

ORDINANCE NO. 127387

An Ordinance amending various sections and substituting a new Article 8 of the Health and Sanitation Code (Ordinance No. 77013) so as to modernize and clarify said provisions.

The City of Portland ordains:

Section 1. The Council finds that various provisions of the Health and Sanitation Code should be revised to accord with decisions of the courts and to clarify such provisions and modernize them, and to delete some provisions covered in other codes; now, therefore, Section 18-207 of Ordinance No. 77013 (Health and Sanitation Code) hereby is amended by substituting a new section in lieu of the existing section, which substituted section shall be numbered, entitled and read as follows:

Section 18-207. AUTHORITY TO ENTER PRIVATE AND PUBLIC PREMISES.

To the full extent permitted by law, the Health Officer has authority to enter in and upon all private and public premises at any reasonable time for the purpose of inspecting said premises or doing any other lawful act required or authorized to be done by him under this or other codes or ordinances of the City, the Charter or pursuant to state or federal law. It shall be unlawful for any person owning or controlling any premises used for any occupancy or business requiring a permit under this code or used for any business licensed by the City of Portland, to refuse or neglect to obey any order of the Bureau of Health authorized by this code or other ordinance or Charter provision, or to obstruct the Health Officer in the performance of his lawful duties.

Section 2. Section 18-209 of said Health and Sanitation Code hereby is amended to read as follows:

Section 18-209. FOOD ESTABLISHMENTS TO BE INSPECTED.

The Health Officer shall inspect at frequent intervals each public and private market, stall, shop, store, warehouse, cannery, factory, restaurant, and storehouse where human food is kept in the city of Portland and each and all vehicles of vendors in or about which vegetables, fruit, milk, bread or other provisions are kept, made, held, or carried for sale or other disposition as human food.

Section 3. Section 18-211 of said Health and Sanitation Code hereby is amended to read as follows:

Section 18-211. USE OF PREMISES FOUND TO BE UNHEALTHFUL.

It shall be unlawful for any owner, lessee, or person representing the owner or lessee to rent or sublet or allow to be occupied any property after a notice, as prescribed in 18-210, shall have been given, and before a correction of the condition in such notice has been made. It shall be unlawful for any person to occupy any premises after having knowledge of such a notice and before the correction of conditions mentioned in said notice has been made. In any case, however, the Health Officer may set such a time, as may be reasonable under the circumstances, in which either to obtain a correction of the conditions ~~which caused the~~ issuance of said notice or to discontinue completely the use of the premises.

Section 4. Section 18-704 of said Health and Sanitation Code hereby is amended to read as follows:

Section 18-704. CARE OF FOODS.

All food, whether in its natural state, cooked, or prepared for serving, shall be kept in a clean and wholesome condition, and kept so as to avoid pollution or contamination by exposure to the elements or to public contact, to dust, dirt, flies, insects and vermin, or by animals or fowls. Food shall not be allowed to become decayed, infected, poisoned or unwholesome, nor shall any harmful chemical be used to preserve, color or improve its appearance or flavor. It shall be unlawful for any proprietor, manager, or agent of either, or any other person to sell, offer for sale, display for sale, or permit to remain upon the premises, any food or drink which by reason of age, fermentation, decay, infestation or contamination has become unfit for human consumption. The presence of any such unfit food or drink in any public eating place shall be deemed sufficient cause for prosecution of the owner or proprietor for a violation of this code. Screens not less than 14 mesh shall be installed as required by the Health Officer. Dry sweeping, except with an approved sweeping compound, is prohibited in any room where food or drink is prepared, mixed, processed, bottled, packed, handled, stored, served, offered for sale or sold.

Section 5. Section 18-705 of said Health and Sanitation Code hereby is amended to read as follows:

Section 18-705. WRAPPERS FOR FOOD.

No person in any establishment dealing in or handling food of any kind or nature, shall wrap any such food intended for human consumption in any newspaper or in wrapping material that is soiled or that has been used for any other purpose. All such food sold for human consumption shall be wrapped in approved material.

Section 6. Section 18-706 of said Health and Sanitation Code hereby is amended to read as follows:

Section 18-706. FOOD ESTABLISHMENTS TO BE KEPT CLEAN.

All establishments handling food intended for human consumption shall be equipped to care for and handle all its products in a clean and sanitary condition at all times. All foodstuffs shall be protected from mice, cats, dogs, other animals or vermin, from promiscuous handling and from any other contamination, by adequate and appropriate means, methods and devices. No animal shall be permitted in any grocery store or place where food is displayed, sold or stored for human consumption, except that seeing eye dogs are exempt from this regulation.

Section 7. Section 18-707 of said Health and Sanitation Code hereby is amended to read as follows:

Section 18-707. FOOD DISPLAY REGULATED.

It shall be unlawful for any person to keep, or cause to be kept for sale, or to hold, offer, display or expose for sale as human food in the city of Portland, at any time during the year, any sliced or cut meat or meat products; any drawn poultry, rabbits or game; any fresh fish or other sea foods except shellfish in their shell; any dairy products; any bakery products, candies or confections; mincemeat, lard or shortening; any pickled or preserved foodstuff; or any other foodstuff which may be easily contaminated and not readily pared, peeled or otherwise cleaned, unless such foods or foodstuffs shall be protected from contamination by a covering of approved material. This section shall not apply to smoked, dried or prepared meats such as whole hams, whole sides of bacon, whole fish, or to uncut, cured and cased meats, or to vegetables not already peeled or prepared wholly or partially for immediate use, small fruits, melons, unshelled nuts, or other foodstuff wholly encased in an inedible covering, when displayed or exposed for sale from a platform or elevation sufficiently high to protect from floor or surface contamination.

Meat or meat products, fish, dairy products, poultry, bakery goods, candy and confections, and other foodstuff subject to contamination may be displayed or exposed for sale in an enclosed case open on one side or end away from the public, if such display meets with approval of the Health Officer.

No meat, meat product, poultry, fish, dairy product, bakery product, candy or confection shall be kept or displayed for sale upon any counter, showcase, table, shelf, or other place to which persons other than those engaged in the sale thereof have access, unless such food or foodstuffs so kept or displayed shall be protected by a covering of approved material so as to prevent any person other than those engaged in the sale thereof from touching or coming in contact therewith.

No food manufactured, packed or prepared for animal food shall be served for human food in any hospital, institutional home, public eating place, foster home, or any establishment preparing food for human consumption.

Section 8. Section 18-711 of said Health and Sanitation Code hereby is amended to read as follows:

Section 18-711. POULTRY.

- (a) Slaughterhouses and other places where rabbits or fowl are killed or prepared for sale or storage shall be constructed with cement flooring with properly trapped sewer connections, connected with sewer or cesspool. Immediately after each killing, the floor shall be washed thoroughly, and the place shall at all times be kept in a clean and sanitary condition.
- (b) Should offensive or obnoxious odors arise from buildings or inclosures where fowl or rabbits are kept, the keeper thereof shall remove the same upon order so to do by the Bureau of Health.
- (c) All pens, yards and inclosures shall be kept in a clean and sanitary condition.

Section 9. Section 18-712 of said Health and Sanitation Code hereby is amended to read as follows:

Section 18-712. DESTRUCTION OF FOOD.

If any unhealthy, unwholesome or deleterious meat, shellfish, fish, fowl or any other foodstuff intended for sale or disposition as human food, is found in or about any food-handling establishment, storage establishment, stockyard, slaughterhouse, boat or in any vending vehicle,

notice shall be given by the Health Officer to remove the same at once to such place as he shall direct and to destroy it. The person in whose custody and possession the same shall have been found, shall at once remove the same to the place directed and shall destroy the same as directed by the Health Officer.

Section 10. Section 18-722 of said Health and Sanitation Code hereby is amended to read as follows:

Section 18-722. WATER CLOSETS FOR EMPLOYEES.

It shall be unlawful for any person to operate or maintain a public eating place or food factory, or place where human food is handled, unless the employees thereof or those engaged therein are provided with or have easy and convenient access to proper and adequate water closet accommodations. One water closet shall be deemed adequate when not more than five males and females are required to use the same accommodation. When there are more than a total of five persons, males and females, employed or engaged, separate accommodations for each sex shall be provided according to the following table:

Number of Persons	Minimum Number of Water Closets
6 to 9	1
10 to 24	2
25 to 49	3
50 to 74	4
75 to 100	5
Over 100	1 for each additional 30 persons

Such separate accommodations shall be apart from each other. The one for men shall be clearly marked "men", and the one for women shall be clearly marked "women".

When three or more water closets are required for men, one urinal may be substituted for one water closet, up to a maximum of 1/3 of the total water closets required.

Whenever urinals are used they shall be of the wall type or pedestal type equipped with an integral trap. Urinals shall be flushed by a flush-meter valve equipped with a vacuum breaker or by an elevated urinal flush tank. All such equipment shall be of a type approved by the City Plumbing Code.

Section 11. Section 18-724 of said Health and Sanitation Code hereby is amended to read as follows:

Section 18-724. WATER CLOSET FLOORS AND WALLS; EQUIPMENT.

- (a) All walls of water closets and water closet vestibules used in connection with any place where human food is kept, prepared, served or sold, shall be constructed of smooth surface, washable materials and kept clean. The floors thereof shall be constructed of cement, tile, or other waterproof material free from cracks or other conditions which would prevent thorough and proper cleaning. The door or doors of all water closets shall be self-closing, and when not in use shall be kept closed.
- (b) An adequate supply of toilet paper shall be provided for each toilet.
- (c) A covered receptable shall be kept in each toilet room for women.

Section 12. Section 18-725 of said Health and Sanitation Code hereby is amended to read as follows:

Section 18-725. HOUSING OF ANIMALS PROHIBITED.

No animals of any kind shall be housed or kept in any room where food is prepared, handled, stored or served on the premises.

Section 13. Article 8 of said Health and Sanitation Code hereby is amended by substituting for the present Article 8 a new article to be entitled and to read as follows:

ARTICLE 8. DWELLINGS AND CERTAIN OCCUPANCIES.

Section 18-801. RIGHT OF ENTRY.

The Health Officer may, in the performance of his duties and to the full extent permitted by law, enter, examine and survey all dwellings, premises and grounds thereof in the city of Portland without hindrance. The owner or his agent, his representative, and the lessee, or other occupant, or any person having the care and management thereof, shall give free access to said officer at all reasonable times when required to do so.

Section 18-802. DWELLING AS UNLAWFUL STRUCTURE.

If any dwelling or part thereof is occupied by more persons or 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 Health Officer shall give due notice to the owner or his agent and the occupant requiring him, within a reasonable time, to comply with the law. Upon failure to comply with the law as required, the Health Officer shall institute appropriate legal action. Any dwelling vacant or thereafter vacated shall not again be occupied until it or its occupancy shall have been made to conform to the law.

Section 18-803. SERVICE OF NOTICES AND ORDERS.

Every notice or order in relation to a dwelling shall be served upon the owner or his agent, and the occupant, allowing a specified reasonable time for the doing of the thing required in the notice. However, the posting of a copy of such notice or order in a conspicuous place in or upon the dwelling, and mailing a copy thereof to such owner or agent at his last known address, shall constitute service of any notice required by this code, unless otherwise provided.

Section 18-804. PERSON IN CHARGE OF MULTIPLE DWELLING.

If so required by the Health Officer, the owner of any multiple dwelling shall notify the Health Officer and post in an easily visible place at the entrance of the multiple dwelling and in legible form, the name of some responsible person resident in the city of Portland who is authorized by the owner to receive notices or take emergency action.

Section 18-805. TOILETS FOR WORKMEN ON CONSTRUCTION OF BUILDINGS.

The owner or contractor of any building in course of erection or removal must provide toilet accommodations for the workmen. Said toilet must be connected with the sewer just inside the pavement wall, supplied with water, and kept clean. In case it is impossible to connect with a sewer for lack of a sewer in the street or alley, then said owner or contractor shall provide a temporary vault not less than 6 feet deep. Said vault must be disinfected each day by covering the contents to a depth of not less than 3 inches with fresh earth and air slacked lime. On completion of said work, the vault shall be removed and the premises left in a sanitary condition. The use of such a vault shall not exceed 90 days on any premises.

Properly constructed "portable sanitary chemical toilets" may be used when serviced by a recognized sanitary service organization approved by the Bureau of Health.

Section 18-806. STREET CONTRACTORS TO PROVIDE TOILETS.

Any contractor having any street work such as grading, paving or the opening of a new street, construction of a railroad, or any other kind of work where a number of men are employed, shall provide toilet accommodations for the men in his employ. This may be done by using a manhole in any street in which a sewer has been laid or by providing a temporary vault as provided in the preceding section.

Section 18-807. PUBLIC BATHHOUSES AND SWIMMING POOLS.

Every person owning, maintaining, or operating any bathhouse or other place where the public is admitted with or without charge for bathing, shall at all times keep the premises, appurtenances and all equipment in a clean and sanitary condition. All such premises and equipment shall be subject at all reasonable times to inspection by the Health Officer or any sanitary inspector of the City of Portland. The Health Officer may from time to time require such changes to be made or such measures to be taken as may in his judgment be necessary in the interests of public health.

Whenever it shall appear to the Health Officer that a condition exists which is an immediate menace to the public health, he shall serve written notice upon the

owner, manager, operator or person in charge of such place, requiring him immediately to discontinue the use thereof until such condition is remedied and the premises are put in a clean and sanitary condition.

The Health Officer shall from time to time inspect all public and semipublic swimming pools and make sanitary tests of the water. In case he finds a condition existing which is a menace to the public health, he shall proceed to give notice and cause discontinuance thereof in the manner provided in the preceding paragraph.

Section 18-808. TOURIST AND TRAVELERS' FACILITIES.

- (a) Definition. The term "Travelers' Accommodation" shall include any establishment having rooms or apartments rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities.
- (b) Cleanliness. It shall be unlawful for any owner, lessee or person managing or in control of such premises to let, lease or rent lodgings in any hotel, tenement, flat, rooming house, cubicle, dormitory or dwelling that is infested with bedbugs, lice or other vermin. Every such building and every part thereof shall be at all times kept clean and free from dirt, garbage and refuse. Whenever it shall appear to the Health Officer that any such building or room is in an unsanitary condition or infested with bedbugs, lice or other vermin, he shall notify the person in charge of such building to immediately fumigate, cleanse or paint the interior of any such building or room or take such other action as may be reasonably necessary to remedy the condition. It shall be unlawful for the owner or person in charge of such building and their agents to use or maintain any such building or room or permit their use for sleeping apartments until such order has been complied with.
- (c) Certificate of Sanitation. No person shall establish, operate, manage or maintain any travelers' accommodation or tourist park without first securing a certificate of sanitation from the Bureau of Health. Application for a certificate of sanitation shall be made in writing on a form prepared for that purpose and provided by the Bureau of Health.

- (d) Cubic Contents. It shall be unlawful for any person to use any building as a sleeping apartment which contains less than 400 cubic feet of air space for each person over 14 years of age, 300 cubic feet of air space for each person over 6 years of age but not over 14 years of age, and 200 cubic feet of air space for each person 6 years of age and under.
- (e) Bedding. All mattresses shall be provided with conventional mattress covers or pads. All mattresses shall be provided with waterproof coverings whenever required by the Health Officer. All beds, bed clothing, mattresses and pillows shall be kept clean and free from vermin. Clean sheets and pillow cases shall be furnished for each bed at least once a week; provided, however, that they must be furnished each time a new lodger occupies the bed.
- (f) Toilet Facilities. When rental units are not equipped with self-contained toilet facilities, there shall be provided one approved water-closet, bath and lavatory for each sex, in the ratio of one of each for every 10 rental units or fraction thereof and not less than one for each sex for each 10 beds. Toilet rooms shall be clearly marked for men and women. All toilet and bath rooms for general use shall be provided with nonabsorbent floors and base in conformity with the requirements of the Housing Code; the walls and ceilings shall be of approved materials and finished smooth. Toilet and bath rooms shall be adequately lighted and ventilated to the outside air.
- (g) Insects, Rodents and Pets. All practical measures of sanitation and construction shall be used to effectively build out and control insects and rodents. No pet animals shall be permitted to run at large or to commit any nuisance within the premises of a travelers' accommodation or tourist park.

Section 18-809. PUBLIC HALLS, LIGHTING IN THE DAYTIME.

In every multiple dwelling where the public halls and stairs are not sufficiently lighted to permit a person with normal vision to read 10 point type in every part thereof without the aid of artificial light, the owner or person in charge of such building shall keep a light, producing at least 2 foot candle illumination burning in the hallway upon each floor and lighting every part thereof as may be necessary from sunrise to sunset.

Section 18-810. PUBLIC HALLS AND STAIRS, LIGHTING AT NIGHT.

In every multiple dwelling a light or lights shall be kept burning by the owner or person in charge of such building, in the public hall or corridor and in the stair enclosure, every night from sunset to sunrise. Such light shall produce at least 2 foot candle illumination over the entire area. In case a multiple dwelling has a stair hall or enclosure which is not provided with windows to light and illuminate the same, the provision for lighting in the daytime shall be the same as is required for stair halls and corridors at night in other multiple dwellings.

Section 18-811. WATER CLOSET AND SINK MAINTENANCE.

No water closet shall be maintained in the cellar of any dwelling that does not conform to the requirements of Section 8-506 (b) of the Housing Code. All water closets and sinks in dwellings shall be maintained in good operating condition and in a clean and sanitary manner.

Section 18-812. REPAIRS AND MAINTENANCE.

- (a) Every dwelling and all parts thereof shall be kept in good repair, the roof free from leaks, and all rain water shall be drained and conveyed away so that the same shall not cause dampness in the walls or ceilings.
- (b) Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight and rodentproof, shall be capable of affording privacy and shall be kept in good repair.
- (c) Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight and rodentproof, and shall be kept in sound working condition and in good repair.
- (d) Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and in good repair.
- (e) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

- (f) Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (g) Every supplied facility, piece of equipment or utility which is required under this code, shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- (h) No owner, operator or occupant shall cause any service facility, equipment or utility which is required under this code, to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Health Officer.
- (i) No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.
- (j) All electric wiring shall be installed according to the requirements of the City Electrical Code and every dwelling shall conform to the requirements of the City Fire Code. All plumbing and plumbing fixtures shall be installed according to the requirements of the City Plumbing Code.

Section 18-813. RESPONSIBILITIES OF OWNER AND OCCUPANTS
FOR CLEANLINESS OF DWELLINGS.

- (a) Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (b) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies or controls.
- (c) Every occupant of a dwelling or dwelling unit shall dispose of all of his garbage and any other organic waste which might provide food for rodents, in a

clean and sanitary manner by placing it in the garbage facilities or garbage storage containers required by this ordinance. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.

- (d) Every occupant of a dwelling containing a single unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- (e) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Section 18-814. WALLS OF COURTS.

In multiple dwellings, the walls of all enclosed courts or line courts, unless of a light colored material, shall be painted a light color and so maintained.

Section 18-815. WALLS AND CEILINGS OF ROOMS. In all

In all multiple dwellings, the Health Officer may require the walls and ceilings of any room to be painted in light color when necessary to improve the lighting of such room.

Section 18-816. WALLPAPER.

Whenever required by the Health Officer, all old wallpaper shall be removed and the walls and ceilings thoroughly cleaned.

Section 18-817. RECEPTACLES FOR ASHES, RUBBISH AND GARBAGE.

Suitable tight metal cans, with metal covers, for holding ashes, garbage, refuse or other waste, shall be provided and maintained for every dwelling and for every apartment in apartment houses or family unit in multiple dwellings. It shall be the duty of the occupant of every dwelling to keep the cans used by him in good condition at all times.

Section 18-818. PROHIBITED USES. No horse, mule, cow, calf,

No horse, mule, cow, calf, swine, sheep, goat or domestic fowl shall be kept in any dwelling or part thereof. Nor shall any such animal be kept on the same lot or premises with a dwelling except under such conditions as may be prescribed by the Health Officer. No such animal shall under any circumstances be kept on the same lot or premises with a multiple dwelling. No dwelling or the lot or premises thereof shall be used for the business of storage or handling of rags or junk.

Section 18-819. STORAGE OF DANGEROUS MATERIALS.

No dwelling or any part thereof, or any part of the lot upon which it is situated, shall be used as a place for storing or handling feed, hay, straw, excelsior, cotton, paper stock, feathers, rags, or any other combustible material, or any article which is dangerous or detrimental to life or health, except under such conditions as may be prescribed by the Fire Marshal upon written permit issued by him.

There shall be no transom, window, or door opening into a public hall from any portion of a multiple dwelling where paint, oil or spirituous liquors are stored.

No explosive or highly inflammable material shall be stored in any hospital, jail or similar multiple dwelling, unless such material shall be enclosed in a fireproof room with masonry walls. This room shall have only one opening into the building, and that opening shall be protected with a fire door approved by fire underwriters. This room shall have a window opening to the exterior air,

so placed as to prevent the direct rays of the sun from gaining access thereto.

Hotels, lodginghouses and dwellings of similar occupancy shall also comply with the requirements of the Building Code and the Fire Code as they relate to prohibited hazards.

**Section 18-820. NOTICE OF UNSANITARY OR UNHEALTHFUL
CONDITION OF PREMISES TO BE GIVEN AND
POSTED; UNLAWFUL TO REMOVE.**

When upon investigation or inspection by the City Health Officer, or any of his assistants, it shall have been found that any building, property, or place in which any person or persons dwell, or engage in any occupation, or assemble, is kept or permitted to be or remain in an unsanitary or filthy condition, is not lighted or ventilated as required by City ordinance, in which the drainage or plumbing is so defective or unsanitary as to constitute a danger to health, or where the construction or condition of a building or part thereof is such as to endanger health, it shall be the duty of the Health Officer to notify in writing the owner, agent or occupant of such building or property, stating therein the condition or thing to be corrected, and requiring that the same be corrected within a reasonable time to be specified in such notice. If within such time the condition be not remedied, it shall be the further duty of the City Health Officer to post or cause to be posted in a conspicuous place on such building or property a notice stating that such building or property has been found to be dangerous to health and unfit for occupancy. Such posted notice shall require that the premises be vacated until the dangerous condition has been corrected and the premises again have been inspected and found to be in a healthful condition, whereupon the City Health Officer shall remove the notice so posted. It shall be unlawful for any person, other than the City Health Officer or his duly authorized agents, to remove, destroy, deface, cover up or conceal any notice posted as herein provided, except by written permission of the City Health Officer.

In case an order to vacate is not complied with within the time specified, the Health Officer or his duly authorized agent shall institute such legal action against the owner or occupant as may be appropriate. The Health Officer may extend the time within which to comply with said order, and whenever he is satisfied that the danger from said dwelling has ceased to exist, or that the dwelling is fit for human habitation, may revoke such order.

Section 18-821. MAINTENANCE OF HEALTH HAZARD NOT PERMITTED.

It shall be unlawful for the owner, agent or occupant of any dwelling, building, structure, excavation or premises to suffer or permit the plumbing, sewerage, drainage, light, ventilation or any other matter or thing in or on said dwelling, building, structure, excavation or premises to be or remain in a condition dangerous or detrimental to life or health. It shall further be unlawful for the owner, agent, occupant or responsible party to fail to correct any such condition within the time specified in the notice, after having been notified by the City Health Officer so to do.

Section 18-822. SINKS, WATER CLOSETS AND BATHING FACILITIES.

- (a) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Health Officer.
- (b) Every dwelling unit, except as otherwise permitted in subsection (d) of this section, shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the Health Officer.
- (c) Every dwelling unit, except as otherwise permitted in subsection (d) of this section, shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Health Officer.
- (d) In every dwelling erected prior to the effective date of the Housing Code passed January 22, 1919, the occupants of not more than two dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower, in good condition and properly connected to a water and sewer system approved by the Health Officer.
- (e) Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this ordinance shall be properly connected with both hot and cold water lines.

- (f) Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of subsection (e), and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120° F.
- (g) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, whose type and location are approved by the Health Officer.
- (h) Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.

Section 18-823. BASEMENTS AND CELLARS.

The floor of the cellar or other lowest floor of every dwelling shall be free from dampness. When it is necessary to secure such condition, it shall be concreted with not less than 3 inches of waterproof concrete of good quality with finished surface.

Section 18-824. COURTS, AREAS AND YARDS CONCRETED.

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

Section 18-825. MINIMUM HEAT REQUIREMENTS.

Every person leasing or renting to another, space in any building under an agreement, express or implied, which includes the furnishing of heat by such person, shall at any time that the outside temperature is below 68° F. furnish in such space so leased or rented, heat sufficient to maintain a temperature of not less than 68° F. at a height of 3 feet from the floor, between the hours of 7:00 a.m. and 10:30 p.m. of each day; except in buildings which are regularly and customarily occupied only during the day by the lessees or tenants thereof, said minimum heat shall be furnished between the hours of 8:00 a.m. and 5:30 p.m. of each day except Sundays, and in buildings occupied at irregular intervals, said minimum heat shall be furnished during the period of occupancy.

Section 18-826. SCHOOL SANITATION.

In all schools in the city of Portland:

- (a) Toilet rooms shall be properly equipped, clean, free from marks, and well ventilated. All toilet facilities shall be separate for each sex. The floors thereof shall be constructed of cement, tile or other waterproof material free from cracks or other conditions which would prevent thorough and proper cleaning. The walls and ceilings shall be constructed of smooth surface, washable materials and kept free from obscene writings and markings. In toilet rooms each toilet shall occupy a separate compartment. The walls of compartments or partitions between fixtures may be less than the height of the room walls but the top shall not be less than six feet from the floor and the bottom not less than one foot from the floor. The door to every toilet room shall be fitted with an effective self-closing device and screened so that the interior of the room is not visible from the outside.

- (b) Water closets shall be provided in the following minimum ratio:

	Girls	Boys
Elementary Schools	1-20	1-30
Secondary Schools	1-45	1-90

At least two water closets shall be installed in each general toilet room. Urinals shall be provided in all schools in the ratio of one urinal to thirty boys, but at least two urinals shall be installed in each boys' general toilet room.

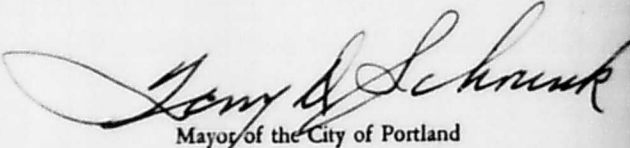
Additional facilities properly located with regard to rooms for community use, playgrounds, cafeterias, gymnasiums, auditoriums, and other special needs, shall be provided in addition to those determined by the ratios above.

- (c) Wash basins in elementary schools shall be provided in the ratio of one for each twenty girls and one for each twenty boys. When the practice of providing wash facilities in each classroom is followed, then those installed in the toilet rooms may be in the ratio of one to forty. Twenty-four inches of the circumference of a wash fountain shall be considered the equivalent of one wash basin. Wash basins in secondary schools shall be provided in the ratio of one to each fifty pupils or fraction thereof, provided that a minimum of two such fixtures shall be installed in each general toilet room.

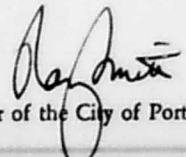
ORDINANCE No.

- (d) Drinking fountains of a type approved by the Health Officer shall be provided in the ratio of one fountain for each fifty children or fraction thereof. Drinking fountains shall be located conveniently to playgrounds, shops and gymnasiums. Drinking fountains shall not be located in toilet rooms.
- (e) Toilet rooms shall be kept clean, and they shall be swept daily and scrubbed at least twice a week and oftener if necessary. Toilets, urinals and wash basin fixtures shall be scrubbed daily. A constant supply of paper towels, soap and toilet paper shall be provided in each toilet room. All buildings shall receive regular and efficient cleaning at least once a week. Windows, transoms, mirrors and light fixtures shall be kept clean.

Passed by the Council, AUG 8 1968


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Commissioner Ivancie
MCR:jw

Calendar No. **3596**
~~3481~~

ORDINANCE No. 127387

Title

An Ordinance amending various sections and substituting a new Article 8 of the Health and Sanitation Code (Ordinance No. 77013) so as to modernize and clarify said provisions.

142

THURSDAY

AUG - 1 1968

PASSED TO THIRD READING AUG - 8 1968

INTRODUCED BY
Commissioner Ivancie

DRAWN BY
MCR:jw
Date July 24, 1968

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works

City Attorney *MR*

NOTED FOR CITY AUDITOR

APPROVED
Date
By
City Engineer
Date
By

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bowes	/	
Earl	/	
Grayson	/	
Ivancie	/	
Schrunk	/	

FOUR-FIFTHS CALENDAR	
Bowes	
Earl	
Grayson	
Ivancie	
Schrunk	

RAY SMITH
Auditor of the CITY OF PORTLAND

Filed JUL 26 1968

By *Robert R. Smith*
Deputy