

## TITLE 29 – PROPERTY MAINTENANCE REGULATIONS

- a. Section 29.05.040, Application of Titles 24, 25, 26, 27, 28, and 33, is amended as follows:

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

Any alterations to buildings, or properties 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 and other applicable regulations.

- b. Section 29.10.020, Definitions, is amended as follows:

**29.10.020 Definitions.**

The definitions of words with specific meaning in this Title are as follows:

[A.-X. No change]

- Y. **Extermination.** The control and elimination of insects, rodents, vermin or other pests ~~at or about the affected building~~ by eliminating their harborage places; by removing or making inaccessible those materials that serve as a source of food or water; or by other approved pest elimination methods.

[Z.-EE. No change]

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

[GG.-GGG. No change]

- HHH. **Shall or Must.** As used in this Title, is mandatory.

[III.-ZZZ. No change]

- c. Section 29.20.010, Outdoor Maintenance Requirements, is amended as follows:

**29.20.010 Outdoor Maintenance Requirements.**

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.-C. No change]

- D. **Emergency access routes.** Remove and keep removed all brush, vines, overgrowth and other vegetation located within 105 feet of a structure or within

405 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.

**[E.-K. No change]**

d. Section 29.20.020, Other Endangering Conditions, is amended as follows:

**29.20.020 Other Endangering Conditions.**

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, or non-conforming sewers, and

**[B. No change]**

e. Chapter 29.30, Housing and Maintenance Requirements, is amended as follows:

**Sections:**

29.30.005	General.
29.30.010	Display of Address Number.
29.30.020	Accessory Structures.
29.30.030	Roofs.
29.30.040	Chimneys.
29.30.050	Foundations and Structural Members.
29.30.060	Exterior Walls and Exposed Surfaces.
29.30.070	Stairs and Porches.
29.30.080	Handrails and Guardrails.
29.30.090	Windows.
29.30.100	Doors.
29.30.110	Interior Walls, Floors, and Ceilings.
29.30.120	Interior Dampness.
29.30.130	Insect and Rodent Harborage.
29.30.140	Cleanliness and Sanitation.
29.30.150	Bathroom Facilities.
29.30.160	Kitchen Facilities.
29.30.170	Plumbing Facilities.
29.30.180	Heating Equipment and Facilities.
29.30.190	Electric System, Outlets, and Lighting.
29.30.200	Ceiling Heights.
29.30.210	Sleeping Room Requirements.
29.30.220	Overcrowding.
29.30.230	Emergency Exits.
29.30.240	Smoke Detectors.
29.30.245	<u>Carbon Monoxide Alarms/Detectors</u>
29.30.250	Fire Safety Conditions for Apartment Houses and Hotels of More than Two Stories.

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- 29.30.260 Hazardous Materials.  
 29.30.270 Maintenance of Facilities and Equipment.  
 29.30.280 Swimming Pool Enclosures.  
 29.30.290 Special Standards for Single-Room Occupancy Housing Units.

**29.30.005 General.****[A.-C. No changes]**

- D.** The specific minimum maintenance standards set forth in ~~Sections 29.30.010 through 29.30.240 shall~~ Section 29.30.250 only apply to residential ~~property~~ hotels and apartment houses that ~~was~~ were constructed, altered or repaired before ~~July 1, 1974~~ January 1, 1973. ~~Subsections 29.30.250 through 29.30.290 shall apply to all applicable structures regardless of construction date.~~

**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, peeling or scaling paint.

**[B. No changes]****29.30.120 Interior Dampness.**

The Director will adopt administrative rules detailing implementation and enforcement of this provision.

- A.** To prevent conditions conducive to decay, deterioration, or mold growth within a structure, Every dwelling, including basements, attics, and crawl spaces, shall must be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure. such that:
1. There are no sources of moisture intrusion from either exterior or interior sources; and
  2. There is no visible or otherwise demonstrable growth of mold or mildew in the interior of any building.
- B.** When visible or otherwise demonstrable growth of mold or mildew is found to exist within a residential unit, the property owner must remediate and treat the affected and identified areas in accordance with the requirements set forth in the administrative rules.
- C.** When visible or otherwise demonstrable growth of mold or mildew exceeding a total of one square foot is present within a residential unit, an approved ventilation system for reducing moisture may be required for each bathroom with bathing facilities that does not have an approved mechanical ventilation system. The new

mechanical ventilation system must be installed and be sized to provide ventilation per the requirements of the Oregon Residential Specialty Code for one and two-family dwellings or the Oregon Mechanical Specialty Code for commercial structures.

- D. When visible or otherwise demonstrable growth of mold or mildew exceeding a total of one square foot is present within a residential unit, any existing, approved mechanical ventilation systems in bathrooms with bathing facilities must meet the requirements set forth in the administrative rules. Any existing ventilation system that fails to meet these criteria and cannot be repaired or retrofitted must be replaced according to the specifications for new ventilation systems listed in Subsection 29.30.120 C.

**29.30.130 Insect and Rodent Harborage.**

The Director will adopt administrative rules detailing implementation and enforcement of this provision.

~~Every dwelling structure shall be kept free from insect, and rodent, vermin or other pest infestation, and where insects and rodents are found, they infestations shall be promptly exterminated as set forth in the administrative rules. After extermination, proper precautions shall must be taken to prevent reinfestation.~~

**29.30.140 Cleanliness and Sanitation.**

- A. All exterior property areas ~~shall must~~ be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. All household garbage ~~shall must~~ be stored in receptacles which are free from holes and covered with tight fitting lids. Receptacles must be of sufficient capacity to prevent the overflow of garbage and rubbish from occurring.
- B. The interior of every dwelling ~~shall must~~ 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, or produce dangerous or offensive gases, odors and bacteria, or any other unsanitary condition(s), or create a fire hazard.
- C. The owner of a residential rental property of four or fewer dwelling units shall must provide for each dwelling unit, or subscribe to and pay for weekly recycling and composting service and every-other-week garbage removal service by a franchisee as defined in Chapter 17.102 of the Code of the City of Portland, where a franchisee provides each dwelling unit is provided with 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.~~

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- D. The owner of ~~the~~ residential rental property of five or greater dwelling units shall must 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. Collection must occur at least weekly.
- ~~D.E.~~ The owner of any owner-occupied residential property shall must ~~be required to~~ 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 if the property has been posted two or more times within one year for violation of Subsection 29.20.010 H.1. or 2.

**29.30.180 Heating and Ventilation Equipment and Facilities.**

- A. All heating and ventilation 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.-C. No changes]

**29.30.240 Smoke Alarms or Detectors.**

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.

**29.30.245 Carbon Monoxide Alarms.**

- A. Existing rental dwelling units must have one or more carbon monoxide (CO) alarm(s) installed in compliance with state Fire Marshal rules and the state building code and maintained per the Oregon Revised Statutes 90.317, if the rental dwelling unit:
1. Contains a carbon monoxide source; or

2. Is located within a structure that contains a carbon monoxide source and the dwelling unit is connected to the room in which the carbon monoxide source is located by a door, ductwork, or a ventilation shaft.
- B. All existing dwelling units, including rental dwelling units, will be required to have a carbon monoxide (CO) alarm(s) installed in compliance with the current Oregon Residential Specialty Code Section R315, only:
1. At such time as a carbon monoxide source is introduced; or
  2. When interior work requiring a structural permit occurs.
- C. All detectors or alarms installed must be approved, properly functioning, and installed in accordance with the manufacturer's instructions.
- D. In accordance with state building code, all carbon monoxide detectors or alarm(s) required to be installed per this section must be located as follows:
1. In each bedroom or within 15 feet outside of each bedroom door;
  2. For bedrooms on separate floor levels in a structure with two or more stories, each story must have separate carbon monoxide alarms; and
  3. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be install within the bedroom.

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

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. For structures built prior to January 1, 1973, Minimum fire safety standards shall be as provided in Appendix Chapter 12 of the State of Oregon Structural Specialty Code, 1979, per Appendix Chapter 13, Section 1313, of the 1973 edition of the Uniform Building Code. (As previously adopted by Ordinance No. 13526 effective September 7, 1972 & Ordinance No. 139124 effective November 20, 1974.)

[B. No change]

**29.30.260 Hazardous Materials.**

- A. When paint is applied to any surface of a residential structure, it shall be lead-free. Any paint(s), veneers, varnishes, or similar pigmented sealers or finishes applied to any surface of a residential structure must be lead free, in compliance with the Federal Consumer Product Safety Commission's 1978 ban on the use of paint containing lead in residential properties.

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The Director will adopt administrative rules detailing requirements and enforcement of this provision.

- B. Residential property ~~shall~~must be free of dangerous levels of hazardous materials, contamination by toxic chemicals, or other ~~circumstances~~hazardous conditions 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~~and occupancy as a result of hazardous materials or conditions on the property, the property ~~shall~~must also be deemed to be in violation of this Title. Any such property ~~shall~~must remain in violation of this Title until such time as the authorizing agency has approved the abatement/remediation of the hazardous materials or conditions. The Director may order such property vacated pursuant to Section 29.60.070 of this Title.
- C. No residential property ~~shall~~may 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~~may 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~~must 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~~must be constructed and maintained to properly and safely perform their intended function.
- B. All ~~non-required~~ facilities or equipment present in a dwelling and supplied by the landlord shallmust be maintained and able to perform their intended function 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~~must 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~~of the applicable building code in effect at the time of the pool installation.

- f. Section 29.50.20, Inspections Required, is amended as follows:

**29.50.020 Inspections Required.**

All buildings, structures, dwelling units, or other improvements within the scope of this Title, or within the requirements of code enforcement programs created under the authority

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of this Title or Title 3, as set forth by the Director in the administrative rules, and all construction work for which a permit is required shallwill be subject to inspection as required by the City Code.

g. Section 29.70.040, Chronic Offender, is amended as follows:

**29.70.040 Chronic Offender.**

**[A.-B. No change]**

C. The Director may pursue any or all 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 penalties, sanctions, and the authority to abate unresolved nuisance violations on properties owned by the Chronic Offender; 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.