. Costs and penalties resulting from nuisance abatement shall be assessed as a lien upon the real property as provided in Subsection D.

B. Disabled Vehicles.

1. Whenever a vehicle is removed from real property by the City, the Director shall keep an accurate account of all expenses incurred for each disabled vehicle removed including but not limited to abatement costs, civil penalties, administrative costs, inspection fees, recording fees, and title report charges as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council.

2. Whenever a vehicle, which has been tagged by the City, is removed from real property and placed on the public right-of-way, the owner of the real property shall be responsible for that vehicle. The Director shall remove the vehicle from the right-of-way and keep an accurate account of all expenses incurred for each disabled vehicle removed including but not limited to abatement costs, civil penalties, administrative costs, fees, recording fees and title report charges as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council.

3. Costs and penalties resulting from the abatement of disabled vehicles shall be assessed as a lien upon the real property as provided in Subsection D.

C. Occupancy of Property After Notice of Violation.

1. Whenever a property owner causes or permits a vacant structure or portion thereof to be occupied in violation of this Title, a penalty as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council shall be imposed per structure or portion thereof.

2. Costs and penalties resulting from the occupancy of property after notice of violation shall be assessed as a lien upon the real property as provided in Subsection D.

D. When a property meets the conditions for assessment of fees or penalties as described in Subsections A., B. or C. above, the Bureau of Development Services shall file a statement of such fees or penalties with the City Auditor. Upon receipt of the statement, the City Auditor shall mail an assessment notice to the property owner. The notice shall include the amount due plus 10 percent charges to cover the administrative costs of the City Auditor. At the same time the notice is mailed by the City Auditor, the City Auditor shall enter the amount due or the amount of the unpaid balance, plus charges to cover the administrative cost of the City Auditor, in the Docket of City Liens which shall thereafter constitute a lien against the property. The property owner is responsible for paying all liens assessed against the property.

E. When a property meets the conditions for assessment of fees or penalties as described in this Title, the Director may also cause appropriate collection measures, including the legal action in a court of competent jurisdiction, to be instituted against the property owner in order to collect the assessed fees or penalties.

29.70.030 Building Demolition Costs and Penalties.

(Amended by Ordinance Nos. 176528 and 183793, effective May 19, 2010.)

A. Whenever a building is demolished by the City, the Director shall keep an accurate account of all expenses incurred for each building demolished, including but not limited to abatement costs, civil penalties, administrative costs, recorders fees and title report charges as set forth in the Enforcement Fee and Penalty Schedule as approved by City Council.

B. Costs and penalties resulting from demolition by the City of any structure pursuant to this Title plus 10 percent charges to cover the administrative costs of the City Auditor shall be assessed as a lien upon the real property on which the structure was located pursuant to the provisions of Chapter 22.06 of City code.

C. When a property meets the conditions for assessment of fees or penalties as described in this Title, the Director may also cause appropriate collection measures, including legal action in a court of competent jurisdiction, to be instituted against the property owner in order to collect the assessed fees or penalties.

29.70.040 Chronic Offender.

(Added by Ordinance No. 181699, effective April 25, 2008.)

A. A Chronic Offender is any person whose property has accumulated, within any 12-month period, multiple violations under Title 29 which have a negative impact on the public health or welfare and cause repeat inspections and enforcement efforts by the Director.

B. The Director shall adopt policies and procedures setting forth the type and number of Title 29 violations that result in a Chronic Offender designation.

C. The Director may pursue any of the following actions against a Chronic Offender:

1. Refer the Chronic Offender to the Code Hearings Officer, as provided in Title 22 of the City Code, for additional sanctions; or
2. Refer the Chronic Offender for Criminal Prosecution and criminal penalties of a fine of up to \$500 per violation or six (6) months in jail as provided for in City Code Chapter 1.01.

Chapter 29.80 Appeals

29.80.010 Administrative Review

(Amended by Ordinance Nos. 176381 and 176955, effective October 9, 2002.)

A. Whenever an owner has been given a notice pursuant to this Title and has been directed to make any correction or to perform any act and the owner believes the finding of the notice was in error, the owner may have the notice reviewed by the Director. If a review is sought, the owner shall submit a written request to the Bureau of Development Services within 15 days of the date of the notice. Such review shall be conducted by the Director. The owner requesting such review shall be given the opportunity to present evidence to the Director. Following the review, the Director shall issue a written determination.

B. Nothing in this Section shall limit the authority of the Director to initiate a proceeding under Title 22.

29.80.020 Appeals to the Code Hearings Officer.

(Amended by Ordinance No. 183793, effective May 19, 2010.) A determination issued pursuant to 29.80.010 may be appealed to the Code Hearings Officer along with the payment of a fee as set forth in the Enforcement Fee and Penalty Schedule, as provided for in Chapter 22.10 of City code.

29.80.030 Further Appeals.

All appeals from the Code Hearings Officer's determination pursuant to 29.80.020 shall be by writ of review as authorized by Section 22.04.010 of the City Code and ORS 34.010 - 34.100.

Chapter 29.90 Housing Receivership

29.90.010 Purpose and Scope.

The purpose of this Chapter is to establish authority and procedures for the use of the Oregon Housing Receivership Act (ORS 105.420 to 105.455), and shall apply to all residential property.

29.90.020 Authority.

(Amended by Ordinance Nos. 176955 and 180330, effective August 18, 2006.)

A. When the Director finds that any residential property is in violation of Titles 24, 25, 26, 27, 28, 29, 31, or 33 and believes that violation is a threat to the public's health, safety or welfare, the Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement. As used in this Chapter, abatement shall mean the removal or correction of any condition at a property that violates any provision of Titles 24, 25, 26, 27, 28, 29, 31, or 33 of the City Code as well as the making of other improvements or corrections as are needed to rehabilitate the property or structure. Abatement may include demolition, but does not include securing a structure against entry.

B. In administering the provisions of this Chapter, the Director's authority shall include, but is not limited to:

1. The selection of properties;
 2. The selection of appropriate receivers; and
 3. The establishment of written rules and procedures as are deemed necessary for the administration of this Chapter.
-

29.90.030 Selection of Properties.

(Amended by Ordinance No. 180330, effective August 18, 2006.) In selecting properties where the City may seek appointment of a receiver, the Director shall consider those properties that have, at a minimum, the following characteristics:

A. A violation of any provision of Titles 24, 25, 26, 27, 28, 29, 31 or 33 that threatens the public health, safety or welfare;

B. The owner has not acted in a timely manner to correct the violations; and

C. Abatement of the violations on this property would further the Housing Policy of the City of Portland as articulated in Goal 4 of the City's Comprehensive Plan.

29.90.040 Notice To Interested Parties and Application.

A. At least 60 days prior to the filing of an application for appointment of a receiver, the Director shall cause a notice to be sent by regular mail to all interested parties.

B. The notice shall give the date upon which the City has the right to file with the court for the receiver, and in addition shall:

1. State the address and legal description of the property;
2. List the code violations which give rise to the proposed application; and
3. Give the name, address and telephone number of a person who can provide additional information concerning the violations and their remedy.

C. If no interested party has taken any action to foreclose their security interest within 60 days of the date of the notice, the Director may thereafter apply for the appointment of a receiver.

29.90.050 Selection of Receivers.

In selecting specific receivers, the Director shall choose either the Housing Authority of Portland, a City bureau, an urban renewal agency, or a private not-for-profit corporation, the primary purpose of which is the improvement of housing conditions within the City. In making the selection, the Director shall consider, at a minimum, the following:

- A. The location of the property relative to other properties owned or managed by the receiver.
 - B. The receiver's experience in rehabilitating and managing this type of property.
 - C. The receiver's capacity to take on additional property management responsibilities.
-

29.90.060 Powers of a Receiver.

A receiver appointed by the court pursuant to the Oregon Housing Receivership Act shall have the authority to do any or all of the following, unless specifically limited by the court:

- A. Take possession and control of the property, including the right to enter, modify and terminate tenancies pursuant to ORS Chapters 90 and 105, and to charge and collect rents and apply rents collected to the costs incurred due to the receivership.

B. Negotiate contracts and pay all expenses associated with the operation and conservation of the property, including, but not limited to all utility, fuel, custodial, repair, and insurance costs.

C. Pay all accrued property taxes, penalties, assessments, and other charges imposed on the property by a unit of government, as well as any charge of like nature accruing during the pendency of the receivership.

D. Dispose of all abandoned personal property found on the property pursuant to ORS Chapter 90.

E. Enter into contracts and pay for the performance of any work necessary to complete the abatement.

F. Enter into financing agreements with public or private lenders and encumber the property so as to have moneys available to correct the conditions at the property giving rise to the abatement.

G. Charge an administrative fee at an hourly rate approved by the court or at a rate of 15 percent of the total cost of abatement, whichever the court deems more appropriate.

29.90.070 Plan and Estimate.

Within 30 days after appointment by the court, a receiver shall submit to the Director a written plan for the abatement. The Director shall approve the plan before the receiver commences work on the abatement.

29.90.080 Record Keeping.

The receiver shall keep a record of all moneys received and expended and all costs and obligations incurred in performing the abatement and managing the property. Records shall be kept in a form as shall be agreed upon by the receiver and the Director, and copies shall be provided to the Director upon request.

29.90.090 Purchasing.

All abatement work done under this Chapter is exempt from the purchasing and contracting provisions of Chapters 5.32 and 5.68 of City code.

29.90.100 Liens.

A. All moneys expended and all costs and obligations incurred by the receiver in performing the abatement shall be reviewed by the court for reasonableness and their necessity in performing the abatement. To the extent that the court finds the moneys, costs, or obligations, to be reasonable and necessary, it shall issue an order reciting this fact as well as the amount found to be reasonable and necessary.

B. If the costs and obligations incurred due to the abatement have not been paid, the order of the court shall be filed with the county recorder within 60 days of its filing with the court and shall thereafter constitute a lien on the property.

29.90.110 Foreclosure.

In the event that the lien created pursuant to the terms of this Chapter and the Oregon Housing Receivership Act is not paid in a timely fashion, the receiver or their assignee or other successor in interest may bring a suit or action in foreclosure as provided for by law.

29.90.120 Termination of Receivership.

(Amended by Ordinance No. 180330, effective August 18, 2006.) The receivership authorized pursuant to the terms of this Chapter and the Oregon Housing Receivership Act shall terminate only by an order of the court after a showing by an interested party or the receiver that:

- A.** The abatement has been completed;
- B.** The costs and obligations incurred due to the abatement have been paid by an interested party or a lien has been filed pursuant to Section 29.90.100 of this Chapter; and
- C.** The interested party will manage the property in conformance with the applicable provisions of Titles 24, 25, 26, 27, 28, 29, 31 and 33 of City code.

Code of Ordinances



Salem, Oregon - Code of Ord... / PART II - CODE OF ORDIN... / TITLE IV - HEALTH AND SA... / CHAPTER 50. - PROPERTY ...

Salem, OR
Code of Ordinances

➤ SALEM REVISED CODE

SUPPLEMENT HISTORY TABLE modified

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✓ PART II - CODE OF ORDINANCES

➤ Title I - GOVERNMENT

➤ TITLE II - ASSESSMENT, LIENS AND CONNECTION FEES

➤ TITLE III - BUSINESSES AND VOCATIONS

✓ TITLE IV - HEALTH AND SANITATION

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✓ CHAPTER 50. - PROPERTY MAINTENANCE

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Sec. 50.500. - General.

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- Sec. 50.700. - Pest infestation prohibited.
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- Sec. 50.815. - Form of notice.
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➤ CHAPTER 51. - EVENT SOUND PERMITS

➤ TITLE V - COMMUNITY DEVELOPMENT STANDARDS

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CHAPTER 51. - EVENT SOUND PERMITS ▶

CHAPTER 50. - PROPERTY MAINTENANCE



GENERAL PROVISIONS

Sec. 50.005. - Short title.



This chapter shall be known and may be cited as the Property Maintenance Code.

(Prior Code, § 50.005; Ord. No. 8-2000)

Sec. 50.010. - Purpose.



The Council finds and declares that conditions tending to reduce the value of private property, that promote blight and deterioration, that are attractive nuisances creating a hazard to the health and safety of minors, and that create a harborage for pests, may be injurious to the health, safety and general welfare of the public.

(Prior Code, § 50.010; Ord. No. 8-2000)

Sec. 50.015. - Scope.

This chapter is to protect the public health, safety and general welfare by regulating existing structures, residential and nonresidential, and existing premises by establishing minimum requirements and standards for structures and premises for the protection from the elements and other hazards, the protection of life safety, and for safe and sanitary maintenance; fixing the responsibility of owners and occupants; and for administration, enforcement and penalties.

(Prior Code, § 50.015; Ord. No. 8-2000)

Sec. 50.020. - Intent.

This chapter shall be construed to secure and ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance as required herein.

(Prior Code, § 50.020; Ord. No. 8-2000)

Sec. 50.025. - Definitions; rules of construction.

- (a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned structure means a vacant structure that is an attractive nuisance.

Ashes means the residue of the combustion of solid fuels.

Attractive nuisance means buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.

Basement means that portion of a building or structure which is partly or completely below grade.

Boarded means the securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.

Building means any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.

Building Code means the specialty codes applicable in the City, as provided in SRC chapter 56.

Building Official means the administrator of the Building and Safety Division of the Community Development Department, or the administrator's designee.

Bulk solid waste means discarded bedding, mattresses and furniture, junk, yard debris as defined in SRC 47.020, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.

Deterioration means a lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.

Derelict structure means a building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:

- (1) Is unoccupied and unsecured;
- (2) Is partially constructed;
- (3) Is an abandoned structure or attractive nuisance;
- (4) Is in condition of deterioration;
- (5) Has an infestation of pests;
- (6) Has doors or windows boarded over; or
- (7) Other condition that in the opinion of the Health Officer is detrimental to public health, safety or welfare.

Dwelling unit means a single unit within a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. As used in this chapter, the term "dwelling unit" includes, as the context requires, single-family dwellings, duplexes, triplexes, condominiums, residential trailers, mobile homes, manufactured homes, multifamily dwellings, and single units therein.

Extermination means the control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Health Officer.

Garbage means all classes of putrefactive and easily decomposable animal and vegetable matter, including, without limitation, wastes produced from the handling and preparation of food, and packaging originally used for foodstuffs.

Hazardous solid waste means any solid waste which, in the opinion of the Health Officer, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7), as may be amended.

Hazardous thicket means blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public property, including right-of-way, or private property of another in a manner that may be hazardous.

Health Officer means the City Manager, or the department director charged by the City Manager with the implementation and enforcement of this chapter, or that department director's designee.

Hearings Officer means the person or persons appointed by the Council to serve as the Hearings Officer pursuant to SRC 2.035.

Imminent hazard means any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.

Incipient hazard means any condition that can become an imminent hazard if further deterioration is allowed to occur.

Indoor fixture means any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.

Indoor furnishing means any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.

Infestation means the presence of pests in large numbers that are harmful or bothersome within or adjacent to a building or structure or upon a premises.

Junk means articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this chapter the term "junk" includes, but is not limited to:

- (1) Any derelict motor vehicle, trailer, or boat, i.e., any used motor vehicle, trailer, or boat without a vehicle license or with an expired license;
- (2) Neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires;
- (3) Wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat that is dismantled or partially dismantled, or having a broken or missing

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window or windshield, or lacking a wheel or tire;

- (4) Machinery or parts thereof that are inoperative, worn out, or in a state of disrepair;
- (5) Any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair;
- (6) Any worn out or dilapidated indoor fixtures or furnishings, or parts thereof;
- (7) Any bulk solid waste; and
- (8) Solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

Legally occupied means the use of a premises for a purpose authorized by law, including the Building Code and Zone Code. For the purposes of this chapter, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this chapter, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.

Let for occupancy or *let* means to permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Noxious vegetation means weeds more than ten inches in height; grass more than ten inches in height; rank or dead vegetation; poison oak, poison hemlock, poison ivy; hazardous thickets; or other rank, noxious, and dangerous vegetation that is a health hazard, a fire hazard, or a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of the public right-of-way hazardous. The term "noxious vegetation" shall not include agriculture crops, endangered riparian grasses that have not come to seed, and wet land grasses that are neither a fire nor a traffic hazard.

Occupancy means the purpose for which a building, structure or premises is used or intended to be used.

Occupant means any person living or sleeping in a building or structure, or having possession of a space within a building or structure or possession of a premises.

Owner means the person recorded in the official records of the State, County or City as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the State, County or City; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto; and a lessee or tenant in possession.

Partially constructed means an occupied or vacant structure, or portion thereof, that has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.

Person means an individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.

Pests means animals detrimental to humans or human concerns, including, but not limited to, insects, rodents, rats or vermin.

Premises means a lot, or parcel of land, including any buildings or structures thereon.

Rank vegetation means any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

Receptacle means a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

Recycling means the process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. The term "recycling" includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

Remediation means the elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

Rubbish means worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.

Skilled manner means executed in a proper manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

Solid waste means all waste, in solid, semisolid or liquid form, including, but not limited to, garbage, rubbish, trash, ashes, street refuse, waste paper, corrugated material and cardboard; commercial, industrial, demolition and construction wastes; food waste as defined in SRC 47.020(i); small dead animals; infectious waste as defined in ORS 459.386(4); and other wastes. As used in this chapter, solid waste does not include sewage, sewage sludge, or sewage hauled as an incidental part of a septic tank or cesspool cleaning service or materials that are used for fertilizer, for compost or composting or for other productive agricultural or horticultural purposes.

Structure means that which is built or constructed; an edifice or building of any kind, including mobile or manufactured homes and mobile outbuildings; or any work that is built up as an addition to or fixture on a premises.

Temporary means a period up to six months in any 12-month period.

Unfit for human habitation means a building or structure that, as found by the Health Officer, is unfit for human habitation due to unsanitary conditions; infestation; accumulation of filth or contamination; lack of required ventilation, illumination, or sanitary or heating facilities; or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

Unoccupied means not legally occupied.

Unsecured means unlocked or otherwise open to entry.

Ventilation means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Waste tire means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

- (b) Where terms are not defined in this chapter and are defined in the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes. Terms not otherwise defined in this chapter or in the state building, plumbing or mechanical codes shall have ordinarily accepted meanings. Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

(Prior Code, § 50.025; Ord. No. 8-2000; Ord. No. 33-05; Ord. No. 31-06; Ord. No. 72-07; Ord. No. 26-11; Ord. No. 12-14)

Sec. 50.030. - Reserved.

⋮

Sec. 50.035. - Application of other codes.

⋮

Nothing in this chapter shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Salem Revised Code, or the requirement to obtain all necessary permits and approvals.

(Prior Code, § 50.035; Ord. No. 8-2000)

Sec. 50.040. - Reserved.

⋮

Sec. 50.045. - Coordination of enforcement.

⋮

Whenever inspections are necessary by the Health Officer and any other department, the Health Officer shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued.

(Prior Code, § 50.045; Ord. No. 8-2000)

Sec. 50.050. - Responsibility.

⋮

- (a) Unless otherwise provided for, the Health Officer shall be responsible for the enforcement of the provisions of this chapter. The Health Officer may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this chapter. The Health Officer is authorized to designate an employee as deputy who shall exercise all the powers of the Health Officer during the temporary absence or disability of the Health Officer.
- (b) Where conditions or prohibitions under this chapter are regulated by the Building Code, the Building Official shall be responsible for making such determination and taking appropriate action as provided therein.

(Prior Code, § 50.050; Ord. No. 8-2000)

Sec. 50.055. - Modifications.

⋮

Where there are extreme hardships involved in carrying out provisions of this chapter, the Health Officer shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

(Prior Code, § 50.055; Ord. No. 8-2000)

Sec. 50.060. - Failure to obey order of Health Officer.

⋮

- (a) It shall be unlawful for any person acting intentionally to refuse to obey an order by the Health Officer acting in the discharge or apparent discharge of official duty.
- (b) It is no defense to a prosecution for a violation of this section that the Health Officer lacked legal authority to issue the order, provided the Health Officer was acting under color of official authority.

(Prior Code, § 50.060; Ord. No. 8-2000; Ord. No. 33-05)

Secs. 50.070—50.090. - Reserved.

⋮

MAINTENANCE AND REPAIRS**Sec. 50.100. - Required maintenance.**

⋮

All systems, devices and safeguards required by this chapter or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus ensuring the health and safety of all inhabitants.

(Prior Code, § 50.100; Ord. No. 8-2000; Ord. No. 33-05)

Sec. 50.105. - Skilled work required.

⋮

All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a skilled manner.

(Prior Code, § 50.105; Ord. No. 8-2000)

Secs. 50.110—50.250. - Reserved.

⋮

JUNK**Sec. 50.255. - Outside storage prohibited.**

⋮

- (a) Unless otherwise specifically allowed by law, it shall be unlawful to store items of personal property out-of-doors, or outside a building or structure that is not fully enclosed.
- (b) Notwithstanding subsection (a) of this section, the following items of personal property may be stored outside of a building or structure:
 - (1) Firewood that is stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit a lawful fireplace or wood stove on the premises;
 - (2) Construction material, if the construction material is temporarily stored and is stored in a manner to protect its utility and to prevent its deterioration and the construction material is to be used for construction on the premises;
 - (3) Open storage of materials directly associated with the primary activity of a business, provided the business is a permitted, special, or conditional use within any CR, CG, or industrial and employment zone, and the materials are enclosed by a sight obscuring fence erected in conformance with SRC 807.015(e), are safely stacked, bundled, or otherwise source-separated, and will remain in the stream of commerce with an articulable future use; and
 - (4) All other items of personal property which are of a type, condition or quantity consistent with normal and intended outside use. By way of illustration, but not

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limitation, as used in this section, items of personal property include barbeque grills, lawn furniture, and solid waste disposal receptacles.

(Prior Code, § 50.255; Ord. No. 8-2000; Ord. No. 33-05; Ord. No. 31-13; Ord. No. 12-14)

Sec. 50.260. - Keeping junk prohibited.

- (a) No person shall deposit or keep junk within a public right-of-way, or out-of-doors on any premises within the City, or in a building or structure that is not fully enclosed.
- (b) Notwithstanding subsection (a) of this section, the following junk may be deposited or kept out-of-doors on premises within the City:
 - (1) Any wrecked, neglected or derelict motor vehicle, or parts thereof, kept in a motor vehicle wrecking business licensed by the City.
 - (2) Any derelict or neglected motor vehicle displayed by a business offering new and used motor vehicles for sale.
 - (3) Any wrecked motor vehicle stored outside an approved enclosure at a business offering motor vehicle services, as described under SRC 400.055(b), or heavy vehicle and trailer service and storage, as described under SRC 400.055(g), provided that no more than eight vehicles in an industrial zone or four vehicles in a commercial zone shall be kept outside of an approved enclosure at any one time. The enclosure shall conform with the sight obscuring requirements of SRC 807.015(e)(2).
 - (4) Any neglected or derelict vehicle stored at a business offering motor vehicle services, as described under SRC 400.055(b), or heavy vehicle and trailer service and storage, as described under SRC 400.055(g).
 - (5) Recyclable solid waste that has been source separated and collected in conformance with this chapter.
 - (6) Recyclable materials or source separated solid waste kept at a scrap and waste material establishment, operating in compliance with all applicable laws and where the materials or solid waste are enclosed by a sight obscuring fence in conformance with SRC 807.015(e)(2) or in a receptacle.
 - (7) Any waste tire kept for storage, collection, transportation, or disposal by a person licensed for that purpose by the State.

(Prior Code, § 50.260; Ord. No. 8-2000; Ord. No. 33-05; Ord. No. 31-13; Ord. No. 12-14)

Sec. 50.265. - Abatement of junk motor vehicles.

The abatement of junk motor vehicles from private or public property is subject to the provisions of SRC 102.200 to 102.235.

(Prior Code, § 50.265; Ord. No. 8-2000; Ord. No. 26-11)

Secs. 50.270—50.490. - Reserved.

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GENERAL EXTERIOR BUILDING AND STRUCTURE MAINTENANCE**Sec. 50.500. - General.**

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The exterior of a building or structure shall be maintained in good repair, so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.

(Prior Code, § 50.500; Ord. No. 8-2000; Ord. No. 33-05)

Sec. 50.505. - Exterior surfaces.

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All wood and metal surfaces, including, but not limited to, window frames, doors, door frames, cornices, porches, siding and trim on buildings and structures shall be maintained in good condition, so as not to be in a state of deterioration.

(Prior Code, § 50.505; Ord. No. 8-2000; Ord. No. 33-05)

Sec. 50.510. - Street numbers.

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Each building or structure to which a street number has been assigned shall have such number displayed in a prominent position on the side of the building or structure closest to and easily observed and readable from the public right-of-way of the street which is the building or structure's address of record. All numbers for residential dwelling units shall be in Arabic numerals at least four inches high and one-half inch stroke. All numbers for all other buildings or structures, subject to this section, shall be in Arabic numerals at least three inches high and one-half inch stroke.

(Prior Code, § 50.510; Ord. No. 8-2000; Ord. No. 33-05; Ord. No. 12-14)

Sec. 50.515. - Foundation walls.

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All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of pests.

(Prior Code, § 50.515; Ord. No. 8-2000)

Sec. 50.520. - Exterior walls.

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- (a) All exterior walls of buildings or structures shall be free from holes, breaks, loose or rotting materials and shall be maintained in good condition so as not to be in a state of deterioration.
- (b) The use of tarps or similar material for emergency repair, or in place of a customary

building component such as siding or a door, shall not exceed 45 days in any 12-month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building Notice as described in SRC 56.200 through 56.270.

(Prior Code, § 50.520; Ord. No. 8-2000; Ord. No. 33-05; Ord. No. 12-14)

Sec. 50.525. - Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain into the building or structure. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the building or structure. Roof drains, gutters and down spouts shall be free from obstructions and maintained in good repair, so as not to be in a state of deterioration. Any nonresidential building or structure having originally been designed for and fitted with gutters and downspouts, shall continuously be maintained with such devices, in proper working condition and maintained so as not to be in a state of deterioration. The use of tarps or similar material for emergency repair shall be temporary, and not exceed six months in any 12-month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building Notice as described in SRC 56.200 through 56.270.

(Prior Code, § 50.525; Ord. No. 8-2000; Ord. No. 33-05; Ord. No. 12-14)

Sec. 50.530. - Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration. When any nonresidential building or structure is found to be missing a decorative feature, the Health Officer may require the missing decorative feature to be replaced with a similar material of similar size, shape, color and texture.

(Prior Code, § 50.530; Ord. No. 8-2000; Ord. No. 33-05)

Sec. 50.540. - Windows and doors.

Every window, door and frame shall be kept in sound condition, good repair and weathertight. Where windows and doors have been sealed by plastic or other materials for weatherproofing, said materials shall be maintained in a skilled manner. Window and door screens, while not required by this chapter, shall be maintained in a skilled manner.

(Prior Code, § 50.540; Ord. No. 8-2000)

Sec. 50.545. - Glazing.

- (a) All glazing materials shall be maintained free from cracks and holes. Glazing with holes,

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cracks, or that is partially or wholly missing shall be replaced within 15 days from the date the Health Officer issues a written notice, in compliance with the Building Code.

- (b) Notwithstanding subsection (a) of this section, glazing in buildings and structures other than single-family and two-family dwellings need not be replaced within the 15-day period, if the opening has been boarded, an application for a building permit is made within the 15-day period, a permit is subsequently issued, and replacement occurs prior to the expiration of the permit.

(Prior Code, § 50.545; Ord. No. 8-2000; Ord. No. 33-05; Ord. No. 12-14)

Sec. 50.550. - Accessory structures.

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All accessory structures, such as sheds, fences, walls and other similar structures, shall be erected in a skilled manner and maintained in a structurally sound condition and in good repair, so as not to be in a state of deterioration. Accessory structures covered by the Building Code shall fall under the jurisdiction of the Building Official.

(Prior Code, § 50.550; Ord. No. 8-2000; Ord. No. 33-05; Ord. No. 12-14)

Secs. 50.560—50.590. - Reserved.

⋮

DERELICT STRUCTURES

Sec. 50.600. - Derelict structures prohibited.

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Derelict structures on any premises are hereby declared to be a public nuisance.

(Prior Code, § 50.600; Ord. No. 8-2000; Ord. No. 33-05)

Sec. 50.605. - Order to vacate buildings or structures.

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- (a) If the Health Officer finds a building or structure in violation of SRC 50.600, the Health Officer may order that a placard be posted on the building or structure, ordering the building or structure vacated, and to order the owner to register the building or structure as provided in SRC 50.625 through 50.634. The placard shall contain the information required in SRC 50.815.
- (b) Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order.

(Prior Code, § 50.605; Ord. No. 8-2000; Ord. No. 33-05; Ord. No. 12-14)

Sec. 50.610. - Prohibited habitation.

⋮

No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Health Officer.

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(Prior Code, § 50.610; Ord. No. 8-2000; Ord. No. 33-05)

Sec. 50.615. - Removal of placard prohibited.

- (a) The Health Officer shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.
- (b) No person shall deface or remove a placard without the approval of the Health Officer.

(Prior Code, § 50.615; Ord. No. 8-2000; Ord. No. 33-05)

Sec. 50.620. - Temporary safeguards.

Notwithstanding any other provisions of this chapter, whenever, as determined by the Health Officer, a building or structure poses an imminent hazard or incipient hazard, the Health Officer may order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and shall cause such other action to be taken that the Health Officer deems necessary to meet such condition.

(Prior Code, § 50.620; Ord. No. 8-2000; Ord. No. 33-05; Ord. No. 12-14)

Sec. 50.625. - Derelict structure registration.

If the Health Officer determines that a building or structure is a derelict structure, the owner shall be required to register the building or structure within ten days of the Health Officer's issuance of an order to register. Registration shall be made on forms provided by the Health Officer, and shall include information relating to the location and ownership of the building or structure, the expected period of its vacancy, a plan for regular maintenance during the period of vacancy, and a plan for its re-occupancy and use, or its remediation or demolition. Any change in the information required to be provided pursuant to this section shall be given to the Health Officer not more than 30 days of the date of such change. When all conditions making the building or structure a derelict structure have been corrected, the owner shall contact the Health Officer and request an inspection to determine compliance.

(Prior Code, § 50.625; Ord. No. 8-2000; Ord. No. 33-05)

Sec. 50.630. - Derelict structure fees.

- (a) Every owner who, after receipt of an order under SRC 50.625, fails to register the building or structure within the required time set forth in the order, or registers the building or structure but allows the building or structure to remain in a derelict condition, shall pay a monthly derelict structure fee. Payment of the fee is due on the 15th day of each month. Any payment of the fee that is more than 30 days past due may be considered delinquent and subject to a penalty of \$100.00 for every delinquent monthly payment.

- (b) In the event that the fees due under this section are delinquent for more than 90 days, or in the event that the owner fails to register the building or structure as required by SRC 60.625, the City Attorney, at the request of the Health Officer, may file an action in the circuit court of the appropriate county for the recovery of any and all delinquent fees and penalties due under this section, which shall be the sum of the yearly fees plus all delinquent penalties.
- (c) All fees imposed under this section are to be paid prior to the issuance of any permit required for the demolition, alteration or repair of the derelict building or structure.
- (d) The Council shall adopt a resolution establishing the amount of derelict structure fee.
- (e) Unpaid derelict structure fees, and any unpaid late fees, may be entered into the City's lien docket after 90 days, and a lien for the entire amount placed against the real property.

(Prior Code, § 50.630; Ord. No. 8-2000; Ord. No. 33-05; Ord. No. 12-14)

Sec. 50.640. - Abatement of derelict structure by remediation.

- (a) In addition to, and not in lieu of, the abatement remedies provided for in SRC 50.800 through 50.880 and receivership authority in SRC 50.910, the Health Officer may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.
- (b) Upon receipt of such notice, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and shall, not less than 15 days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the County Assessor, and on the occupant. Notice shall also be posted on or near the derelict structure and copies delivered to the affected neighborhood association. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.
- (c) At the hearing, the Health Officer shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Health Officer's determination, and the owner and occupants shall be afforded a like opportunity to rebut the determination. Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue. The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the State.
- (d) The Hearings Officer shall order the conditions creating the derelict structure be remediated if the Health Officer demonstrates, by a preponderance of the evidence, that the building structure is a derelict structure.
- (e) In determining whether the conditions are such that remediation is required, the

Hearings Officer shall determine whether the building is in a condition unfit for human habitation, or in a condition that is an incipient hazard, based on the number and extent of the following factors:

- (1) Dilapidation;
- (2) Disrepair;
- (3) Structural defects noted by the Building Official;
- (4) Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;
- (5) Uncleanliness or infestations of pests;
- (6) Condition of sanitary facilities;
- (7) The presence of a public nuisance; and
- (8) The history of unlawful activity in or around the building or structure.

(Prior Code, § 50.640; Ord. No. 8-2000; Ord. No. 33-05)

Secs. 50.650—50.690. - Reserved.

MISCELLANEOUS VIOLATIONS

Sec. 50.700. - Pest infestation prohibited.

- (a) All premises shall be kept free from pest infestation.
- (b) Pest infestations shall be promptly exterminated in a manner that will not be injurious to human health.
- (c) After extermination, proper precautions shall be taken to prevent re-infestation.

(Prior Code, § 50.700; Ord. No. 8-2000)

Sec. 50.705. - Noxious vegetation prohibited.

- (a) No owner shall cause or permit noxious or rank vegetation upon premises or in the right-of-way of a street abutting any premises.
- (b) In addition to, or in lieu of, any other enforcement action authorized by law, the Health Officer may cause a violation of this section to be corrected in the same manner as a public nuisance pursuant to SRC 50.810 to 50.880.

(Prior Code, § 50.705; Ord. No. 8-2000; Ord. No. 39-2000; Ord. No. 33-05)

Sec. 50.710. - Keeping of chickens.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly

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indicates a different meaning:

Chicken means the common domestic fowl (*Gallus gallus domesticus*) or its young.

Chicken facility means a combination of a coop and a runway.

Commercial poultry operation means a farm that raises chickens for sale or the production of eggs for profit.

Community garden means a lot or parcel of land gardened collectively by a group of people or gardened individually in individual allotments.

Coop means a structure providing roofed shelter for the chickens.

Hen means an adult female chicken.

Rooster means a male chicken, and includes a capon.

Runway means a fully enclosed, fenced area connected to the coop.

UDC means the Unified Development Code set forth in SRC chapters 110 through 900.

- (b) *Location.* Chickens may be kept at any residence, community garden, on any lot owned by a school or a religious organization, or in any zone where the keeping of livestock and other animals as set forth in SRC 400.120(d) is allowed under the UDC.
- (c) *Standards.* Except where the keeping of livestock and other animals is allowed under the UDC, chickens kept at any residence, community garden, or on any premises owned by a school or religious organization shall be subject to the following conditions:
 - (1) A maximum of six hens per premises is allowed;
 - (2) Roosters are prohibited;
 - (3) Chickens shall be confined at all times within a chicken facility, except when under the personal control of an owner or custodian;
 - (4) No chicken facility or other structure that houses chickens, either temporarily or permanently, shall be located within three feet of any other building on the same premises, or within 25 feet of a residence on an adjacent unit of land;
 - (5) A chicken facility shall be located in the rear yard of a premises, and shall comply with the setback requirements of the zone in which it is located;
 - (6) A chicken facility, and the premises where the chicken facility is located, shall be maintained in a condition such that the facility or chickens do not produce noise or odor that creates a nuisance for adjacent properties;
 - (7) A coop shall not exceed 120 square feet; and
 - (8) There shall be a minimum of three square feet of coop space, and six square feet of

run space, per chicken.

- (d) *Chickens not in compliance deemed nuisance.* Chickens not kept in compliance with this section shall be deemed a public nuisance under SRC 50.800. If the owner or custodian has not rectified the conditions by the date provided in any notice provided under SRC 50.810, the City may abate the nuisance, as provided in SRC 50.800 through 50.880.
- (e) *Violation.* Except as otherwise provided under the UDC, it shall be unlawful to keep chickens in a manner that does not comply with the provisions of this section. A violation of this section is an infraction and shall be punishable as follows:
 - (1) \$250.00 for the first violation;
 - (2) \$500.00 for the second violation; and
 - (3) \$750.00 for the third and each subsequent violation, and the violator shall be prohibited from keeping chickens for ten years.

(Prior Code, § 50.710; Ord. No. 19-10; Ord. No. 8-12; Ord. No. 12-14)

Secs. 50.720—50.790. - Reserved.

PUBLIC NUISANCES

Sec. 50.800. - Prohibited.

No person shall cause, permit, or maintain a public nuisance on public or private property.

(Prior Code, § 50.800; Ord. No. 8-2000; Ord. No. 33-05; Ord. No. 12-14)

Sec. 50.805. - Public nuisances.

The following are specifically declared to be public nuisances, but this list shall not be deemed to be exclusive:

- (a) Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety;
- (b) The accumulation, exposure, or deposit of any garbage, rubbish, bulk solid waste, or solid waste on any public way; or any private street, alley, or lot; or into a stream, well, spring, brook, ditch, pond, river, or other inland waters within the City; or the placing of such substances in such position that high water or natural seepage will carry the same into such waters;
- (c) Any physical condition of a premises considered an attractive nuisance, including, but not limited to, abandoned wells, shafts, basements, unguarded machinery;
- (d) An abandoned, unattended, or discarded icebox, refrigerator, or other container accessible to children which has an airtight door, or lock which may not be released for opening from the inside;

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- (e) Dangerous pilings and unprotected excavations;
- (f) Any premises that has unsanitary plumbing fixtures, or plumbing fixtures that permit the spillage of effluent outside of an approved sanitary sewer system, or the escape of sewer odors and gases;
- (g) The maintenance of premises which are in such a state or condition as to cause an offensive odor;
- (h) The accumulation of feces or manure in piles or heaps, unless enclosed in containers capable of excluding flies and maintained in such a manner or condition that offensive odor is not emitted therefrom;
- (i) The burning of any rubbish, garbage, rubber, cloth, or any other thing, the burning of which, or the smoke emitted from such burning, creates an offensive odor;
- (j) The accumulation of stagnant water in which mosquitoes may breed;
- (k) Violation of SRC 50.260 by keeping more than five cubic yards of junk on any residentially zoned property;
- (l) Violation of SRC 50.600, "Derelict Structures";
- (m) Violation of SRC 50.700, "Pest Infestation";
- (n) Any building or structure that is in a condition that poses an imminent hazard to public health, safety or welfare;
- (o) The keeping of chickens in violation of SRC 50.710(c).

(Prior Code, § 50.805; Ord. No. 8-2000; Ord. No. 39-2000; Ord. No. 33-05; Ord. No. 12-14)

Sec. 50.810. - Notice to person responsible.

Whenever the Health Officer has reasonable grounds to believe that a violation of SRC 50.800 has occurred, a notice and order shall be served on the owner(s) and occupant(s).

(Prior Code, § 50.810; Ord. No. 8-2000)

Sec. 50.815. - Form of notice.

Such notice prescribed in SRC 50.810 shall:

- (a) Be in writing;
- (b) Include a description of the premises sufficient for identification;
- (c) Include a statement of the reason or reasons why the notice is being issued;
- (d) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the premises into compliance with the provisions of this chapter;
- (e) Include a notice that the City may abate the nuisance pursuant to this chapter and

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that the person responsible shall be responsible for the costs of such abatement;

(f) Include instructions for an appeal.

(Prior Code, § 50.815; Ord. No. 8-2000)

Sec. 50.820. - Effective date of notice.

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All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing if not personally served.

(Prior Code, § 50.820; Ord. No. 8-2000)

Sec. 50.825. - Method of service.

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- (a) Notices under this chapter shall be deemed to be properly served if a copy thereof is:
- (1) Personally delivered to the owner(s) and occupant(s);
 - (2) Sent by first class mail to the owner(s) and occupant(s) at their last known address;
or
 - (3) Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address if they cannot be located.
- (b) Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of an owner(s) or occupant(s) shall not render the notice void and in such case the notice shall be sufficient.

(Prior Code, § 50.825; Ord. No. 8-2000)

Sec. 50.830. - Recording a violation.

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The City may record a notice of violation with the County Clerk. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be recorded.

(Prior Code, § 50.830; Ord. No. 8-2000)

Sec. 50.835. - Joint responsibility.

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If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the City in abating the nuisance.

(Prior Code, § 50.835; Ord. No. 8-2000)

Sec. 50.840. - Abatement procedures—By the City.

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- (a) If, within time allowed, the violation has not been corrected, the Health Officer may cause

the violation to be corrected.

- (b) The Health Officer shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a 20 percent charge for administrative overhead.
- (c) The Health Officer or a person authorized by the Health Officer may enter upon the property to abate the nuisance only upon obtaining consent of the owner and occupant; upon obtaining an administrative warrant pursuant to SRC 4.190 through 4.225; or in an emergency pursuant to SRC 4.230.

(Prior Code, § 50.840; Ord. No. 8-2000; Ord. No. 26-11)

Sec. 50.845. - Assessment of costs.

- (a) After abatement by the City, the Finance Officer, by first class mail, shall forward to the owner(s) and occupant(s) a notice stating:
 - (1) The total cost of correction, including the administrative overhead; and
 - (2) That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.
- (b) If the costs and administrative overhead are not paid within 30 days of the billing date, the Health Officer shall thereafter file with the Hearings Officer an itemized statement of costs and overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance.
- (c) Upon filing of such statement of costs and overhead, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer, and cause notice thereof to be served via certified mail to the owner(s) and occupant(s).
- (d) After the hearing, the Hearings Officer shall declare the correctness of such statement and declare the same to be a lien upon the property.
- (e) An error in the contents or service of any notice shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

(Prior Code, § 50.845; Ord. No. 8-2000; Ord. No. 33-05)

Sec. 50.850. - Summary abatement.

The abatement procedure provided by this chapter is not exclusive but is in addition to procedures provided by other laws.

(Prior Code, § 50.850; Ord. No. 8-2000)

Secs. 50.860, 50.870. - Reserved.

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Sec. 50.880. - Collections.

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Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims court or entered into the City's lien docket in the manner provided by SRC 20J.410 and a lien for the entire amount placed against the real property pursuant to SRC 20J.180.

(Prior Code, § 50.880; Ord. No. 8-2000; Ord. No. 12-14)

Sec. 50.890. - Reserved.

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PENALTIES**Sec. 50.900. - Violations.**

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- (a) Violations of SRC 50.060, SRC 50.610, and SRC 50.800 are misdemeanors.
- (b) Violation of SRC 50.710 is an infraction, and is punishable as set forth in SRC 50.710(e)(1).
- (c) Violation of any other section of this chapter is an infraction and is punishable by a fine of not less than \$100.00 and not more than \$250.00. The second and subsequent violation of the same provision of this chapter in any one-year period is punishable by a fine of not less than \$250.00.
- (d) In addition to any other penalty provided by law, a person adjudged responsible for violation of any of the provisions of this chapter may be ordered by the Hearings Officer or Court to correct the violation.

(Prior Code, § 50.900; Ord. No. 8-2000; Ord. No. 33-05; Ord. No. 12-14)

Sec. 50.910. - Receivership authority.

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In addition to, and not in lieu of, any other provision in this chapter, when the Health Officer finds residential property in violation of this chapter, and believes that the violation is a threat to the public's health, welfare and safety, and the owner has not acted in a timely manner to correct the violations, the Health Officer may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

(Prior Code, § 50.910; Ord. No. 8-2000)

Sec. 50.915. - Civil penalties.

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- (a) *Civil penalty.* Any person who fails to comply with the requirements of this chapter or who fails to comply with an enforcement order issued pursuant to this chapter shall be

subject to a civil penalty as provided in SRC chapter 20J, not to exceed \$2,000.00.00 per violation. Each day that a violation continues shall constitute a separate violation.

- (b) *Civil penalty against agents.* Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, shall likewise be subject to a civil penalty.

(Prior Code, § 50.915; Ord. No. 12-14)

Sec. 50.920. - Appeals generally.

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Any person who is issued an order from the Health Officer or any person who is subject to a civil penalty, pursuant to this chapter, may appeal the decision to the Hearings Officer by following the process set forth in SRC chapter 20J. The hearing on the appeal shall follow the contested case procedures set forth in SRC 20J.240 through 20J.430.

(Prior Code, § 50.920; Ord. No. 12-14)

< Sec. 47.245. - Violations.

CHAPTER 51. - EVENT SOUND PERMITS >

Exhibit A Ordinance 2015-_____**Chapter 9.02 – LIVABILITY CODE**

Section 9.02.010 – Short Title. This Chapter shall be known and may be cited as the Corvallis Livability Code and may be referred to herein as "this chapter."

Section 9.02.020 – Purpose. The purpose of this chapter is to ensure and protect the public health, safety and welfare and to prevent or reduce urban blight by establishing minimum property maintenance and livability standards for all premises.

Section 9.02.030 – Application of other Laws.

Nothing in this chapter shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Corvallis municipal code or the requirement to obtain all necessary permits and approvals.

1) *Changes and Alterations.* Any repair, alteration, or addition to, or change of occupancy in an existing building, or any change of use of any property, shall be made in accordance with all applicable provisions of law, including, but not limited to the Corvallis municipal code.

2) *Conflicts.*

a) Except as provided otherwise by federal, state or local law, if a provision of this chapter conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal authority having jurisdiction over residential property in the City of Corvallis, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this chapter.

b) This chapter is intended to supplement rather than conflict with the habitability standards and the assignment of landlord and tenant responsibilities of the State of Oregon Residential Landlord and Tenant Act.

c) If a provision of this chapter conflicts with a provision of the adopted building code, the provision of the building code shall apply to the exclusion of the conflicting provision of this chapter.

Section 9.02.040 – Scope. This chapter establishes minimum requirements and standards for the protection of structures and premises from the elements, life

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safety and other hazards, and for their safe and sanitary maintenance; assigning the responsibility of owners and occupants; and, establishes the processes and standards for the administration of this chapter, its administration, enforcement, appeals and penalties.

1) Provisions of this chapter that address the interior conditions of residential structures apply to tenant occupied residential structures only.

2) Provisions of this chapter that address the exterior conditions of structures and the conditions of premises apply to all residential and nonresidential structures and all premises, with the exclusion of children's play structures which shall be exempt from the maintenance standards established by this chapter other than with respect to conditions that constitute imminent or incipient hazards, as those terms are defined in this chapter.

3) Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance, as required by the provisions of this chapter.

Section 9.02.050 – Saving Clause. Compliance with this chapter shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

Section 9.02.060 – Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter which shall continue in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.

Section 9.02.070 – Administration.

9.02.070.01 – Responsibility.

1) The City Manager is hereby authorized to administer and enforce all of the provisions of this chapter. The authority of the City Manager to enforce the provisions of this chapter is independent of and in addition to the authority of other city officials to enforce the provisions of other city codes.

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2) This chapter shall be liberally construed to the end that the City Manager shall not be required to personally perform the administrative or enforcement duties and functions that are the responsibilities of the City Manager under the terms and standards of this chapter.

9.02.070.02 – Appointments.

1) The City Manager may appoint a Director and delegate authority to administer this chapter to the Director.

2) The Director may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration and enforcement of this chapter.

3) The Director is authorized to designate an employee as deputy who shall exercise all the powers of the Director during the temporary absence or disability of the Director.

4) Any acts done by any employee who is under the direct supervision and control of the Director and done pursuant to a delegation of authority given by the Director to said employee shall be deemed to be done by the Director as required by the terms and standards of this chapter.

9.02.070.03 – Complaint Based Response.

1) Administrative and enforcement responses under this chapter will be initiated on the basis of a complaint.

2) Complaints may be filed by members of the public, by representatives of the city organization and by representatives of external agencies in a manner that shall be consistent with administrative operating guidelines.

3) Anonymous complaints will not be accepted.

4) Notwithstanding the provisions of CMC 9.02.070.03(1), the Director may choose to initiate administrative or enforcement activities when conditions are known or suspected to be present on a property, premises or a structure that would constitute an imminent hazard or an incipient hazard, as those terms are defined herein.

9.02.070.04 – Inspections.

1) *Inspections.* The Director is authorized to make inspection of all premises for the purposes of enforcing this chapter.

2) *Coordination of Enforcement.* Whenever inspections are deemed necessary by the Director and any other division or department, the Director shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other divisions and departments for the purpose of eliminating conflicting orders before any are issued.

9.02.070.05 – Right of Entry. Following the process set out below, the Director may enter all premises, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this chapter, or whenever the Director has reasonable cause to believe that there exists in any structure or upon any premises any condition which makes such premises substandard as defined in any regulations of this chapter.

9.02.070.05.010 – Administrative Warrant.

In the case of seeking entry into areas of any premises that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

1) *Occupied Premises.* If any structure on the premises is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant; or,

2) *Unoccupied Premises.*

a) If the premises is unoccupied, the Director shall first make a reasonable attempt to contact the property owner, or other persons having charge or control of the premises, and request entry. If entry is refused or if no response is received, the Director may attempt to obtain entry by obtaining an administrative warrant.

b) If structures on the premises are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the premises and request entry. If entry is refused or if no response is

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received from the owner or other persons having charge or control of the premises, the Director may attempt to obtain entry by obtaining an administrative warrant; or,

3) *Open, Unoccupied Structures.* If any structure on the premises is unoccupied and open:

a) The Director shall first make a reasonable effort to notify the owner of the specific condition and order the owner, or other persons having charge or control of the premises, to immediately secure the structure against the entry of unauthorized persons.

b) If the structure is not secured within fifteen (15) days from the date notice is sent, the Director may secure the area on or about the premises of the certain hazardous condition concern, as provided in CMC 9.02.110.05.

4) *Hazardous Conditions.*

a) If the Director believes that an imminent hazard condition exists, the Director may immediately secure the area on or about the premises of the certain hazardous condition concern, as provided in CMC 9.02.110.05.

b) Following the summary abatement to secure the hazardous condition, the Director shall make a reasonable attempt to notify the owner, or other persons having charge or control of the premises, of the condition of the premises and request entry.

c) If entry is refused, the Director may attempt to obtain entry by obtaining an administrative or abatement warrant.

5) *Extenuating Circumstances.* The Director may seek approval for an administrative warrant without first requesting entry or making contact with an owner or occupant, if, at the time, facts or circumstances reasonably show that the purpose of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

9.02.070.05.020 – Grounds for Issuance of Administrative Warrants.

1) *Affidavit.* The Corvallis Municipal Court or any Oregon Court having jurisdiction over violations of ordinances shall issue an administrative warrant only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant; the statute, ordinance or regulation requiring or authorizing the inspection or investigation; the premises to be inspected or

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investigated; and, the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or a statement of facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

2) *Cause.* Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any premises, or there is probable cause to believe that a condition of nonconformity with any provision of this chapter exists with respect to the designated premises, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the premises for conformity with the provisions of this chapter.

9.02.070.05.030 – Procedure for Issuance of Administrative Warrant.

1) *Examination.* Before issuing an administrative warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

2) *Issuance.* If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the premises to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 8:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

3) *Police Assistance.* In issuing an administrative warrant on private property, including abatement warrants pursuant to CMC 9.02.120.05, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described premises to remove any person or obstacle and to assist the Director or representative of the department inspecting the premises in any way necessary to complete the inspection or abatement.

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9.02.070.05.040 – Execution of Administrative Warrant.

1) *Occupied Premises.* Except as provided in paragraph 2) of this subsection, in executing an administrative warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the premises designated in the warrant and show the occupant or person in possession of the premises the warrant or a copy thereof upon request.

2) *Unoccupied Premises.* In executing an administrative warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in paragraph 1) of this subsection, but may promptly enter the premises if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.

3) *Return.* An administrative warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within 10 business days from its date of execution. After the expiration of the time prescribed by this paragraph, the warrant, unless executed, is void.

9.02.070.06 – Historic Structures. The provisions of this chapter shall not be mandatory for an existing structure designated as a local or national historic resource when such structure is judged by the Director to be safe and its continued maintenance in historic condition to be in the public interest.

9.02.070.07 – Modifications. Where there are extreme hardships involved in carrying out provisions of this chapter, the Director shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

Section 9.02.080 – Definitions.

9.02.080.01 All words and terms assume their dictionary definitions unless they are specifically defined in this chapter.

9.02.080.02 Words stated in the present tense in this chapter include the future; the singular number includes the plural, and the plural includes the singular.

9.02.080.03 Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

9.02.080.04 – Defined Terms. Unless the context otherwise specifically requires, for purposes of this chapter, the following terms and phrases mean:

- 1) *Abandoned Structure.* A vacant structure that is an attractive nuisance.
- 2) *Abatement [e.g., of a Nuisance].* The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.
- 3) *Accessible Means of Egress.* This term shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way.
- 4) *Accessory Structure.* Any structure not intended for human occupancy. Accessory structures may or may not be attached to a primary structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways.
- 5) *Agent.* A person authorized by another to act in his/her behalf.
- 6) *Approved.* Meets the standards set forth by this chapter, or is approved by the Director.
- 7) *Attic.* The unfinished, non-habitable part of a structure between the roof and the ceiling immediately below.
- 8) *Attractive Nuisance.* Buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.
- 9) *Basement.* That portion of a building or structure which is partly or completely below grade.

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10) *Bathroom.* A room containing plumbing fixtures including a bathtub or shower.

11) *Bedroom.* Any room or space used or intended to be used for sleeping purposes.

12) *Boarded.* The securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings, consistent with administrative operating guidelines, that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.

13) *Building.* Any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.

14) *Building Code.* The specialty codes adopted and as may be amended by the City of Corvallis, as provided in CMC Chapter 9.01.

15) *Building Official.* The administrator of the Development Services Division of the Community Development Department, or the administrator's designee.

16) *Bulk Solid Waste.* Discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.

17) *Deterioration.* A lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.

18) *Derelict Structure.* A building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:

- a) Is unoccupied and unsecured;
- b) Is partially constructed;
- c) Is an abandoned structure or attractive nuisance;
- d) Is in condition of deterioration;
- e) Has an infestation of pests;
- f) Has doors or windows boarded over, or;

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g) Other condition that in the opinion of the Director is detrimental to public health, safety or welfare.

19) *Dilapidation*. Being in a state of partial ruin, decay or disrepair.

20) *Director*. The person appointed by the City Manager as the Community Development Director for the City of Corvallis, or the person charged by the City Manager with the implementation and enforcement of this chapter, or the appointed person's designee.

21) *Dwelling*. Any structure containing one or more dwelling unit.

22) *Dwelling Unit*. A single unit within a dwelling providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

23) *Exit*. A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.

24) *Exterior Property*. The areas of a property which are outside the exterior walls and roof of a building. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, yards, gardens, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

25) *Extermination*. The control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Director.

26) *Hazardous Solid Waste*. Any solid waste which, in the opinion of the Director, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.

27) *Habitable*. Suitable for human habitation.

28) *Habitable Space*. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

29) *Hazardous Thicket*. Blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for

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products used for unlawful activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous.

30) *Hearings Officer.* The person or persons appointed by the City Manager to serve in that capacity and to pass on matters stipulated for quasi-judicial review under this chapter.

31) *Human Habitation.* The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

32) *Imminent Hazard.* Any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.

33) *Incipient Hazard.* Any condition that can become an imminent hazard if further deterioration is allowed to occur.

34) *Indoor Fixture.* Any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.

35) *Indoor Furnishing/Furniture.* Any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.

36) *Infestation.* The presence of pests in large numbers that is harmful or bothersome within or adjacent to a building or structure or upon premises.

37) *Junk.* Articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this chapter the term “junk” includes, but is not limited to:

a) any derelict motor vehicle, trailer, or boat, i.e., any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; or,

b) neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or,

c) wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; or,

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d) machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; or,

e) any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; or,

f) any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; or,

g) any bulk solid waste; and,

h) solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

38) *Landlord*. The owner or lessor of a dwelling unit, a building, or premises, including a person authorized by the owner or lessor to manage the premises or to enter into a rental agreement.

39) *Legally Occupied*. The use of premises for a purpose authorized by law, including the building code and the Corvallis land development code. For the purposes of this chapter, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this chapter, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.

40) *Let for Occupancy or Let*. To permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

41) *Maintained Compost*. A small portion of a property set aside for the purpose of methodically encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer or amendment for the soil on the property. Maintained compost shows clear indicators that the organic materials placed there are being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition does not constitute maintained compost.

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42) *Means of Egress/Doors.* A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. Includes any doors that are present at the exit access, along the path of exit, and at the exit discharge

43) *Multi-Family Dwelling.* A building or structure within which are comprised three or more dwelling units.

44) *Must.* Mandatory

45) *Naturescape.* Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

46) *Occupancy.* The purpose for which a building, structure or premises is used or intended to be used.

47) *Occupant.* Any person, including an owner, tenant or operator, using a building or any part of a building for its lawful, intended use or having possession of a space within a building or structure or possession of a premises.

48) *Owner.* The person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto.

49) *Partially Constructed.* An occupied or vacant structure, or portion thereof, that has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.

50) *Person.* An individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.

51) *Pests.* Animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.

52) *Premises.* A lot or parcel of land, including any buildings or structures thereon.

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53) *Rank Vegetation.* Any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

54) *Receptacle.* With respect to solid waste containment, a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

55) *Recycling.* The process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

56) *Remediation.* The elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

57) *Repair.* The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

58) *Residential Property.* Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multi-family structures and mixed-use structures which have one or more dwelling units. Hotels and other building types used exclusively for transient occupancy are excluded from this definition of residential property.

59) *Rubbish.* Worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.

60) *Shall.* Mandatory.

61) *Solid Waste.* This term shall have the same meaning as provided under CMC 4.01.010.

62) *Structure.* That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

63) *Temporary.* Unless otherwise specified, a period up to 6 months in any 12 month period.

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64) *Unfit for Human Habitation.* A building or structure that, as found by the Director, is unfit for human habitation due to unsanitary conditions, infestation, accumulation of filth or contamination, lack of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

65) *Unoccupied.* Not legally occupied.

66) *Unsecured.* Any structure in which doors, windows, or apertures are open or able to be opened from the outside so as to allow access by unauthorized persons; unlocked or otherwise open to entry.

67) *Ventilation.* The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

68) *Watertight.* As secure as possible against the entry of rain, melt water and storm water.

69) *Waste Tire.* A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

70) *Weathertight.* As secure as possible against the entry of wind, rain, melt water, storm water and natural elements.

71) *Workmanlike.* Executed in a skilled manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

Section 9.02.090 – Standards.

9.02.090.01 – General Maintenance Requirements. No person shall maintain or permit to be maintained any structure or premises that does not comply with the requirements of this chapter. All systems, devices and safeguards required by this chapter or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus ensuring the health and safety of all inhabitants.

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9.02.090.02 – Existing Structures. An existing structure that does not comply with the provisions of this chapter shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.

9.02.090.03 – Applicable Building Code. All structures shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.

9.02.090.04 – Skilled Work Required. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a workmanlike manner.

9.02.090.05 – Interior Conditions of Tenant Occupied Residential Structures. The provisions of this subsection shall be exclusively applicable to all structures occupied for residential use by tenants, regardless of the terms of their possession.

9.02.090.05.010 – Lighting of Accessible Means of Egress.

1) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit or sleeping unit within any such space, other than in 1-2 family dwellings, shall, at all times:

a) provide minimum illumination of 1 footcandle (11 lux) at floors, landings and stairs for all common areas and spaces in all residential occupancies, with responsibility to maintain functioning bulbs; and,

b) for all other accessible means of egress within dwelling units, shall provide the means for minimum illumination of either 3 footcandles (33 lux) at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart.

2) Every landlord who rents, leases or lets one or more dwelling unit or sleeping unit of any 1-2 family structure shall provide the means for minimum illumination of either:

a) 3 footcandles (33 lux) at floors, landings and stairs; or,

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b) shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart, for all accessible means of egress.

9.02.090.05.020 – Ventilation.

1) Every dwelling, including basements, and attics shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

2) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to maintain legally existing ventilation systems in compliance with these requirements:

a) Except where another approved ventilation device is provided, the total openable window area in every bathroom and toilet room or compartment shall be equal to at least one-fortieth (2.5%) of the area of the room.

1] The glazed areas of a window in such spaces need not be openable where an approved mechanical ventilation system is provided that is functional and capable of producing 0.35 air changes per hour in the room.

b) In kitchens, a local exhaust ventilation system shall be maintained to remove the contaminating agent at the source.

c) Clothes dryer exhaust systems shall be independent of all other systems, shall be exhausted outside the structure and shall be installed in accordance with manufacturer's instructions.

d) Mechanical clothes drying appliances and exhaust systems shall be properly installed, connected, and maintained in a safe condition and good working order. Exhaust hoses must be free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards.

9.02.090.05.030 – Electrical System.

9.02.090.05.030.01 – *Equipment Exposed to Water.*

1) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall replace electrical equipment or portions of electrical systems that have been exposed to water.

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2) For purposes of this subsection, “exposed to water” shall include but is not limited to: submersion due to flooding; inundation due to fire fighting activities; drenching by stormwater; intrusion of moisture; or plumbing system failures.

3) **Exception:** Electrical equipment or portions of electrical systems that are exposed to water shall be allowed to be repaired where an inspection and testing report from the equipment manufacturer, approved manufacturer’s representative, or a state of Oregon Licensed Supervising Electrician indicates that the electrical equipment or electrical system has not sustained damage that requires replacement and may be repaired, safely reenergized, and placed back into service.

9.02.090.05.030.02 – *Circuit Protection.*

Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each building and dwelling unit in accordance with these standards:

1) Every kitchen and other interior location with a water containment or water supply fixture in its area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter.

2) Every bathroom shall contain at least one receptacle. Any new or replacement bathroom receptacle outlet shall have ground fault circuit interrupter protection.

3) All receptacle outlets shall have the appropriate faceplate cover for the location.

9.02.090.05.040 – Plumbing System.

9.02.090.05.040.01 – *General.*

1) Plumbing systems shall be installed and maintained in a safe and sanitary condition and shall be free of defects, leaks and obstructions. Plumbing components shall be of materials allowed or approved by the Plumbing Code.

2) All sinks, lavatory basins, bathtubs and showers within a dwelling unit shall be supplied with both hot and cold running water facilities which are installed in an approved manner, properly maintained, properly connected and have a water pressure of at least fifteen psi.

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9.02.090.05.040.02 – *Hot Water.*

Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each dwelling unit in accordance with these standards:

1) Water heating facilities shall be supplied for each dwelling unit. Water heating facilities within a dwelling unit shall be capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit for at least 10 minutes at each hot water outlet.

2) Exceptions:

a) at a bidet the temperature shall not exceed 110 degrees Fahrenheit; and,

b) at a shower or tub-shower combination equipped with a scald and thermal shock protection valve the temperature shall be at least 115 degrees Fahrenheit but shall not exceed 120 degrees Fahrenheit.

9.02.090.05.050 – Interior Sanitation.

9.02.090.05.050.01 – *General.*

The interior of every structure that is rented, leased or let for residential occupancy shall be maintained in good repair, in a clean and sanitary condition, free from any accumulation of rubbish, garbage or solid wastes. For purposes of this subsection, the term “clean and sanitary” shall mean free from any material or condition that:

- 1) Provides a breeding place for insects, rodents or vermin; or,
- 2) Produces dangerous or offensive gases or odors; or,
- 3) Blocks exits, hallways, corridors or accessible means of egress; or,
- 4) Provides a surface, exposed or concealed, which is conducive for the growth of mold or mildew.

9.02.090.05.050.02 – *Occupant Responsibilities.* Occupants shall keep that part of the dwelling unit which they occupy or control in a clean and sanitary condition.

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9.02.090.05.050.03 – *Landlord Responsibilities.*

Every landlord of any dwelling who rents, leases or lets a dwelling unit within any such space shall:

1) Maintain the common halls, stairways, utility rooms and areas, and similar public areas of the dwelling in a clean and sanitary condition; and,

2) Pursuant to CMC 9.02.090.05.050.01(4) of this chapter but not withstanding the requirement under CMC 9.02.090.05.050.02 of this chapter that the occupants shall keep such spaces in a clean and sanitary condition, provide and maintain all interior surfaces in good repair, including windows and doors, as follows: Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered; cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected; walls, floors, ceilings, cabinets and interior doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch; and,

3) Pursuant to CMC 9.02.090.05.050.01(4) of this chapter but not withstanding the requirement under CMC 9.02.090.05.050.02 of this chapter that the occupants shall keep such spaces in a clean and sanitary condition, be responsible to ensure that every toilet compartment, bathroom, and kitchen floor surface of every dwelling unit is constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

9.02.090.05.060 – Heat in Bathrooms and Habitable Rooms.

Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain every dwelling unit with permanent heating facilities capable of maintaining a year-round room temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms.

1) Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

2) No portable, unvented or open flame fuel burning devices may be used to meet the heat requirements of this section.

3) All heating devices or appliances shall be of an approved type.

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4) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms.

9.02.090.05.070 – Window and Door Security.

9.02.090.05.070.01 – *General*. Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain all exterior doors, windows or hatchways for every dwelling unit with devices designed to provide security for the occupants and property within.

9.02.090.05.070.02 – *Entrance Doors*.

Every entrance door to a dwelling unit shall be provided with a door knob and a deadbolt lock, and keys for same, designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

1) Deadbolt locks shall have a minimum lock throw of not less than 1 inch (25 mm) and shall be installed according to the manufacturer's specifications.

2) All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door to discourage unwanted entry.

3) For the purpose of this subsection, a sliding bolt shall not be considered an acceptable deadbolt lock.

9.02.090.05.070.03 – *Operable Windows*. Operable windows located in whole or in part within 10 feet above ground level or a walking surface below that provide access to a dwelling unit shall be equipped with a window sash locking device.

9.02.090.05.070.04 – *Basement Hatchways*. Basement hatchways that provide access to a dwelling unit shall be equipped with devices that secure the unit from unauthorized entry.

9.02.090.06 – Exterior Structure and Premises Conditions. The provisions of this subsection shall be applicable to all structures, properties and premises and for all occupancy and use types, with the exception that children’s play structures shall be exempt from the maintenance standards herein established other than with respect to conditions that constitute imminent or incipient hazards, as those terms are herein defined. The assignment of responsibilities for owner, landlord and tenant occupants shall be as set forth within the following standards.

9.02.090.06.010 – Weatherproofing and Waterproofing. It is the responsibility of the owner of every property to maintain every building and structure on the property in a manner that complies with the following requirements:

9.02.090.06.010.01 – *Roofs and Drainage.* All roofs, flashing, vent stacks and boots, and chimneys shall have no defects which might admit rain or melt water.

1) Roof drainage shall be adequate to prevent rain or melt water from causing dampness in the walls, attic or interior portion of the building and shall channel rain or melt water in an approved manner to an approved point of disposal.

2) Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair.

3) Roof drains, gutters and downspouts of a building or structure shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration.

9.02.090.06.010.02 – *Exterior Walls and Exposed Surfaces.*

Every exterior wall and weather-exposed exterior surface or attachment of a building or structure shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or melt water or dampness to the interior portions of the walls or the occupied spaces of the building or structure.

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1) All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition.

2) Every landlord of a structure, building or premises who rents, leases or lets a dwelling or dwelling unit for residential occupancy within any such space shall maintain in a weathertight condition all siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights.

3) Every owner of any structure, building or premises that is not for rent, lease or to be let for residential occupancy, shall maintain in a watertight condition all siding and masonry and joints, including those between the building envelope and the perimeter of windows, doors and skylights.

4) Exterior metal surfaces shall be protected from rust and corrosion. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

9.02.090.06.010.03 – *Windows and Doors.*

Every window, sash, door and door frame of a building shall be kept in sound condition and in good repair. Every exterior door, skylight, and window shall comply with the following:

1) Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition;

2) Every exterior door, when closed, shall fit reasonably well within its frame;

3) Every exterior door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, to also substantially exclude wind from entering a building;

4) Every window sash shall be maintained in sound condition and good repair; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building when the window components are placed in a closed position within the frame and jamb;

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5) Every window frame and casing shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building.

9.02.090.06.010.04 – *Glazing*. Every window sash of a building exterior envelope shall be fully supplied with glass window panes or an approved substitute without open cracks and holes.

- 1) All glazing materials shall be maintained free from cracks and holes.
- 2) Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.

9.02.090.06.010.05 – *Basement Hatchways*. Every basement hatchway shall be maintained to prevent as completely as possible the entrance of rodents, rain or melt water and surface drainage water.

9.02.090.06.010.06 – *Temporary Measures*. The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or roofing, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building or Public Nuisance notice.

9.02.090.06.020 – *Exterior Sanitation*. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The exterior property and premises and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

9.02.090.06.020.01 – *Responsibilities*.

1) The owner of every property shall maintain the structures, premises and all common areas of the exterior property in compliance with these requirements.

2) The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

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9.02.090.06.020.02 – *Holes, Tanks, and Child Traps.* Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.

9.02.090.06.020.03 – *Unsecured Structures.* Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any unsecured structure so as to prevent access by unauthorized persons through such openings. No requirement imposed under this section shall constitute relief from or an exemption to compliance with the provisions of CMC 9.02.090.06.010.03 through CMC 9.02.090.06.010.04 for weathertight and watertight standards.

9.02.090.06.020.04 – *Rat Harborage.* Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.

9.02.090.06.020.05 – *Emergency Access Routes.* All brush, vines, overgrowth and other entangling or rank vegetation located within 10 feet of a structure or within 10 feet of a property line, which is likely to obstruct or impede the necessary passage of fire or other emergency personnel, shall be removed and kept clear.

9.02.090.06.020.06 – *Thickets that Conceal Hazards.*

Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:

- 1) Concealing trash and debris; or,
- 2) Creating rat harborage; or,
- 3) Creating harborage for people involved in criminal or prohibited activity or for products used for criminal activity.

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9.02.090.06.020.07 – *Trash and Debris.*

Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

- 1) All garbage, offal, dead animals, animal and human waste, and waste materials;
- 2) Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;
- 3) All dead bushes, dead trees, and stumps with the exception of such material which:
 - a) Is being maintained as part of a naturescaped property; and,
 - b) Does not result in a nuisance as otherwise defined in this chapter; and,
 - c) Is located on a property which is otherwise substantially in compliance with this chapter;
- 4) All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property;
- 5) Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and,
- 6) Accumulations of clothing and any other items not designed for outdoor storage.

9.02.090.06.020.08 – *Storage of non-Trash Items.*

Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

- 1) Accumulations of wood pallets;
- 2) Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester;

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3) Accumulations of vehicle parts or waste tires except for storage of non-waste, serviceable parts or tires that are reasonably expected to be used on a vehicle and are stored in a manner to protect their utility and prevent deterioration;

4) All construction materials except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site;

5) All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration;

6) All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property;

7) All recycling materials except for reasonable accumulations that are stored in a well-maintained manner;

8) All other non-trash items which:

- a) Are of a type or quantity inconsistent with normal and usual use; or,
- b) Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

9.02.090.06.030 – Solid Waste Removal.

9.02.090.06.030.01 – *General.*

All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of solid waste.

1) Approved receptacles for solid waste shall be provided and utilized for the containment and disposal of solid;

2) bulk solid waste shall be disposed of within a week of discard, in accordance with franchise utility services, or approved alternative.

9.02.090.06.030.02 – *Occupant Responsibilities.* Every occupant of a structure or premises shall dispose of solid waste by placing all such material in an approved solid waste disposal facility or approved receptacles.

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9.02.090.06.030.03 – *Landlord Responsibilities.*

1) The landlord of any multi-family dwelling shall:

a) Provide, in a location accessible to all dwelling units, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively for more than individual dwelling units, into which all solid waste from the dwellings unit may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid waste from occurring; and,

b) Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

2) The landlord of any 1 and 2 family dwelling, except as otherwise provided by written agreement between the landlord and the tenant, shall:

a) Provide, in a location accessible to each dwelling unit, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively for more than individual dwelling units, into which solid waste from the dwelling unit(s) may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid from occurring; and,

b) Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

9.02.090.06.040 – Building and Accessory Structures. It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

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9.02.090.06.040.01 – *General Maintenance.* The exterior of a building or structure shall be maintained in good repair and structurally sound so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.

9.02.090.06.040.02 – *Foundations and Structural Members.*

Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.

1) All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects, rodents or pests.

2) All supporting structural members in every building and structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

9.02.090.06.040.03 – *Exterior Walls and Exposed Surfaces.* Every exterior wall of a building and all weather-exposed exterior surface or attachment of a building shall be free of holes, breaks, loose or rotting boards or timbers.

9.02.090.06.040.04 – *Brick and Veneers.* Every section of exterior brick, stone, masonry or other veneer applied to a building shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

9.02.090.06.040.05 – *Chimneys.* Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of a structure shall be permanently sealed using approved materials.

9.02.090.06.040.06 – *Roofs.* All building roofs shall be structurally sound.

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9.02.090.06.040.07 – *Decorative Features*. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration.

9.02.090.06.040.08 – *Accessory Structures*. Every accessory structure, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

9.02.090.06.040.09 – *Vacant Structures and Land*. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

9.02.090.06.040.10 – *Decks, Stairs and Handrails; Maintenance*.

It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:

1) Every exterior stairway, deck, porch and balcony and attachment to stairways, decks, porches and balconies shall be:

a) Maintained so as to be safe to use and capable of supporting the loads to which it is subjected;

b) Kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, rotten, deteriorated or loose;

2) Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good repair, and capable of supporting the loads to which it is subjected;

3) Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.

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9.02.090.06.040.11 – *Exterior Lighting*. Exterior site lighting required by the Corvallis land development code or the building code at the time of development shall be maintained or, if removed, shall be replaced.

9.02.090.07 – Fire Safety.

9.02.090.07.010 – Means of Egress Door Locks. All means of egress doors shall be readily openable from the side from which egress is to be made without the use of a key or any special knowledge or effort.

9.02.090.07.020 – Unobstructed Path of Travel.

1) Every accessible means of egress, fire escape or stairway, stair platform, corridor or passageway which may be one of the regular accessible means of egress or means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind.

2) Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

9.02.090.07.030 – Fire-Resistive Assembly; Maintenance.

1) Where required by the code in effect at the time of construction, the fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

2) The surfaces of all other non-rated interior walls, floors and ceilings shall be free of holes larger than four inches in diameter.

9.02.090.07.040 – Smoke Detectors. Every dwelling unit shall be equipped with an approved and properly functioning smoke alarm or smoke detector installed and maintained in accordance with the State Building Code, ORS 479.270, 479.275, and 479.285, and applicable rules of the State Fire Marshal.

Section 9.02.100 – Enforcement.

9.02.100.01 – Enforcing Compliance.

To enforce any of the requirements of this chapter, the Director may gain compliance by:

- 1) Instituting an action before the Hearings Officer; or,
- 2) Causing appropriate action to be instituted in a court of competent jurisdiction; or,
- 3) Imposing criminal or civil penalties, or both; or,
- 4) Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

9.02.100.01.010 – Initial Contacts.

1) Housing & Neighborhood Services Code Compliance receives complaint or information of possible violation of this chapter.

2) One contact is made with responsible party, when possible, and the property is inspected.

3) If no violation exists or violation conditions are immediately corrected, file is closed.

4) If violation exists and cannot be immediately corrected, the Director may issue to the responsible party a correction notice that identifies code violation, specifies required abatement action, and assigns a deadline for completion of abatement, consistent with the provision of this chapter. Service of the correction notice may be made:

- a) in person when contact can be promptly made at the premises; or,
- b) for occupant responsibility circumstances at 1-2 Family dwellings, the correction notice may be posted conspicuously on the dwelling if in person contact is not made; or,
- c) via US First Class mail.
- d) Failure for service to be made in the manner provided for within this paragraph shall not render the correction notice void.

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5) A copy of a correction notice issued shall be forwarded to the landlord and the occupant if either is not the responsible party identified as recipient of the notice;

a) copy will be mailed to the owner of the property at the address on record with the county assessor's office;

b) a link to an electronically accessible copy will be emailed to the landlord when that person is registered with the City rental housing program and has provided an email address;

c) copy will be mailed to the occupant(s) of the affected premises by situs address(es).

9.02.100.01.020 – Notice of Violations.

1) If violation exists and remains uncorrected after issuance of correction notice, the Director may issue a notice of violation to the responsible party.

a) Notice of violation will identify code violation, will specify required abatement action, and will assign a deadline for completion of abatement, consistent with the provision of this chapter.

b) A copy of a notice of violation issued shall be forwarded to the landlord and the occupant if either is not the responsible party identified as recipient of the notice;

1] copy will be mailed to the owner of the property at the address on record with the county assessor's office;

2] a link to an electronically accessible copy will be emailed to the landlord when that person is registered with the City rental housing program and has provided an email address;

3] copy will be mailed to the occupant(s) of the affected premises by situs address(es).

c) Person receiving a notice of violation may request an extension of period of time to correct the violation.

9.02.100.02 – Compliance Period for Required Abatement Response.

1) Other than as specifically provided for under paragraph 2) of this subsection, the landlord or occupant responsible for any violation of the standards specified under subsection 9.02.090 shall be ordered to complete required repairs or abatement within 7 days, plus three days if the notice and order are mailed rather than served on the person.

2) When the finding of violation of a standard of this chapter is due to any of the following conditions the landlord or occupant, as applicable, shall be ordered to complete the required repair or abatement within 48 hours:

- a) lack of heat, per CMC 9.02.090.05.060;
- b) lack of water, or any properly functioning toilets or sinks, per CMC 9.02.090.05.040.01;
- c) lack of hot water, per CMC 9.02.090.05.040.02;
- d) lack of any properly functioning smoke detector, per CMC 9.02.090.07.040;
- e) uncontained solid waste, other than bulk solid wastes, per CMC 9.02.090.06.030.

9.02.100.03 – Failure to Obey Order of Director.

1) It shall be unlawful for any person acting intentionally to refuse to obey an order by the Director acting in the discharge or apparent discharge of official duty administering this chapter.

2) It is no defense to a prosecution for a violation of this section that the Director lacked legal authority to issue the order, provided the Director was acting under color of official authority.

Section 9.02.110 – Derelict Structures.

9.02.110.01 – Derelict Structures Prohibited. Derelict structures on any premises are hereby declared to be a public nuisance and their presence prohibited.

9.02.110.02 – Prohibited Habitation.

1) No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Director.

2) A violation of this subsection is a separate Class C misdemeanor each day that the violation exists or continues.

9.02.110.03 – Order to Vacate Buildings or Structures.

1) If the Director finds that a building or structure is or exists in a condition in violation of CMC 9.02.110.01, the Director may order that a placard be posted on the building or structure ordering the building or structure vacated. The placard shall additionally contain the information required in CMC 9.02.120.02(2).

2) Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order.

9.02.110.04 – Removal of Placard Prohibited.

The Director shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.

1) No person shall deface or remove a placard without the approval of the Director.

2) A violation of this subsection is a separate infraction each day that the violation exists or continues.

9.02.110.05 – Temporary Safeguards.

Notwithstanding any other provisions of this chapter, whenever, as determined by the Director, a building or structure poses an imminent hazard or incipient hazard, the Director may:

1) Order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and,

2) Cause such other action to be taken that the Director deems necessary to meet such condition.

9.02.110.06 – Abatement of Derelict Structure by Remediation.

1) *Public Hearing.* In addition to, and not in lieu of, the abatement remedies provided for in CMC 9.02.120.01 through CMC 9.02.120.02 and receivership authority in CMC 9.02.120.08, the Director may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

a) Notice. Upon receipt of such notice, the City Recorder shall:

1] set the matter for prompt public hearing before the Hearings Officer; and

2] not less than fifteen days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant; and,

3] cause notice to be posted on or near the derelict structure.

b) Service. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.

2) *Presentation at Hearing.* At the hearing, the Director shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Director's determination, and the owner(s) and occupant(s) shall be afforded a like opportunity to rebut the determination.

a) Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue.

b) The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the state of Oregon.

3) *Order for Remediation.* If the Director demonstrates, by a preponderance of the evidence, that the building or structure is a derelict structure, the Hearings Officer shall order the conditions creating the derelict structure be remediated.

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4) *Remediation Factors.* In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is:

a) In a condition unfit for human habitation; or,

b) In a condition that is an incipient hazard, based on the number and extent of the following factors:

1] Dilapidation;

2] Disrepair;

3] Structural defects noted by the Building Official;

4] Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;

5] Uncleanliness or infestations of pests;

6] Condition of sanitary facilities;

7] The presence of a public nuisance; and,

8] The history of unlawful activity in or around the building or structure.

Section 9.02.120 – Public Nuisances.

9.02.120.01 – Public Nuisance Prohibited.

1) *Declared Public Nuisances.* The following are specifically declared to be public nuisances: Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety, where such thing, condition, or act is or exists contrary to the provisions of this chapter.

2) *Prohibition.* In addition to the provision of CMC 9.02.110.01, no person shall cause, permit, or maintain a public nuisance on public or private property.

3) *Joint Responsibility.* If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance.

9.02.120.02 – Notice to Person Responsible.

1) *Notice.* Whenever the Director has reasonable grounds to believe that a violation of CMC 9.02.120.01 has occurred, a notice and order shall be served on the owner(s) and occupant(s).

2) *Form of Notice.* Such notice prescribed in CMC 9.02.120.02(1) and CMC 9.02.110.03(1) shall:

- a) Be in writing;
- b) Include a description of the premises sufficient for identification;
- c) Include a statement of the reason or reasons why the notice is being issued;
- d) Include a correction order allowing a reasonable time, as specified under CMC 9.02.100.02, for the repairs and improvements required to bring the premises into compliance with the provisions of this chapter;
- e) Include a notice that the city may abate the nuisance pursuant to this chapter and that the person responsible for correcting the public nuisance shall be responsible for the costs of such abatement;
- f) Include instructions for requesting an appeal.

3) *Method of Service.*

a) Notices issued under this section shall be deemed to be properly served if a copy thereof is:

- 1] Personally delivered to the owner(s) and occupant(s); or,
- 2] Sent by first class mail to the owner(s) and occupant(s) at their last known address; or,
- 3] Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address, if they cannot be located.

b) Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of the owner(s) or occupant(s) shall not render the notice void and in such case the service shall be deemed sufficient.

4) *Effective Date of Notice.* All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing, if not personally served.

9.02.120.03 – Action by Responsible Party. Within the time specified for achieving compliance, as provided for under CMC 9.02.100.02, the responsible party or person in charge of the property on whom the notice has been served or posted shall remove the nuisance or shall request an appeal hearing in accordance with CMC 9.02.130.01 through CMC 9.02.130.03.

9.02.120.04 – Recording a Violation.

1) The city may record a notice of violation issued under this section with the County Recorder.

2) Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice.

3) When the property is brought into compliance, a satisfaction of notice of violation shall be recorded if a notice of violation had been recorded against the property.

9.02.120.05 – Abatement Procedures - by the City.

1) If, within time prescribed under CMC 9.02.100.02, the violation has not been corrected the Director may cause the violation to be corrected.

2) The Director shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a 15 percent charge for administrative overhead.

3) The Director or a person authorized by the Director may enter upon the subject property to abate the nuisance only upon obtaining consent of the person in possession or in charge of the property; or upon obtaining an administrative abatement warrant pursuant to CMC 1.15 or CMC 9.02.070.05.

9.02.120.06 – Abatement Procedures - Assessment of Costs.

1) After abatement by the city, the Finance Director, by first class mail, shall forward to the owner(s) and occupant(s) a notice stating:

a) The total cost of correction, including the administrative overhead; and,

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b) That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice.

2) If the costs and administrative overhead are not paid within thirty days of the billing date, the Director shall thereafter file with the Hearings Officer an itemized statement of costs and overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance.

3) Upon filing of such statement of costs and overhead required under paragraph 2) of this subsection, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and cause notice thereof to be served via certified mail to the owner(s) and occupant(s), consistent with the procedures under CMC 9.02.110.06(1)(a).

4) After the hearing, the Hearings Officer shall declare the correctness of such statement and shall declare those as may be accordingly validated to be a lien upon the property.

5) An error in the contents or service of any notice shall not void the assessment nor will a failure of the owner to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

9.02.120.07 – Abatement Procedures - Summary Abatement. The Director may summarily abate a situation involving a health, safety, or other nuisance which unmistakably exists and from which there is imminent danger to human life or to property. The abatement procedure provided by this chapter is not exclusive but is in addition to procedures provided by other laws.

9.02.120.08 – Receivership Authority. In addition to, and not in lieu of any other provision in this chapter, when the Director finds residential property in violation of this chapter, and believes that the violation is a threat to the public's health, welfare and safety, and that the owner has not acted in a timely manner to correct the violation, the Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

9.02.120.09 – Collections. Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims court or entered into the city's lien docket in the manner below as a lien for the entire amount placed against the real property.

1) Any cost of abatement, fine, assessment or civil penalty imposed pursuant to this chapter, which remains unpaid 30 days after the penalty is imposed (or after the fine, assessment or civil penalty has been affirmed on appeal), shall be filed as a lien against the lot, lots or parcels of land involved in the Municipal Lien Docket.

2) At the time of filing in the Municipal Lien Docket, notice shall be provided to the responsible person. If the responsible person is not the owner of the property shown in the electronic records of the Benton County Assessor on that date, then notice shall also be sent to the owner of the property. Failure to provide notice shall not in any way effect the validity of the lien. The notice shall state that the amounts imposed as penalties shall be payable and due, and that the penalties shall be liens against the lots or parcels of land involved, respectively.

3) All such liens remaining unpaid after 30 days from the date of recording on the municipal lien docket shall become delinquent and shall bear interest at the rate of 10 percent per annum from and after that date. The liens shall be enforced in the manner provided for municipal liens in ORS Chapter 223 and shall have priority over all such other liens and encumbrances of any character.

4) Pursuant to this chapter, the City Council, as the legislative body of the city, elects to treat costs associated with the enforcement of property maintenance and livability standards, and any related fine, assessment or administrative civil penalties, as a routine obligation of property owners. Therefore, any municipal costs incurred in the abatement of any derelict structure or public nuisance and/or any fine, assessment or administrative civil penalty not paid within 30 days shall be an assessment and lien against the property where the building is located.

Section 9.02.130 – Appeals.

9.02.130.01 – Appeals Generally. Any person served a notice, order, interpretation or decision under authority of this chapter has the right of appeal from the notice, order, interpretation or decision to the Hearings Officer.

9.02.130.02 – Filing of Appeal.

1) *Appeal Period.* An appeal must be submitted to the Director within seven days, plus three days for mailing, from the date that the notice or order was issued.

2) *Appeal Fee.* Any appeal submitted under this chapter shall include a \$50.00 filing fee.

3) *Scope of Appeal.* Appeals may be filed regarding technical matters of notices or determinations, administrative orders, and interpretations and decisions made by the Director relative to this chapter.

4) *Form of Appeal.* An appeal must be in writing and include the following:

- a) Name of person filing the appeal;
- b) Copy of the subject notice or order;
- c) Copy of the section of this chapter which is being appealed;
- d) A complete explanation of the appeal;
- e) An explanation of what is requested of the Hearings Officer.

9.02.130.03 – Appeal Procedure.

1) The Director shall confirm that the appeal meets the filing criteria as prescribed under CMC Sections 9.02.130.02(1-4), and that the person filing the request for an appeal has standing.

2) If the filing criteria have not been met, or if the filing party does not have standing, the person filing the appeal will be so notified and hearing before the Hearings Officer will not be convened. The Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow a prospective appellant with standing to resubmit a request for an appeal that has been deemed incomplete. Only one extension may be granted.

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3) If the filing criteria are met, the Director shall, within 30 days of the filing of the appeal, set the schedule for a hearing before the Hearings Officer. The hearing shall be held not later than 60 days after the filing of the appeal.

a) The appeal shall be conducted on the record.

b) Formal rules of evidence are not required.

c) The Hearings Officer shall have the authority to hear appeals of orders, decisions or determinations made under authority of this chapter to determine whether the substance of the order, decision or determination was arbitrary and capricious.

d) The Hearings Officer shall not be empowered to waive requirements of this chapter, but shall be empowered to interpret this chapter and determine whether a violation has occurred.

e) The Hearings Officer shall issue a written finding and conclusion on the appeal within seven (7) days of the hearing, and shall provide a copy to the person filing the appeal and to the Director.

Section 9.02.140 – Penalties.

9.02.140.01 – Violation Penalties. Persons who violate a provision of this chapter or fail to comply with any of the requirements of this chapter or a directive of the Director authorized by this chapter shall be subject to the provisions of CMC 9.02.140.02 through CMC 9.02.140.04.060.

9.02.140.02 – Separate Violations.

1) Each day's violation of a provision of this chapter constitutes a separate offense.

2) The abatement of a nuisance or violation shall not constitute a penalty for violating this chapter but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance or violation.

9.02.140.03 – Misdemeanors and Infractions.

9.02.140.03.010 – Imposition of Penalty. Any person who shall violate any of the provisions herein or fail to comply therewith or who shall violate or fail to comply

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with any order made hereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Hearings Officer or by a court of competent jurisdiction within the time fixed herein shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor or infraction, as designated under CMC 9.02.140.03.020, unless otherwise provided for by the provisions of this chapter.

1) All such persons shall be required to correct or remedy such violations or defects within a reasonable time, consistent with CMC 9.02.100.02, and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

2) Upon conviction of a misdemeanor offense, any person shall be liable for the fines and terms of imprisonment provided for under CMC 1.01.120(1-3).

3) Upon conviction of an infraction offense, any person shall be liable for the fines provided for under CMC 1.01.120(4-6) and CMC 9.02.140.03.020(1)(d).

9.02.140.03.020 – Classification of Offenses.

1) Violation of the provisions of this chapter shall be designated as follows:

a) Violation of CMC 9.02.090.06.030.01 through CMC 9.02.090.06.030.03 Solid Waste is a Class A misdemeanor.

b) Violation of CMC 9.02.120.01(2) Public Nuisances is a Class B misdemeanor.

c) Violation of CMC 9.02.090.07.010 through CMC 9.02.090.07.040 Fire Safety provisions; CMC 9.02.100.03 Failure to Obey; or CMC 9.02.110.02 Prohibited Habitation is a Class C misdemeanor.

d) Violation of every provision of this chapter not otherwise designated herein is deemed an infraction punishable upon conviction by a fine of not more or less than:

1] 1st offense shall be \$250<>\$100;

2] 2nd offense for violation of same provision of this chapter within 24 month period shall be \$500<>\$250;

3] 3rd offense for violation of same provision of this chapter within 24 month period shall be \$500<>\$500;

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4] 4 or more offenses for violation of same provision of this chapter within 24 month period shall constitute a Class A misdemeanor.

2) *Declaration of Infraction.* Notwithstanding the designations provided for under paragraph 1) of this subsection, any violation of the provisions of this chapter may be declared to be an infraction pursuant to the procedure provided in CMC Section 5.03.160.

9.02.140.04 – Civil Penalties.

1) In addition to and not in lieu of any other means of enforcement or any other penalty provided by law, any person who shall violate a provision of this chapter or who shall fail to comply with any of the requirements thereof or an order of the Director may incur a civil penalty in an amount as specified in CMC 9.02.140.04.060, plus an administrative fee and any cost of service or recording.

2) All such persons incurring a civil penalty shall be required to correct or remedy such violations or defects within a reasonable time, consistent with CMC 9.02.100.02, and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

9.02.140.04.010 – Purpose. The purpose of a civil penalty is to provide an efficient, convenient, and practical system to enforce a violation of this chapter.

9.02.140.04.020 – Civil Penalty against Agents. Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty shall likewise be subject to a civil penalty.

9.02.140.04.030 – Procedure for Issuing Civil Penalty. A civil penalty shall be imposed under this section by issuance of a notice of civil money penalty. A civil penalty may be imposed for each day the violation continues or remains. The notice of civil money penalty shall be issued and served in accordance with the procedures specified within this subsection.

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9.02.140.04.030.01 – *Notice of Civil Money Penalty.*

1) If a civil penalty is imposed, the Director shall issue a notice of civil money penalty to the person responsible for the code violation.

2) The notice of civil money penalty shall include:

- a) reference to the applicable code provision(s);
- b) a statement of the basis of the finding of a violation;
- c) a statement of the amount of the civil money penalty;
- d) a statement of the party's right to protest the civil penalty to a Hearings Officer; and,
- e) a statement that a delinquent civil money penalty may become a lien against the property.

3) The notice of civil money penalty shall be served on the person responsible for the code violation by:

- a) Personal service; or,
- b) posted in a conspicuous place in, on or about the structure or premises affected by such notice; or,
- c) sent by US first class mail or US certified mail, return receipt requested, to the person's last known address;

1] failure of the recipient to sign for the certified mail shall not make the notice void;

2] notice served by mail shall be deemed received three days after the date mailed to an address within Oregon or seven days to an address outside of Oregon;

3] notice served by mail shall be concurrently posted in a conspicuous place in, on or about the structure or premises affected by such notice.

9.02.140.04.030.02 – *Courtesy Notice to Owner.* If the subject violation relates to real property and the person responsible for the violation is not the owner of the property, an informational copy of the notice of civil money penalty shall be sent to the owner of the property by first class mail, at the owner's address as reflected on the most recent tax rolls of the county assessor, at the same time as service on the person responsible.

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9.02.140.04.040 – Protest of Civil Penalty.

1) A person issued a notice of civil money penalty may protest the existence of a violation or the circumstances involved in the presence of a violation that resulted in imposition of a civil penalty to a Hearings Officer.

2) An appeal request must be submitted to the City Recorder within seven days, plus three days for mailing, from the date of service of the notice of civil money penalty.

a) After a hearing in which the Hearings Officer determines that a violation did or does exist, the Hearings Officer may uphold or reduce the original penalty imposed after considering reasonable mitigating factors as determined by the Hearings Officer.

1] The Hearings Officer may not reduce the civil money penalty by any amount if a violation has not been corrected by the responsible party and inspected by the city.

2] The civil money penalty imposed by the Hearings Officer shall not be less than the minimum amount specified under CMC 9.02.140.04.060(1).

9.02.140.04.050 – Collection of Civil Penalty.

1) The civil penalty shall become final upon expiration of the time for filing a protest or, if a protest is filed and the Hearings Officer affirms the civil penalty, the civil penalty shall become final upon issuance of the Hearings Officer's decision.

2) The civil penalty shall be delinquent if not paid within 30 days from the date the civil penalty becomes final.

a) A late payment charge shall begin to accrue from the date of delinquency.

b) If the civil penalty is imposed on the owner of the property where the violation occurred, and is delinquent, the notice of civil money penalty and a late payment charge shall be entered in the docket of city liens in the manner provided under CMC 9.02.120.09.

1] Failure to pay may result in foreclosure in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.

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2] An error in the name of the owner shall not void the lien, nor shall a failure of the owner to receive the notice render the lien void, but it shall remain a valid lien against the property.

9.02.140.04.060 – Amount of Civil Penalty.

The Director is authorized to impose civil penalties in the amounts as follows, and the Hearings Officer may allow reductions consistent with CMC 9.02.140.04.040(2)(a) and operational guidelines in the amounts as follows:

1) Violation of a provision of this chapter may be subject to a civil penalty in an amount no less than \$50.00 and not exceeding \$5,000.00 per offense, or in the case of a continuing offense, not more than \$1,000.00 for each day of the offense;

2) In imposing a penalty authorized by this section, the Director shall consider:

a) The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

b) Any prior violations of statutes, rules, orders, and permits;

c) The gravity and magnitude of the violation;

d) Whether the violation was repeated or continuous;

e) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;

f) The violator's cooperativeness and efforts to correct the violation; and,

g) Any relevant rule of this or other city code.

(Ordinance 2015-_____ §2, __/__/____)