

ORDINANCE No. 152905

An ordinance amending Section 31.12.050, Eliminating fire hazard, to provide that those contractors or repair or trade persons who create or maintain a fire hazard, during any construction, modification or repair activity, are responsible for promptly eliminating such hazard, and to provide for a method of collecting certain reinspection fees, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That certain contractors or repair or trade persons, in the course of construction, modification or repair activities, create or maintain fire hazards, and do not promptly abate same.
2. That, in some of these situations, such persons should be required to abate these fire hazards rather than require the property owner or tenant to abate such hazard.
3. That Title 31, Fire Regulations, does not require such persons to abate such fire hazards and should, therefore, be amended to so require.

NOW, THEREFORE, the Council directs:

- a. That Section 31.12.050, Eliminating Fire Hazard, is hereby amended to read as follows:

(a) Any owner, lessee, tenant, occupant, contractor, handyman, repair or trades person, person using such premises, agent or person having charge or control of any premises, or any part of any premises, who creates or maintains after the creation of a condition, or situation, which constitutes a fire hazard, or who fails to promptly comply with the written notice of the bureau of fire, shall be deemed guilty of a violation of this title. In case of fire resulting directly or indirectly from such failure or neglect to promptly comply with the notice of the bureau of fire, as provided in this section, the person or persons so notified shall be liable

to a civil action for the payment of all expenses incurred by the city in and about the use of the apparatus and materials in extinguishing any fire resulting from such cause.

(b) The amount of such expense shall be fixed by the commissioner having charge of the bureau of fire. When collected it shall be paid into the general fund of the city.

(c) Any owner, lessee, tenant, occupant, agent, contractor, handyman, repair or trades person or person having charge or control of any premises, or any part of any premises, who creates, or maintains after the creation of, any condition or situation which constitutes a fire or explosion hazard and who fails to correct such unsafe condition or fails to abate the violation of any ordinance relating to fire or explosion hazard within a reasonable time after receiving written notice from the Bureau of Fire, shall be charged, and be required to pay, a reinspection fee of Fifty Dollars (\$50.00), for the second reinspection and for each and every subsequent reinspection, necessitated by the failure to abate in a timely manner that condition or violation, unless another fee is specifically authorized by this code. Any person so charged for reinspections(s), who does not feel that such charges are appropriate, may appeal such charges pursuant to the appeals process of Section 31.12.070. The amount of all such charges assessed pursuant to this Section shall be paid to the auditor into the general fund of City. If such amount is not paid within thirty (30) days from the date of presentment of such written reinspection charge, an assessment for such cost shall be made by ordinance and shall be entered in the docket of city liens, and upon such entry the same shall constitute a lien upon the property upon which the reinspection was conducted, which lien shall be collected in all respects as provided for street improvement liens, and shall bear interest at the rate of eight (8) percent per year from ten (10) days after the date of entry into the lien docket.

ORDINANCE No.

Section 2. The Council declares that, in order to immediately protect and preserve the public health, safety and welfare, an emergency exists, and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, FEB 25 1982

Commissioner Schwab
K.H. Scoumperdis/pm
February 16, 1982

Attest:

Chief Deputy

Auditor of the City of Portland



Calendar No. 498

ORDINANCE No. 152905

Title

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THURSDAY

Filed FEB 18 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Goldwell
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	1	
LINDBERG	1	
SCHWAB	1	
STRACHAN	1	
IVANCIE	1	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY	
Commissioner Schwab	
NOTED BY THE COMMISSIONER	
Affairs <i>[Signature]</i>	
Finance and Administration	
Safety	
Utilities	
Works	
BUREAU APPROVAL	
Bureau:	
Prepared By: <i>[Signature]</i>	Date:
K.H. Scoumperdis	2/16/82
Budget Impact Review:	
<input type="checkbox"/> Completed	<input type="checkbox"/> Not required
Bureau Head:	
<i>[Signature]</i>	
CALENDAR	
Consent	Regular <input checked="" type="checkbox"/>
NOTED BY	
City Attorney <i>[Signature]</i>	
City Auditor	
City Engineer	