

Amendments to code transferring duties from health bureau to
Bureau of Buildings.

ORDINANCE NO.

An Ordinance amending Sections 102, 109, 113, 901 as amended, 908, 1911, 2001, 2002, 2003, 2004, 2005, 2008, 2013, 2014, 2019 as amended, 2020, 2021, 2101, 2105, and 2111 as amended, of Ordinance No. 65686, entitled, "An Ordinance to be known as the Housing Code, to provide health, sanitary and fire regulations for dwellings and accessory buildings and to provide a penalty for violation and repealing all ordinances and/or parts of ordinances in conflict therewith, and declaring an emergency," passed by the Council April 19, 1934, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. That Section 102 of Ordinance No. 65686 entitled, "An Ordinance to be known as the Housing Code, to provide health, sanitary and fire regulations for dwellings and accessory buildings and to provide a penalty for violation and repealing all ordinances and/or parts of ordinances in conflict therewith, and declaring an emergency," passed by the Council April 19, 1934, be and the same is hereby amended to read as follows:

SECTION 102 --- ENFORCEMENT.

The regulations of the Housing Code shall be enforced by the Bureau of Buildings except for Sections 2107, 2108, and 2109, which shall be enforced by the Fire Bureau. In the enforcement of the Housing Code, the inspectors of the Bureau of Buildings are empowered and directed to abate any condition involving the maintenance of a dwelling which is comprised under the general term of sanitary or health hazard, notwithstanding the same is not specifically covered in the detailed regulations of this Code.

Section 2. That Section 109 of said Ordinance No. 65636 be and the same is hereby amended to read as follows:

SECTION 109 — SERVICE OF NOTICES AND STOPPING OF WORK.

Every notice or order in relation to the erection, alteration, or moving of a dwelling without a permit or contrary to a permit issued or any notice or order pertaining to a dwelling, or stopping work on a dwelling when being illegally erected, altered or moved, shall be served upon the owner or his agent. However, the posting of a copy of such notice or order in a conspicuous place in or on the dwelling and mailing of a copy thereof on the same day that such notice is posted, to each person, if any, whose name has been filed with the Bureau of Buildings in accordance with the provisions of Section 2002, to the addresses as therewith filed, shall be such service of any notice required by this code unless otherwise provided.

Section 3. That section 113 of said Ordinance No. 65686 be and the same is hereby amended to read as follows:

SECTION 113 --- RIGHT OF ENTRY.

The Inspector of Buildings, the Fire Chief, and all inspectors, officers and employees of the Bureau of Buildings, Fire Bureau, and such other persons as may be authorized by the Inspector of Buildings and the Fire Chief may, in the performance of their duties, without hindrance, enter, examine and survey all dwellings with premises and grounds thereof, within the city. The owner or his agent or representative and the lessee and occupant of every dwelling and every person having the care and management thereof shall at all reasonable times, when required by any such officers or persons, give them free access to such dwellings and premises. The owner of a dwelling and his agents and employees shall have the right of access to any part of such dwelling at all reasonable times for the purpose of bringing about a compliance with the provisions of this code or any order issued thereunder.

Section 4. That section 901, as amended, of said ordinance No. 65686 be and the same is hereby amended to read as follows:

SECTION 901 --- BASEMENT AND CELLAR ROOMS

No room in a cellar or basement shall be constructed, altered or converted for living or sleeping purposes, except where a building is on sloping ground and the portion of the cellar or basement so used complies with the following conditions:

Apartments, bedrooms, toilet rooms, bathrooms, living rooms or dining rooms located in a cellar, shall have their floor level at or above the level of the ground adjacent or contiguous to such room. Such cellar shall be counted as one story of the building in the calculations of the sizes of yards and courts upon which they open.

It is provided, however, that a single family dwelling in a zone I district may have in a cellar a convenience toilet room or bath room with the floor below the level of the adjacent ground, provided the room complies with all other regulations of the code for toilet room or bathroom in single family dwellings and provided such room is approved by the Bureau of Buildings, as required in section 908.

It is further provided that a convenience bathroom or toilet room may be constructed in the cellar of a single or two-family dwelling in a Zone II, III or IV district, with the floor level below the ground, provided such room is approved by the Appellate Division of the Housing Code Commission and by the Bureau of Buildings as required in Section 908, and has a window complying with section 803.

The term "convenience bathroom or toilet room" is intended to mean a bathroom or toilet room installed in addition to the regular bathroom or toilet room and which is to be used by working people temporarily employed about the building or premises and by occupants of the dwelling after working in the yard or garden and who wish to clean up before going to the upper floors of the dwelling.

If any such cellar space occupied by janitor's apartments, ordinary apartments, living rooms, bedrooms, dining rooms, etc., in its aggregate total shall amount to more than forty (40) per cent of the ground area covered by the building, the cellar shall count as the first story of the building. In connection with the use of any such room, it is provided that all such rooms shall be dry, free from dampness and fit for habitation. In computing the total of the above occupied area, bathrooms and closets off of rooms used for living purposes shall be included, as well as the rooms mentioned above.

Section 5. That Section 908 of said Ordinance No. 65686
be and the same is hereby amended to read as follows:

SECTION 908 --- WATER CLOSETS IN CELLAR.

No water closet shall be placed in a cellar or basement
without the written permission of the Bureau of Buildings.

Section 6. That Section 1911 of said Ordinance No. 65686, be and the same is hereby amended to read as follows:

SECTION 1911 --- WATER CLOSET ACCOMMODATIONS.

Where any apartment is altered or increased in size, it shall be provided with a sink and water closet, in accordance with regulations in Title VIII. Every water closet hereafter placed in an existing dwelling except one provided to replace a defective or antiquated fixture in the same location, shall comply with the provisions of Title XX and Title VIII relative to water closets in dwellings hereafter erected, except that in the case of a new water closet installed on the top floor of a dwelling existing prior to or erected under a permit issued prior to the effective date of this code, a ventilating skylight open to the sky, as regulated in Section 803 (B) may be used in lieu of the windows required in Title VIII. No water closet shall be installed in a cellar or basement unless approved in writing by the Bureau of Buildings. Under no circumstances shall the number of water closet, sink or water accommodations required in Title VIII be permitted in a cellar or basement of a dwelling unless they are to be used in connection with living quarters permitted in a basement or cellar as regulated in Title IX, Title XIX or Title XXI. This regulation shall not be construed as prohibiting water closets which are supplemental to those required by Title VIII or Title XXI, and as approved by the Bureau of Buildings.

Section 7. That Section 2001 of said Ordinance No. 65686 be and the same is hereby amended to read as follows:

SECTION 2001 --- DWELLING OCCUPANCY INCREASED OR UNLAWFUL STRUCTURE.

If any dwelling or any part thereof is occupied by more families than provided for in this code, or is erected, altered or occupied contrary to law, such dwelling shall be deemed an unlawful structure. The Bureau of Buildings shall give due notice to the owner or his agent requiring him within a reasonable time therein stated, to comply with the law. Upon failure of the owner within said time to comply with the law as required, the Bureau of Buildings shall cause said building to be vacated. Any dwelling so vacated shall not again be occupied until it, and/or its occupancy, shall have been made to conform to the law.

Section 8. That Section 2002, as amended, of said Ordinance No. 65686, be and the same is hereby amended to read as follows:

SECTION 2002 --- REGISTRATION OF OWNER'S NAME.

Every owner of any multiple dwelling, other than a jail or public hospital, or in absence of Owner, then his agent, shall file in the office of the Bureau of Buildings within sixty (60) days from the effective date of this code, for buildings erected prior to the effective date of this code, and within sixty (60) days from date of occupancy of the dwelling, for new buildings, a notice setting forth the legal description and also the street and house number of such dwelling and the name and residence address of each of the owners, or in case of the absence of any Owner from the City, the name and address of his agent, in such manner that each Owner and multiple dwelling may be readily found. Such notice shall also set forth for an apartment house, the number of rooms in each apartment, and in other multiple dwellings the number of sleeping rooms, and also, if required by the Bureau of Buildings, the number of persons who inhabit such rooms.

Section 2. That Section 2003 of said Ordinance No. 65686 be and the same is hereby amended to read as follows:

SECTION 2003 --- DWELLINGS TO BE INSPECTED.

The Bureau of Buildings shall cause a periodical inspection to be made of every multiple dwelling at least once each year. Such inspection shall include thorough examination of all parts of such building and the premises connected therewith. The Bureau of Buildings is also hereby empowered to make inspections of all other dwellings. A record of all inspections shall be preserved by the Bureau of Buildings.

Section 10. That section 2004 of said Ordinance No. 65686, be and the same is hereby amended to read as follows:

SECTION 2004 --- SERVICE OF NOTICES AND ORDERS.

Every notice or order in relation to a dwelling shall be served upon the Owner or his agent not less than ten (10) days before the time for doing the thing required in the notice. However, the posting of a copy of such notice or order in a conspicuous place in the dwelling and mailing of a copy thereof on the same day that such notice is posted, to each person, if any, whose name has been filed with the Bureau of Buildings, in accordance with the provisions of Section 2002 to the addresses as therewith filed, shall be such service of any notice required by this code, unless otherwise provided.

If the occupant of a dwelling shall fail to comply with the provisions of this code after due and proper notice from the Bureau of Buildings, such failure to comply shall be deemed sufficient cause for the summary eviction of such tenant by the Owner and the cancellation of his lease.

Section 11. That section 2005 of said Ordinance No. 65686 be and the same is hereby amended to read as follows:

SECTION 2005 --- PERSON IN CHARGE OF DWELLING.

In any multiple dwelling, if so required by the Bureau of Buildings, there shall be a janitor, housekeeper, the owner or some other responsible person who shall have charge of same.

Section 12. That Section 2008 of said Ordinance No. 65686 be and the same is hereby amended to read as follows:

Section 2008 --- WATER CLOSET AND SINK MAINTENANCE.

No water closet shall be maintained in the cellar of any dwelling without a permit in writing from the Bureau of Buildings. All water closets and sinks in dwellings shall be maintained in good operating condition and in a clean and sanitary manner.

Section 13. That Section 2013 of said Ordinance No. 65686 be and the same is hereby amended to read as follows:

SECTION 2013. WALLS AND CEILINGS OF ROOMS:

In all multiple dwellings, the Bureau of Buildings may require the walls and ceilings of any room to be whitewashed, kalsomined or painted with light colored paint or kalcomine when necessary to improve the lighting of such room.

Section 14. That Section 2014 of said Ordinance No. 65686 be and the same is hereby amended to read as follows:

SECTION 2014 --- WALL PAPER

Whenever required by the Bureau of Buildings, all old wall paper shall be removed and the walls and ceilings thoroughly cleaned.

Section 15. That Section 2019, as amended, of said Ordinance No. 65686 be and the same is hereby amended to read as follows:

SECTION 2019 --- OVERCROWDED.

If in the judgment of the Bureau of Buildings, any room in any dwelling is overcrowded, the Bureau of Buildings shall order the number of persons sleeping or living in such room to be so reduced that the overcrowding shall be abated.

Sleeping rooms in all dwellings, except hospitals, jails and minor multiple dwellings, shall be so proportioned and used as to provide at least four hundred (400) cubic feet of air space for each child under twelve years of age, and six hundred (600) cubic feet of air space per person for all other persons sleeping in the room.

Section 16. That Section 2020 of said Ordinance No. 65686 be and the same is hereby amended to read as follows:

SECTION 2020 --- INFECTED AND UNINHABITABLE BUILDING TO BE VACATED.

Whenever it shall be certified by an inspector or officer of the Bureau of Buildings that a dwelling is infected with a contagious disease, the Bureau of Buildings may issue an order requiring all persons therein to vacate such dwelling within twenty-four (24) hours, for reasons to be mentioned in said order.

The Bureau of Buildings shall cause such dwelling to be disinfected and shall, when the temperature is below freezing, protect from freezing at the expense of the owner of said dwelling, all plumbing and heating apparatus in such dwelling.

Whenever it shall be certified by an inspector or officer of the Bureau of Buildings that a dwelling is unfit for human habitation, or dangerous to life and health by reason of want of repair, or defects in the drainage, plumbing, lighting, ventilation, or construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of said building or dwelling, or for any other cause, the Bureau of Buildings may order the owner or other person having control of the dwelling to remedy such defect within a period of not less than five (5) days nor more than thirty (30) days, said order to be served according to the provisions of this code. In case such order is not complied with within the time specified, the Bureau of Buildings may issue an order requiring all persons therein to vacate such dwelling within not less than twenty-four (24) hours, nor more than ten (10) days for the reasons to be mentioned in said order.

In case an order to vacate is not complied with within the time specified, the Bureau of Buildings may cause said dwelling to be vacated.

The Bureau of Buildings may extend the time within which to comply with said order, and whenever it is satisfied that the danger from said dwelling has ceased to exist, or that the dwelling is fit for human habitation, may revoke said order.

Section 17. That Section 2021 of said Ordinance No. 65686 be and the same is hereby amended to read as follows:

SECTION 2021 --- MAINTENANCE OF A NUISANCE NOT PERMITTED.

Whenever any dwelling, building, structure, excavation, business pursuit, matter or thing, in or about a dwelling, or the lot on which it is situated, or the plumbing, sewerage, drainage, light or ventilation thereof is, in effect, dangerous or detrimental to life or health, in the opinion of the Bureau of Buildings, the Bureau of Buildings shall declare the same, to the extent that it may specify, to be a public nuisance, and order the nuisance to be abated. If any order of the Bureau of Buildings issued under the authority of this code, shall not be complied with within fifteen (15) days after service of such order or within such shorter time as it may designate, then such order may be executed by the Bureau of Buildings, at the owner's expense.

Section 18. That Section 2101 of said Ordinance No. 65686 be and the same is hereby amended to read as follows:

SECTION 2101 — PUBLIC HALLS AND STAIRS — LIGHTING AND VENTILATING.

In all dwellings erected prior to the effective date of this code, public halls and stairs shall be provided with as much light and ventilation to the outer air as may be deemed practicable by the Bureau of Buildings, which may order the cutting in of windows and skylights as in its judgment may be necessary and convenient.

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All new sky lights hereafter placed in such dwellings shall be provided with ventilators having a minimum opening of at least one hundred eight (108) square inches and also with either fixed or movable louvres, or with movable sash.

Section 19. That Section 2105 of said Ordinance No. 65686
be and the same is hereby amended to read as follows;

SECTION 2105 --- COURTS, AREAS AND YARDS CONCRETED.

When required by the Bureau of Buildings, courts, areas and
yards shall be properly graded and drained, and if necessary to serve
that purpose shall be concreted.

Section 20. That Section 2111, as amended, of said Ordinance No. 65686 be and the same is hereby amended to read as follows:

SECTION 2111 --- The provisions of Sections 2002 and 2003, so far as they pertain to the duties and responsibilities of the Bureau of Buildings and to owners of multiple dwellings, shall be permissive only and shall not be mandatory prior to January 1, 1936.