

ORDINANCE No. 188802 As Amended

*Amend the Building Demolition Code to implement Senate Bill 871 and add dust and site control requirements for residential demolitions; amend fee schedules (Ordinance; amend Code Chapter 24.55 and Policy ENB 14.01 and 14.10)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Development Services (BDS) promotes safety, livability, and economic vitality through efficient and collaborative application of building and development codes.
2. BDS administers Portland City Code (PCC) Title 24, Building Regulations. PCC Chapter 24.55, Building Demolition, regulates building demolitions within the City.
3. BDS processes approximately 700 demolition permits for structures with 1-4 dwelling-units and their accessory structures per year. These demolition activities are known to generate dust and debris that contain asbestos and lead-based paint if the demolition site is not properly managed.
4. The Oregon Department of Environmental Quality (DEQ) enforces the federal Clean Air Act within Oregon, which includes asbestos in residential demolitions. Prior to 2015, the regulations exempted demolitions of structures with 1-2 dwelling units from the asbestos survey requirements. The Oregon State Legislature enacted Senate Bill (SB) 705 in 2015 to require asbestos surveys for demolitions of structures with 1-2 dwelling units. However, SB 705 and the DEQ regulations implementing it did not provide an efficient mechanism for local jurisdictions to obtain a copy of the asbestos survey.
5. In addition, there are no state or federal regulations that cover lead-based paint in residential demolitions.
6. To address the regulatory gap for lead-based paint and allow local jurisdictions to easily obtain copies of asbestos surveys, the Oregon Legislature enacted SB 871 in 2017. SB 871 permits local jurisdictions to establish programs for residential demolitions that, among other things, direct the Oregon Health Authority to develop best practices for containing lead dust during demolition and allow local jurisdictions to require a copy of the asbestos survey be provided to them as a requirement for obtaining a demolition permit.
7. Over the course of several months, BDS staff met with the Oregon Health Authority, DEQ, the Oregon Construction Contractor's Board, Multnomah County Lead Program Coordinator, and the Development Review Advisory Committee (DRAC) Demolition Subcommittee to develop best practices for addressing

asbestos, lead-based paint, and other hazards related to demolition of structures with 1-4 dwelling units.

8. Based on the recommendations of the DRAC Demolition Subcommittee, other stakeholders, and public testimony, PCC 24.55 is hereby amended to add a new subsection 24.55.205 that will:
 - a. require a demolition plan outlining the techniques and equipment that will be used on the demolition site to control dust and debris generated during demolition activities of structures with 1-4 dwelling units and their accessory structures;
 - b. require removal of all non-load-bearing painted materials from the exterior prior to mechanical demolition activities;
 - c. require a copy of the asbestos survey be provided to BDS as a condition of permit issuance;
 - d. require that a person with the specified accreditation for asbestos and lead-based paint be on site during demolition activities;
 - e. provide for additional site inspections to ensure compliance with the ordinance;
 - f. prohibit mechanical demolition activities when wind speeds exceed 25 miles per hour;
 - g. require containment of demolition debris on-site;
 - h. require applicants to post door hangers on properties within 300 feet of the demolition site with information relating to the demolition, including contact information and approximate date of demolition;
 - i. require finalizing the demolition permit before obtaining a subsequent building permit on the site; and
 - j. add a citation process and fines for violations of the ordinance.
9. PCC 24.55.150 (Definitions) is also amended to include new definitions for: "Demolition Manager"; "Demolition Plan"; "mechanical demolition activities"; "deconstruction"; "full deconstruction"; "lead-containing"; and "responsible party."
10. BDS has determined that an additional two Site Development Inspector I positions (2.0 FTE) are required to administer the additional workload associated with this ordinance. The increase of 2.0 FTE will be effective immediately.

11. BDS has further determined that an increase to the demolition fees of \$180 per demolition permit will cover the costs of administering the additional workload requirements outlined in this ordinance. The fee change will be incorporated into the "Building and Other Permits Fee Schedule," as outlined in Exhibit B.
12. Hiring and training the two additional site development inspectors, making programing changes to BDS computer programs, conducting staff training, and providing outreach and training to the development community will take approximately five months.

NOW, THEREFORE, the Council directs:

- a. Portland City Code Chapter 24.55 is amended as set forth in Exhibit A.
- b. The Bureau of Development Services will create two Site Development Inspector I positions (2.0 FTE) to implement the ordinance and hire for those positions.
- c. The Bureau of Development Services will monitor the effects of the ordinance and provide a report on the effects to the City Council by January 1, 2020, to determine whether any revisions to the ordinance are necessary.
- d. Amend the Building & Other Permits Fee Schedule to increase the Demolition/Deconstruction fee by \$180 per permit to cover the costs of implementing the ordinance as shown in Exhibit B, effective on the implementation date of this ordinance. (Portland Policy Document ENB 14.01)
- e. Amend the Enforcement Fee and Penalty Schedule as shown in Exhibit C, effective on the implementation date of this ordinance. (Portland Policy Document ENB 14.10)
- f. This ordinance is binding City policy.

Section 2. The Council declares that an emergency exists because it is in the public interest for these safety precautions to be enacted as soon as possible. Therefore, this ordinance shall be effective immediately upon its passage by Council, and this ordinance shall be implemented no later than July 1, 2018.

Passed by the Council: FEB 01 2018

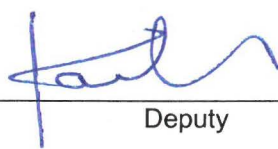
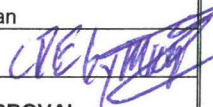
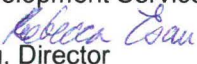


Commissioner Chloe Eudaly
Prepared by: Nancy Thorington, BDS
Date Prepared: February 1, 2018

Mary Hull Caballero
Auditor of the City of Portland

By 
Deputy

Title

Amend the Building Demolition Code to implement Senate Bill 871 and add dust and site control requirements for residential demolitions; amend fee schedules (Ordinance; amend Code Chapter 24.55 and Portland Policy documents ENB 14.01 and 14.10)

INTRODUCED BY Commissioner/Auditor: Commissioner Chloe Eudaly	CLERK USE: DATE FILED <u>JAN 23 2018</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland By:  Deputy ACTION TAKEN:
Mayor—Finance & Administration - Wheeler	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Eudaly 	
BUREAU APPROVAL	
Bureau of Development Services Bureau Head:  Rebecca Esau, Director	
Prepared by: Leanne Torgerson Date Prepared: 1/17/18	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances 	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter 	
Council Meeting Date 2/1/18, 3:00 TC	

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>3:00 p.m.</u>
Total amount of time needed: 1 hour (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/>
Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly <input checked="" type="checkbox"/>	
Wheeler	Wheeler <input checked="" type="checkbox"/>	