

CHAPTER 24.55 - BUILDING DEMOLITION

Sections:

- 24.55.100 Demolition - Debris - Barricades - Nuisances.
- 24.55.150 Definitions.
- 24.55.200 Residential Demolition Delay - Housing Preservation.
- 24.55.205 Site Control Measures in Residential Demolitions.
- 24.55.210 Major Residential Alterations and Additions.

24.55.100 Demolition - Debris - Barricades - Nuisances.

(Amended by Ordinance Nos. 171455 and 187017, effective April 19, 2015.) It is unlawful for any owner or persons in control of any such structure which is being demolished, or which has been damaged by fire, to leave any portion of the structure unsupported for more than 1 hour, if such section is liable to collapse or is in any way a danger to the public. In no event shall a portion of the structure be left unsupported for more than 24 hours. Suitable barricades shall be provided to prevent access to the vicinity of any unsupported section of the structure. Any permanent structural supports provided as a result of application to this section shall be designed by a structural engineer registered to practice in the State of Oregon and hired by the applicant. All such designs, calculations, drawings, and inspection reports shall be approved by the Director.

All combustible debris or material shall be removed from the premises on which the demolition is carried out within 30 days from the completion of the demolition, or from the stoppage of the work thereon if the work remains uncompleted. All non-combustible debris or material resulting from demolition shall be removed within 30 days after the completion of the demolition or stoppage thereof, unless the Director extends the time therefore because of weather, terrain, or other special circumstances, but such extension shall not exceed 3 months. It is unlawful for any owner or person in possession of real property to permit the debris to remain on the property without disposal in excess of the periods mentioned above or of any specific extension thereof as set forth above.

Any of the above-mentioned things existing while there is a duty to remove or correct the same, shall constitute a public nuisance. Any unsupported portions of a building or structure existing beyond the periods set forth above shall be subject to summary abatement by the City. The abatement shall be in accordance with the procedure set forth in Title 29.6018.03, Administration and Enforcement Nuisance Abatement.

All structures to be demolished shall be taken down in a safe manner. The streets or sidewalks shall not be littered with rubbish and shall be wet down, if necessary. During any demolition work, all receptacles, drop boxes, shafts, or piping used in such demolition work shall be covered in an appropriate manner. After removal of any structure all foundations that are not to be used for new construction shall be removed and all excavations filled in compliance with Chapter 24.70 of this Title, to a level of the adjoining grade. Plans shall be submitted for any new construction proposed, utilizing the remaining foundations. Any remaining foundations approved for further use shall be barricaded by a fence no less than 6 feet high maintained until the new construction has progressed sufficiently to remove any hazards to the public. Such period of time is not to exceed 30 days. For regulations on the use of public streets and protection of pedestrians during demolition see Chapter 24.40 of this Title.

24.55.150 **Definitions.**

- A.** ~~Demolition. Demolition means removal of all exterior walls above the foundation~~the entire superstructure down to the subflooring, such that none of the existing superstructure is maintained. ~~Demolition includes removal of all exterior walls. It also includes alteration, abandonment or removal of all of the existing perimeter foundation.~~
- B.** ~~Major Residential Alteration or Addition. Major alteration or residential addition means adding more than 500 square feet of new interior space and expanding the structure's footprint or envelope. The new interior space does not include areas of existing space within the building envelope.~~doing any of the following:
- ~~1. adding any new story, including a basement or other below-grade structure. Raising a structure to meet the required headroom in a basement is considered the same as creating a basement,~~
 - ~~2. increasing or replacing 50 percent or more of the exterior wall area on any floor. If the subflooring under an exterior wall is removed, it will be treated as if the wall was removed,~~
 - ~~3. adding total new floor area to the existing structure that exceeds 800 square feet, or~~
 - ~~4. adding an area exceeding 100 percent of the existing foundation footprint area of the structure.~~
- C.** Major Residential Alteration. Major residential alteration means removing 50% or more of the exterior walls above the foundation.
- CD.** Recognized organization. Recognized organization includes neighborhood coalitions and neighborhood associations recognized by the Portland Office of Neighborhood Involvement.
- D.** ~~Subflooring. Subflooring means the bottom-most structural floor laid as a base for a finished floor.~~
- E.** ~~Superstructure. Superstructure means the part of the building or construction entirely above its foundation or basement.~~
- FE.** Demolition Manager. Demolition manager means the person designated by the property owner or demolition permit applicant who will be responsible for implementing and overseeing the Demolition Plan and who will be the contact person for BDS and other regulatory agencies regarding the Demolition Plan. The Demolition Manager must complete training and be an accredited inspector, as that term is defined in OAR 340-248-0010(1), unless the Demolition Manager designates another person who has the training and is an accredited inspector and who is on-site during all mechanical demolition and deconstruction activities. ~~The~~

Demolition Manager must have knowledge regarding erosion and sediment control, site control, and proper handling of materials generated from the demolition activities. The Demolition Manager is a “responsible party” as defined in this Section 24.55.150.

- GF.** Demolition Plan. Demolition plan means the plan signed by the Demolition Manager that outlines the techniques and equipment that the Demolition Manager will use on the demolition site to control dust and debris generated during the demolition activities. The Demolition Plan must also include the anticipated timeframe for the demolition, a description of the site control measures set forth in Section 24.55.205 C. and monitoring processes that will be followed on the site before, during, and after the demolition activities, details of pedestrian protection where required, and a description of how the site will be secured against accessibility by any unauthorized persons. The Demolition Plan must include erosion and sediment control measures required by this Chapter 24.55, Title 10 and Chapter 17.39 of the Portland City Code, the City of Portland Erosion and Sediment Control Manual, the City of Portland Source Control Manual, and any other City of Portland regulations governing erosion, sediment control, stormwater control, or wastewater generated from the demolition activities covered by this Section 24.55.205. The Plan must also include contact information for the Demolition Manager.
- HG.** Mechanical demolition activities. Mechanical demolition activities means pulling down any part of a structure using mechanical tools such as cranes, bulldozers, excavators, rams, or similar heavy machinery.
- IH.** Deconstruction. Deconstruction means demolition via the systematic dismantling of a structure or its parts, typically in the opposite order it was constructed, which can include the selective use of heavy machinery.
- JI.** Full deconstruction. Full deconstruction means systematically dismantling 100% of the building, including finishes, core, shell, frame, mechanical, electrical, and plumbing fixtures and only using machinery to move and process materials once they are removed.
- KJ.** Lead-containing. Lead-containing means paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter, 0.5 percent by weight, or 5,000 parts per million (ppm).
- LK.** Responsible party. Responsible party means the property owner or person authorized to act on the owner’s behalf and any person causing or contributing to a violation of this Title.

24.55.200 Residential Demolition Delay - Housing Preservation.

- A.** Purpose. The residential demolition delay provisions are intended to allow an adequate amount of time to help save viable housing in the City while recognizing a property owner’s right to develop or redevelop property. The regulations provide

189012

an opportunity for public notice of impending residential demolitions and coordination of the efforts of various City bureaus. The regulations also encourage seeking alternatives to demolition. The provisions accomplished this through a two part process:

1. a 35 day notice period during which demolition is delayed, and
 2. a possible 60-day extension of the demolition delay period.
- B.** Where the delay applies. The residential demolition delay regulations of this Section (24.55.200) apply to sites with residential structures that are regulated under the Oregon Residential Specialty Code and that are located in areas with a residential Comprehensive Plan Map designation. The regulations only apply to applications for demolition of residential structures. They do not apply to demolitions of accessory structures such as garages or other outbuildings.
- C. – E. remain the same.**
- F.** Requests for extension of demolition delay period. Requests to extend the demolition delay period may be made as follows:
1. Who may request. Requests to extend the demolition delay period an additional 60 days may be made by a recognized organization whose boundaries include the site or any other interested party.
 2. How to request. The request to extend the demolition delay period must be made in writing, on forms provided by the Bureau of Development Services. The request must be submitted to the Bureau of Development Services by 4:30 p.m. on the last day of the initial 35-day notice period. The request must be accompanied by an appeal of the demolition permit application submitted to the Bureau for a hearing before the Code Hearings Officer, as provided in Subsection 24.55.200 H. below, along with the appeal fee or a waiver of the fee and a copy of the letter requesting a meeting with the property owner as described in Subsection 24.55.200.H.1. below~~all documents the appealing party wants in the record to support the appeal~~. A fee waiver will only be granted to recognized organizations whose boundaries include the site.
- G.** 60-day extension of residential demolition delay period. If a signed request for extension of the demolition delay is received as provided in Subsection 24.55.200 F. above, issuance of the building permit for demolition will be stayed until the Code Hearings Officer has rendered a decision of the appeal filed as provided in Subsection 24.55.200 H. below.
- H.** Appeal of the residential demolition permit application. An interested party may appeal issuance of the demolition permit by completing an appeal application on forms provided by the Bureau. The appeal application must be accompanied by the appeal fee or a fee waiver, along with a copy of the letter requesting a meeting with

the property owner as described in Subsection 1. below all documents the appealing party wants in the record to support the appeal. Appeals will be forwarded to the Code Hearings Officer and will be governed by the provisions in Chapter 22.10, unless there is a conflict between Chapter 22.10 and this Section, in which case this Section shall apply. The provisions of Chapter 22.03 shall not apply to appeals under this Section, except for Sections 22.03.050 (Hearing Procedure), 22.03.080 (Evidence), and 22.03.110 (Orders). The appeal may be filed any time within the initial 35-day delay period. The demolition permit may not be issued from the time the Bureau receives an appeal application and the fee or fee waiver, until the Code Hearings Officer has rendered a decision or the 60-day extension period has expired. If the fee waiver is denied, the appealing party must submit the appeal fee to the Bureau within three business days of the denial or the appeal will be rejected. The appealing party has the burden of proving that it is actively pursuing an alternative to demolition and must demonstrate all of the following by submitting evidence to the Code Hearings Officer, either with the appeal application or at the appeal hearing:

1. The requesting party has contacted the property owner or property owner's representative to request a meeting to discuss alternatives to demolition by sending a letter to the property owner by registered or certified mail, return receipt requested;
2. The particular property subject to the demolition permit application has significance to the neighborhood. Evidence of the significance may include, but is not limited to, architectural significance, the age and condition of the structure or other factors;
3. The requesting party has a plan to save the structure; and
4. The requesting party has a reasonable potential to consummate the plan within 95 days of the date the Bureau accepted the complete demolition permit application by providing a ~~pre-form~~proposed budget and either evidence of funds on hand or a fund raising plan sufficient to meet the financial requirements of that budget. "Consummate the plan" as used in this Subsection means coming to an agreement among the parties within the 95 days; it does not mean that the plan itself must be completed in that time.

I. – L. remain the same.

24.55.205 Site Control Measures in Residential Demolitions.

- A. Scope. The provisions of this Section 24.55.205 apply to demolitions involving the following, regardless of zoning or Comprehensive Plan Map designation:
 1. Structures used for residential purposes with four or fewer dwelling units, including mixed use structures. "Mixed use" for purposes of this Section 24.55.205 means the combination on a site of residential uses with commercial or industrial uses.

2. Any detached accessory structures with a floor area over 200 square feet on a site with a structure covered by Subsection 1. above. "Accessory structure" for purposes of this Section 24.55.205 means a structure not greater than 3,000 square feet in floor area, and not more than two stories in height, the use of which is accessory to and incidental to that of the main structure.
- B. Documentation Required.** A permit to demolish a structure within the scope of this Section as defined in Subsection A. above will not be issued until the Bureau of Development Services (BDS) has received all of the following:
1. A copy of the asbestos survey required under Oregon Revised Statutes 468A.757 and Oregon Administrative Rules Chapter 340, Division 248, as each of these is amended from time-to-time.
 2. If asbestos is identified in the asbestos survey:
 - a. For friable asbestos removal, a copy of the ASN1 (friable notification form) and a close-out letter from the licensed asbestos abatement contractor verifying all of the asbestos identified in the asbestos survey has been abated; and
 - b. For non-friable asbestos removal, a copy of an ~~ANS6~~ASN6 (nonfriable asbestos notification form), and a copy of the ASN4 (asbestos waste shipment form).
- 3. – 5. Remain the same.**
- C. Requirements for Demolitions**
1. Accredited inspector, certified worker, or certified supervisor. The Demolition Manager or a ~~An~~ accredited inspector, certified worker, or certified supervisor as that ~~those~~ terms is ~~are~~ defined in OAR 340-248-0010(1), must be present during all mechanical demolition activities and deconstruction on the site, unless Comprehensive Asbestos Inspection and Testing, as that term is defined in the BDS administrative rules, has been completed on the structures to be demolished or deconstructed and asbestos test results certified by a licensed asbestos abatement contractor is included with the asbestos survey provided to BDS, along with evidence that all identified asbestos-containing material has been abated as required by the Oregon Department of Environmental Quality.
- 2. – 9. Remain the same.**
- D. Demolition-Related Inspections**
1. BDS will conduct an initial pre-demolition site assessment to determine whether the site control measures outlined in the Demolition Plan, erosion

control measures, sediment control measures, and site security are adequate based on specific site conditions or other City regulations. The initial site assessment will be used to review the Demolition Plan, including final site grading and any necessary permanent site control measures. In addition, the initial site assessment will ensure that there is a Demolition Manager and that a copy of the Demolition Plan is on site.

2. ~~Except for accessory structures,~~ BDS ~~may~~will conduct an inspection during demolition activities to confirm the Demolition Plan is being properly implemented and maintained during the demolition process, and any dust-suppression and other site control equipment described in the Demolition Plan are on-site.
3. BDS will conduct a post-demolition inspection to verify that site grading has been completed, permanent soil stabilization measures are in place, and the premises is secure as detailed in the Demolition Plan.

E. – G. remain the same.

24.55.210 Major Residential Alterations and Additions.

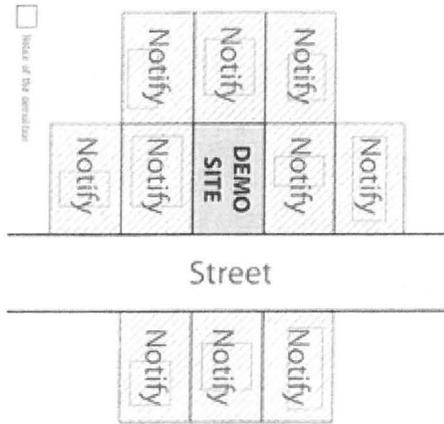
- A. Purpose. The delay provisions are intended to provide notice of a major residential alteration or addition to recognized organizations and to surrounding neighbors. The dust suppression measures are intended to minimize exposure to neighboring properties from dust that may be generated from mechanical demolition activities during major alteration work.
- B. Where the ~~delay provisions~~ applies. The major residential alteration and addition delay applies to sites with residential structures that are regulated under the Oregon Residential Specialty Code and that are located in areas with a residential Comprehensive Plan Map designation. If heavy machinery is used in a major alteration project, then the dust suppression measures described in Subsection 24.55.205.C.3. must be implemented during the mechanical demolition activities, as that term is defined in Subsection 24.55.150.H. The delay and dust suppression provisions~~regulations only apply to applications for major alteration and additions of residential structures. They do not apply to accessory structures such as garages or other outbuildings.~~
- C. Delay in issuing. The building permit for a major residential alteration or addition will not be issued except as provided for in this Section (24.55.210).
- D. Notification.
 1. Emailed notice. At least 35 days before a building permit is issued for a major residential alteration or addition, the applicant for the permit must email a letter to the recognized organization(s) whose boundaries include the site that contains at least the following information.

189012

- a. Notice that an application for a major alteration or addition has been or will be submitted to the Bureau of Development Services,
 - b. The date the application was filed, if applicable,
 - c. A general description of the proposed alteration or addition,
 - d. Notice that there is a delay period of 35 days from the date the notice is sent, and
 - e. The contact information of the applicant.
2. Posted notice. At least 35 days before the building permit is issued for the major residential alteration or addition, the applicant must post door hangers provided by the Bureau of Development Services on the 10 surrounding properties abutting or across the street from the site of the project. See Figure 2010-1 below in Section 24.55.200 for a typical configuration. The notice must contain all of the following information.
- a. Notice that an application for a major alteration or addition has been or will be submitted to the Bureau of Development Services,
 - b. The permit application number, if an application has already been filed,
 - c. The approximate date the construction activity will commence,
 - d. Contact information of the agencies that regulate asbestos and lead-based paint, and
 - e. Contact information for the applicant.
- E. Required information prior to permit issuance. Prior to issuing a major alteration or addition permit, the delay period must expire and the applicant must submit to the Bureau of Development Services:
1. A copy of the sent email and a list of the names and email addresses of all recognized organizations that received the notification and the date the notifications were emailed, certified by the applicant or the owner or owner's agent, and
 2. A copy of the door hanger and a list of addresses of all properties that received the notification and the date the notifications were posted, certified by the applicant or the owner or owner's agent.
- F. End of the delay period. The building permit for the major alteration or addition may be issued any time after the end of the 35-day notice period.

- G. Expiration of permit application. If for any reason, the permit application for a major residential alteration or addition expires prior to issuance of the permit or if an issued permit expires prior to the project being commenced, a new permit application, notification and delay period will be required.

FIGURE 210-1





City of Portland, Oregon
Bureau of Development Services
Office of the Director
 FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor
 Rebecca Esau, Director
 Phone: (503) 823-7300
 Fax: (503) 823-6983
 TTY: (503) 823-6868
www.portlandoregon.gov/bds

June 13, 2018

To: Mayor Wheeler
 Commissioner Eudaly
 Commissioner Fish
 Commissioner Fritz
 Commissioner Saltzman

From: Rebecca Esau, Director *RE*
 Bureau of Development Services

Regarding: Proposed amendments to Building Demolition Code Regarding Residential Demolitions

I. RECOMMENDATION

Amend the Building Demolition Code to simplify definitions, revise dust/site control and demolition delay provisions, and make technical amendments (Ordinance; amend Code Chapter 24.55)

II. BACKGROUND

On January 18, 2017, the City Council heard and accepted an Implementation Report from BDS and DRAC regarding amendments to the Building Demolition Code (PCC 24.55). The report included recommendations regarding definitions and other technical issues in the Demolition Code.

On February 1, 2018, the City Council adopted Ordinance No. 188802 that created dust and site control measures for demolitions involving structures with 1- 4 dwelling units, to be implemented no later than July 1, 2018. Since the Council adopted Ordinance No. 188802, BDS staff have been working with stakeholders from the Oregon Health Authority, DEQ, the Oregon Construction Contractor's Board, Multnomah County Lead Program, and the DRAC Demolition Subcommittee to develop administrative rules and implementation practices for Ordinance No.188802 (PCC 24.55.205). During these discussions, it became clear that a few parts of the Ordinance should be amended.

III. PROPOSED AMENDMENTS

A. Amend the following definitions:

- "Demolition" – the existing definition is too complicated for both our staff and customers. The new proposed definition is simply, "removing all exterior walls above the foundation." It removes the reference to work on

the foundation because foundation work can't be seen from the street, and BDS doesn't want to encourage developers to use bad foundations just to avoid being called a demolition. The proposed new definition retains the parameters of the current definition, which is removing all walls.

- "Major Residential Addition" – the proposed new definition is much simpler to apply; it is just adding 500 square feet or more of new interior space.
- "Major Residential Alteration" – the existing definitions of "major alteration" is complex and difficult to apply. The proposed new definition is: "removing 50% or more of the exterior walls above the foundation."

B. Add Requirement for Dust Control During Major Alterations

- Require dust suppression for major alterations if the project includes mechanical demolition activities (using heavy machinery to pull down any part of the structure). This addresses the main impact to the neighbors of "virtual demolitions," which is the potential for exposure to dust that contains hazardous materials.

C. Clarify points related to the existing demolition delay appeal hearing, including:

- Making clear that any party can introduce evidence at the hearing (currently the applicant must present all evidence at the time they file the appeal; this isn't practical because they don't always have the budget and financing details worked out yet)
- Removing the term "pro-forma budget" and replacing it with "project budget."
- Clarifying that the appellant doesn't actually have to complete the transaction (e.g., complete the sale or move the structure) within the 95-day delay period; they just have to come to an agreement within the 95 days.

D. Proposed changes to the new SB 871 Implementation Ordinance (mitigation of asbestos and lead-based paint in residential demolitions) to be effective prior to go-live date of no later than July 1, 2018:

- As BDS has been working on the administrative rules to accompany the SB 871 Implementation Ordinance (24.55.205), the question of when during the process the asbestos inspector needs to be on-site arose. That lead into a discussion of whether the "asbestos inspector" accreditation was the only option. Expense and availability of accredited asbestos inspectors were the main concerns raised by the contractors. The proposed amendment would allow certified asbestos workers and certified asbestos supervisors to satisfy requirement and adds an alternative to having a certified person on-site if full destructive asbestos inspection and testing are completed prior to demolition.
- Remove the exception for the during demolition inspection. As BDS has been working through the implementation at the staff level, we determined

that we will have the capacity for the extra inspection and our current computer programming can accommodate all three inspections.

E. Various technical changes as follows:

- Correct reference errors in 24.55.100
- Remove definitions that are no longer applicable
- Make it clear that delay provisions and major residential addition/alteration (MRAA) provisions only apply to 1-2 family dwellings (not apartments and other large residential projects)
- Clarify MRAA notice provisions and add graphic to the MRAA section because it got deleted from the demolition section when the SB 871 Ordinance was adopted