

ORDINANCE NO. **149784**

An Ordinance amending Title 24, Building Regulations, of the Code of the City of Portland, Oregon, by amending Chapter 24.02 by amending Section 24.02.036 to provide for the filling of excavations and the removal of old foundations and by the deletion of Section 24.02.038 in its entirety and Title 24 is further amended by an amendment to Chapter 24.55 by amending Section 24.55.060 by adding a new definition section regarding service stations.

The City of Portland ordains:

Section 1. The Council finds:

1. There presently exist provisions in Title 24, of the Code of the City of Portland, Oregon, some of which require removal and some of which permit to remain certain foundations and excavations from structures which have been demolished.
2. The foundations and excavations which have been permitted to remain have proven to be an enforcement problem.
3. Provisions in one section provide for the removal of all foundations and filling of all excavations and another section provides for the fencing around of any open basements or excavations.
4. These two sections may confuse the public.
5. Vacant service stations now must be vacant for a period of one year before being declared a nuisance. All other structures need be vacant for only six months for such action.
6. There is no reason for this time difference and it leads to duplication of records and forms and confusion to the public as well as other city agencies.

NOW, THEREFORE, The Council directs:

- a. Title 24, Building Regulations, of the Code of the City of Portland, Oregon is amended by amendments to Section 24.02.036 and by the elimination of Section 24.02.038 in its entirety and by an amendment to Section 24.55.060 to be numbered and to read as follows:
 1. 24.02.036. Demolition--Debris--Barricades--Nuisances. It is unlawful for the owner or person in control of any real property in the City on which a building or structure is in the process of demolition, or which has been damaged by fire, to leave any portion of the

building or structure unsupported for more than one hour if the remaining portions could so collapse as to affect persons or property on the street or other public places, or for more than twenty-four hours in any event. No unsupported wall or portion of a building or structure on private property shall be left without barricades to prevent access to the vicinity of the unsupported portion of the building or structure shall be razed within the time fixed in this section or shall be provided with adequate structural supports. Structural supports shall be designed by a structural engineer registered in the State of Oregon and hired by the applicant. All such designs, calculations, drawings and inspection reports shall be approved by the Bureau of Buildings. A person who fails to do so shall be subject to the penalties provided by this Title.

All combustible debris or material shall be removed or disposed of from the premises on which the demolition is carried on within thirty days from the completion of the demolition, or from the stoppage of work thereon if the work remains uncompleted. All non-combustible debris or material resulting from demolition shall be removed or filled over within thirty days after the completion of the demolition or stoppage thereof, unless the Director of the Bureau of Buildings extends the time therefor because of weather, terrain or other special circumstances, but such extension shall not exceed three 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 14, Chapter 14.16, Nuisance Abatement.

All buildings which are torn down shall be torn down in a careful and safe manner. The streets or sidewalks shall not be littered with rubbish, shall be wet down, if necessary, so that dust will not be blown about.

During any demolition work, all receptacles, drop boxes, shafts, or piping used in such demolition work shall be covered in such a manner as to prevent dust and debris from being scattered about. After demolition or 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 70, Uniform Building

Code, (no rubble over twelve (12) inches in size to be used), to a level of the adjoining grade. Plans must be submitted prior to demolition or removal of the structure for any new construction for which the remaining foundation and/or footings will be used. The remaining foundations and/or footings must be barricaded by a non-combustible fence no less than eight (8) feet high until such construction has progressed sufficiently to remove any hazards to the public resulting from the footings and/or foundation. Such period of time not to exceed thirty (30) days. For regulations on the use of public streets and protection of pedestrians during demolition see Uniform Building Code, Chapter 44.

2. 24.55.060 Definitions:

a. X X X no change.

b. X X X no change.

c. X X X no change.

d. Service station site. for the purpose of this chapter, a "service station site" shall mean premises improved as a Group B1 occupancy for use as automobile or truck service stations used for supplying fuel, oil, minor accessories and services, excluding body and fender repair for passenger automobiles, trucks, and truck trailers at retail direct to the customer.

1. Unused service station site is a service station site not used for a continuous period of six (6) months as a service station site as defined above. If such site has been changed to another use without the required permits, the time spent in the new use shall be deemed non-service station site use.

2. Vacant service station sites are hereby declared to be a public nuisance and shall be abated by removal of all above and below grade facilities, by modification and use of the premises for some other occupancy, or if authorized by Title 33, used as a service station site. Such abatement shall be provided by the procedures specified in this Chapter considering:

a. Possible blighting effects upon the neighboring property in the particular area in general;

b. Possible danger to the health and welfare of neighboring property owners because of the open condition of these dangerous sites;

c. Whether the vacant service station site has become a place where litter and dirt are collected by winds and other natural forces or as a refuse depositing site by unlawful acts;


d. Whether the unused gasoline storage tank and other underground facilities pose a danger to the community or are in violation of the Code of the City;

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- e. Whether the foregoing danger to the health and welfare, peace, order and safety or community can be substantially controlled or reduced by removal of the service station building and facilities;
- f. Any of the items listed under number (c) above.

Passed by the Council, JUN 19 1980

Order of Council
Douglas D. Miller:mah
May 23, 1980


Auditor of the City of Portland

2117

Calendar No. ~~2619~~

ORDINANCE No. 119784

Title

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THURSDAY

JUN 12 1980

PASSED TO CITY CLERK JUN 19 1980

Filed **JUN 6 1980**

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By

Deputy

INTRODUCED BY

Order of the Council

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

BUREAU APPROVAL

Bureau:

Bureau of Buildings

Prepared By:

Date:

Douglas D. Miller
Douglas D. Miller:mah 5/23/80

Budget Impact Review:

☐ Completed☒ Not required

Bureau Head:

James E. Griffith
James E. Griffith

NOTED BY

City Attorney

City Auditor

City Engineer

THE COMMISSIONERS VOTED
AS FOLLOWS:

	Yeas	Nays
Ivancie	<u> </u>	
Jordan	<u> 1 </u>	
Lindberg	<u> 1 </u>	
Schwab	<u> 1 </u>	
McCready	<u> </u>	

FOUR-FIFTHS CALENDAR

Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	