

ORDINANCE NO. 148972

An Ordinance amending Chapters 3.48, Bureau of Neighborhood Environment, and 14.16, Nuisance Abatement, of the Municipal Code of the City of Portland by deleting all references to the Bureau of Neighborhood Environment, Neighborhood Environment Coordinator, and substituting in lieu thereof, the Bureau of Buildings, and Director, Bureau of Buildings, respectively, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Resolution #32484 approved by the Council August 15, 1979 directed the Bureau of Buildings to develop a detailed plan for the consolidation of the Bureau of Neighborhood Environment into the Bureau of Buildings.
2. The aforementioned report, recommending consolidation of the bureaus was submitted to Council and approved on December 19, 1979.
3. Certain changes to the Municipal Code of the City of Portland are required in order to implement the merger of the two bureaus.

NOW, THEREFORE, the Council directs:

- a. That Chapter 3.48, Bureau of Neighborhood Environment, of the Municipal Code of the City of Portland be revised as follows:

Chapter 3.48

BUREAU OF BUILDINGS - NEIGHBORHOOD QUALITY DIVISION

Sections:

- 3.48.010 Bureau of Buildings - Neighborhood Quality Division
Jurisdiction generally.
- 3.48.020 Special jurisdiction.
- 3.48.030 Jurisdiction for multiple environmental problems defined.
- 3.48.040 Nuisance abatement contracts.
- 3.48.050 Contractor eligibility.
- 3.48.060 Contract award procedure.
- 3.48.070 Procedure.

3.48.010 BUREAU OF BUILDINGS-NEIGHBORHOOD QUALITY DIVISION - GENERAL JURISDICTION. The Bureau of Buildings shall have general jurisdiction in the abatement of public nuisances, except when the procedure provided for in Section 14.16.030 is invoked. Any reference to the Bureau of

Nuisance Abatement, Chief Nuisance Inspector, Bureau of Neighborhood Environment, or Neighborhood Environment Coordinator, contained within this code shall hereafter be deemed to refer to the Bureau of Buildings and the Director, Bureau of Buildings, respectively.

3.48.020 SPECIAL JURISDICTION. (Amended by Ord. No. 138069, 139872: and 146806 passed Nov. 16, effective Dec. 18, 1978.) The Bureau of Buildings shall have authority to enforce Section 14.20.010 of Chapter 14.20. Obstructing streets and sidewalks, and Section 16.20.020, sub-sections 18, 26, and 31, Prohibited parking, and Sections 16.20.070 and 16.20.120, Storage parking, of Chapter 16.20, Parking, and shall have authority to issue parking citations and order the towing and storage or other removal of such vehicles and objects.

3.48.030 JURISDICTION FOR MULTIPLE ENVIRONMENTAL PROBLEMS DEFINED. The Bureau of Buildings shall have authority to secure information from and coordinate the activities of all bureaus of the City that are charged with inspection and enforcement of the code, where multiple environmental problems exist. The Bureau of Buildings shall be responsible for working with and encouraging neighborhoods to resolve their own problems. The Bureau of Buildings shall have jurisdiction to require all City bureaus which have or may have jurisdiction for enforcement of one or more areas in a multiple environmental problem, to cooperate with the Bureau of Buildings in such a manner as to enable the Bureau of Buildings to coordinate the efforts of the various City bureaus in resolving the problem.

The Bureau of Buildings shall have exclusive jurisdiction when multiple environmental problems are presented upon petition of three or more residents of an area, or upon complaint of any recognized community association.

3.48.040 NUISANCE ABATEMENT CONTRACTS. (Added by Ord. No. 139976; amended by 141629 passed and effective April 28, 1976.) When authorized elsewhere in this code to abate a nuisance, the Bureau of Buildings may either abate the nuisance with city personnel as may be provided by this code, or when necessary the Bureau of Buildings, acting through its Director, may contract with eligible contractors for the performance of nuisance abatement services pursuant to the procedures established in Section 3.48.040 through 3.48.070 of this code. Any contract entered into pursuant to Section 3.48.040 through 3.48.070 shall not exceed five hundred dollars in amount. When the Director, Bureau of Buildings believes that any single nuisance will require the expenditure of more than five hundred dollars to abate, he shall request the commissioner in charge to authorize the purchasing agent to contract for such services, or seek council authorization if required by the charter.

3.48.050 CONTRACTOR ELIGIBILITY. (Added by Ord. No. 139976 passed and effective May 29, 1975.) (1) In order to be eligible to contract with the Bureau of Buildings for the performance of nuisance abatement services, contractor must file with the auditor:

- (a) No Change
- (b) No Change

(2) The auditor shall notify the Bureau of Buildings of all contractors that have met the criteria enumerated above and are therefore eligible for nuisance abatement contracts. The auditor shall also notify the Bureau of Buildings immediately if any contractor, previously certified as eligible, shall at any time fail to continue to meet the eligibility requirements stated above.

3.48.060 CONTRACT AWARD PROCEDURE. (Added by Ord. No. 139976 passed and effective May 29, 1975.) Where the Bureau of Buildings has determined that a nuisance subject to abatement pursuant to this code exists and that the Bureau of Buildings has jurisdiction to abate the nuisance and that city personnel or other means are not available to abate the nuisance, it shall cause a contract to abate such a nuisance to be entered into with an eligible contractor who entered the lowest and best bid for abatement of the nuisance. Such contract shall specify that (a) Contractor shall abate the nuisance within seven days of the award of the contract; (b) all work performed shall be in accordance with all provisions of the city code and applicable laws and that contractor is eligible for such contract by reason of having complied with 3.48.050; (c) that upon completion of work performed to the satisfaction of the Director, Bureau of Buildings and the commissioner in charge, the city shall pay contractor the bid price for the performance of the nuisance abatement service; (d) in the event of conditions beyond the control of the contractor, such as adverse weather or similar circumstances, or at the request of the property owner, the Bureau of Buildings may allow or require contractor additional time to abate the nuisance; (e) in the event the nuisance is not abated within seven days from the award of the contract, unless additional time has been granted or required in writing by the Bureau of Buildings, the contract shall terminate and contractor shall be entitled to no payment for any work performed thereunder. In this event Bureau of Buildings may either award the contract to the next lowest and best bidder, or cause the contract to be bid anew.

3.48.070 PROCEDURE. (Added by Ord. No. 139976 passed and effective May 29, 1975.) When a contract to abate a nuisance is to be awarded pursuant to Section 3.48.040 through 3.48.070 of this code, the Bureau of Buildings shall cause a description of the property on which the nuisance is located and the nature of the nuisance to be abated, to be posted at the Bureau of Buildings. Such notices shall be posted weekly or more frequently if deemed necessary by the coordinator. All notices shall be posted by noon of the date of posting. Sealed bids on all posted notices may be received from all eligible contractors until noon of the second working day following the posting. Thereafter, all bids shall be opened and the contract awarded to the eligible contractor submitting the lowest and best bid. Provided, however, the Bureau of Buildings may reject any and all bids and each notice calling for bids shall so state.

- b. That Chapter 14.16, Nuisance Abatement, of the Municipal Code of the City of Portland, be revised as follows:

Chapter 14.16

NUISANCE ABATEMENT

Sections:

- 14.16.010 Notice.
- 14.16.020 Abatement by owner.
- 14.16.030 Abatement by city.
- 14.06.040 Notice of assessment.
- 14.16.045 Costs of abatement - Low income, elderly persons.
- 14.16.050 Weeds and debris.
- 14.16.060 Excavating or dumping.
- 14.16.070 Unprotected structures.
- 14.16.080 Poison oak.
- 14.16.090 Open accumulation and storage of neglected and discarded vehicles.

14.16.010 NOTICE. Whenever it is declared by ordinance that anything is a nuisance and the commissioner of the department under whose jurisdiction the matter falls has knowledge that such nuisance exists, unless the ordinance authorizes summary abatement, he shall require the Bureau of Buildings to post upon the property liable for the abatement of the nuisance a notice directing the removal of the nuisance. The notice shall be substantially in the following form:

NOTICE TO REMOVE NUISANCE

To the owner, agent of owner and occupant of the following described real property in the City of Portland, Oregon:

You are hereby notified to remove and abate the nuisance existing on the above described property within ten (10) days of the date of this notice, which nuisance consists of or show the Council of the City of Portland that no nuisance exists as provided by Section 14.16.020. In case of failure to remove said nuisance within said time, the City of Portland will cause the same to be abated and charge the cost thereof, plus 10% for overhead, against the property herein described.

Dated

Exhibit

.
Director, Bureau of Buildings.

Upon posting the notice, the Director, Bureau of Buildings shall cause a copy of the notice so posted to be mailed with postage prepaid to the owner or agent of the owner of real property, directed to his last known address or, if that address is unknown, to the owner or agent at Portland, Oregon.

The person posting and the person mailing the notice shall file in the Auditor's office a certificate stating the date and place of such posting and mailing.

An error in the name of the owner or agent or the use of a name other than that of the true owner or agent of the property shall not render the notice void, but in such case the posted notice shall be deemed sufficient.

14.16.020 No Change

14.16.030 ABATEMENT BY CITY. (Amended by Ord. No. 141271 passed Feb. 5, effective April 1, 1976.) If within the time fixed in this code the nuisance described in the notice has not been removed and abated, or cause shown, as specified in Section 14.16.020, why such nuisance should not be removed or abated, the Bureau of Buildings shall cause the nuisance to be removed and abated. Where summary abatement is authorized and no notice to abate is given, the department having jurisdiction shall cause the nuisance to be removed and abated by the Bureau of Buildings. The Bureau of Buildings shall keep an accurate account of all expenses incurred, including an overhead charge of twenty-six percent for administration. The Bureau of Buildings shall, after completing the removal and abatement, file a statement of costs with the auditor.

14.16.040 No Change

14.16.045 COST OF ABATEMENT-LOW INCOME, ELDERLY PERSONS. (Added by Ord. No. 138800; amended by 139916 passed and effective May 15, 1975.) Notwithstanding the language of the previous section of this chapter, the cost of abating a nuisance shall be waived for low income, elderly persons, if upon application it appears to the city that the following conditions are met.

- (a) Abatement or removal activities must have been commenced on or after June 1, 1974.
- (b) Persons eligible for a waiver of nuisance abatement costs shall be over 65 years of age, and

(1) A person living alone, whose total income for the preceding calendar year did not exceed one and one-half times the maximum amount a social security recipient at age 65 may have earned in that year without having any benefits withheld, or thirty-eight hundred dollars, whichever is larger: or

The head of a household which household received a total income for the preceding calendar year that did not exceed two and one quarter times the maximum amount a social security recipient at age 65 may have earned in that year without having any benefits withheld, or fifty-seven hundred dollars, whichever is larger.

(2) Must own, or be in the process of purchasing the property from which the nuisance is abated, and

(3) Be living on the property from which the nuisance is abated.

- (c) The removal of the nuisance in question must have been required by the Bureau of Buildings and the person requesting the waiver of costs must have been officially notified by the Bureau of Buildings to remove the nuisance.

- (d) Applications for waiver of nuisance abatement costs shall be filed with the Bureau of Buildings, on forms supplied by the city, within ten days after receipt of a notice to remove nuisance or a work order notice unless the auditor extends that time on good cause shown. All information required to be given on such form shall be supplied by and verified by the applicant. An application for waiver of nuisance assessment costs must be submitted for each removal notice sent to the applicant.

14.16.050 WEEDS AND DEBRIS. (Amended by Ord. No. 138640: and 139047 passed and effective Oct. 31, 1974). The owner, his agent, or the person in possession of any parcel of land, improved or unimproved, shall cut and remove, and keep cut and removed therefrom and from the half of the street or streets abutting the property, all weeds and other noxious vegetation, all grass more than ten inches in height, and all dead bushes, stumps and other combustible material. He shall keep the sidewalk and improved streets abutting such property free from earth, rock and other debris and from projecting or overhanging bushes and limbs that may obstruct or render unsafe the passage of persons or vehicles.

Limbs of trees may be allowed to project over the sidewalk area at an elevation of not less than seven and one-half feet above the sidewalk level, and over the street area at an elevation of not less than 11 feet above the street level. However, on any street designated as an arterial or one-way street, and where parking has been prohibited, limbs of trees shall be trimmed to a height of not less than 14 feet above the street level. No wires or other things shall be maintained over the street level at any elevation less than 11 feet. However, on any street designated as an arterial or one-way street, and where parking has been prohibited, no wires or other things shall be maintained over the street level at an elevation of less than 14 feet.

All conditions in violation of this section constitute a nuisance and any person whose duty it is to correct those conditions and who fails to do so shall be subject to the penalties provided by this code.

A continuing inspection of property shall be made by the Bureau of Buildings. If any nuisance is found to exist, the bureau shall proceed to abate the same as provided in this chapter. The owner of any parcel of land may notify the bureau, in writing, that he desires the city to remove a nuisance and agrees to pay the reasonable and necessary expense thereof, including ten percent for overhead. A five dollar deposit shall accompany the notice to guarantee payment.

14.16.060 No Change

14.16.070 No Change

14.16.080 No Change

14.16.090 No Change

ORDINANCE No.

Section 2. The Council declares that an emergency exists because the code revisions are required in order that code enforcement activities may be continued without delay, therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

ORDINANCE NO. 18955

Calendar No. 1123

Passed by the Council, DEC 27 1979

Mayor Connie McCready
Roger Kelsay/jd
December 18, 1979

Attest:

~~Mayor of the City of Portland~~

Auditor of the City of Portland

Calendar No. 1459

ORDINANCE No. 148972

Title

An Ordinance amending Chapters 3.48, Bureau of Neighborhood Environment, and 14.16, Nuisance Abatement, of the Municipal Code of the City of Portland by deleting all references to the Bureau of Neighborhood Environment, Neighborhood Environment Coordinator, and substituting in lieu thereof, the Bureau of Buildings, and Director, Bureau of Buildings, respectively, and declaring an emergency.

THURSDAY

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg		
Schwab		
McCready		

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Filed DEC 20 1979

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

Portland Council
Deputy

INTRODUCED BY
Mayor Connie McCready

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration <i>um a</i>
Safety
Utilities
Works

BUREAU APPROVAL
Bureau: Bureau of Buildings
Prepared By: Date:
Roger Kelsay/jd Dec. 18, 1979
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not Required
Bureau Head <i>James E. Griffith</i>

NOTED BY
City Attorney
City Auditor <i>[Signature]</i>
City Engineer