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PROPERTY MAINTENANCE REGULATIONS

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Chapter 29.05

TITLE, PURPOSE, AND SCOPE

(New Title substituted by Ordinance No. 171455,
effective August 29, 1997.)

Sections:

- 29.05.010 Title.
- 29.05.020 Purpose.
- 29.05.030 Scope.
- 29.05.040 Application of Titles 24, 25, 26, 27, 28, and 33.

29.05.010 Title.

(Amended by Ordinance No. 180330, effective August 18, 2006.) Title 29 of Portland City Code shall be known as the “Property Maintenance Regulations.”

29.05.020 Purpose.

The purpose of this Title is to protect the health, safety and welfare of Portland citizens, to prevent deterioration of existing housing, and to contribute to vital neighborhoods by:

- A. Establishing and enforcing minimum standards for residential structures regarding basic equipment, facilities, sanitation, fire safety, and maintenance.
- B. Establishing and enforcing minimum standards of maintenance for outdoor areas and adjacent rights of way.
- C. Regulating and abating dangerous and derelict buildings.

29.05.030 Scope.

(Amended by Ordinance No. 180330, effective August 18, 2006.) The provisions of this Title shall apply to all property in the City except as otherwise excluded by law.

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

Any alterations to buildings, 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.

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29.05.050 Use of Summary Headings.

(Repealed by Ordinance No. 180330, effective August 18, 2006.)

Chapter 29.10

DEFINITIONS

Sections:

29.10.010 General.

29.10.020 Definitions.

29.10.010 General.

(Amended by Ordinance No. 180330, effective August 18, 2006.) For the purpose of this Title, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this Chapter. “And” indicates that all connected items or provisions apply. “Or” indicates that the connected items or provisions may apply singly or in combination. Terms, words, phrases and their derivatives used, but not specifically defined in this Title, either shall have the meanings defined in Title 24, or if not defined, shall have their commonly accepted meanings.

29.10.020 Definitions.

(Amended by Ordinance Nos. 173248, 173270, 174265, 176381, 176955, 180330 and 181699, effective April 25, 2008.) The definitions of words with specific meaning in this Title are as follows:

- A. Abatement of a nuisance.** The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.
- B. Accessory Structure.** Any structure not intended for human occupancy which is located on residential property. Accessory structures may be attached to or detached from the residential structure. Examples of accessory structures include: garages, carports, sheds, and other non-dwelling buildings; decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways, and other exterior structures on the property.

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- C. Adjacent right of way.** The sidewalks and planting strips that border a specific property as well as the near half of the streets, alleys, or other public rights of way that border a specific property.
- D. Apartment House.** See Dwelling Classifications.
- E. Approved.** Meets the standards set forth by applicable Portland City Code including any applicable regulations for electric, plumbing, building, or other sets of standards included by reference in this Title.
- F. Basement.** The usable portion of a building which is below the main entrance story and is partly or completely below grade.
- G. Boarded.** Secured against entry by apparatus which is visible off the premises and is not both lawful and customary to install on occupied structures.
- H. Building.** Any structure used or intended to be used for supporting or sheltering any use or occupancy.
- I. Building, Existing.** Existing building is a building erected prior to the 1972 adoption of the building code by the City of Portland, or one for which a legal permit has been issued.
- J. Ceiling Height.** The clear distance between the floor and the ceiling directly above it.
- K. Court.** A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.
- L. Dangerous Building.** See Dangerous Structure.
- M. Dangerous Structure.** Any structure which has any of the conditions or defects described in Section 29.40.020, to the extent that life, health, property, or safety of the public or its occupants are endangered.
- N. Demolition Warrant.** An order from the Circuit Court authorizing the demolition of a dangerous structure as authorized by this Title, including disposal of all debris in an approved manner, and returning the lot to a clean and level condition.
- O. Derelict Building.** Any structure which has any of the conditions or defects described in Section 29.40.010 A.

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- P. Director.** Is as defined in Section 24.15.070.
- Q. Disabled vehicle.** Any vehicle which is or appears to be inoperative, wrecked or dismantled, or partially dismantled.
- R. Duplex.** See Dwelling Classifications, “Two-Family Dwelling.”
- S. Dwelling.** Any structure containing dwelling units, including all dwelling classifications covered by the Title.
- T. Dwelling Classifications.** Types of dwellings covered by this Title include:
- 1. Single-Family Dwelling.** A structure containing one dwelling unit.
 - 2. Two-Family Dwelling.** A structure containing two dwelling units, also known as a “duplex.”
 - 3. Apartment House.** Any building or portion of a building containing three or more dwelling units, which is designed, built, rented, leased, let, or hired out to be occupied for residential living purposes.
 - 4. Hotel.** Any structure containing six or more dwelling units that are intended, designed, or used for renting or hiring out for sleeping purposes by residents on a daily, weekly, or monthly basis.
 - 5. Motel.** For purposes of this Title, a motel shall be defined the same as a hotel.
 - 6. Single-Room Occupancy Housing Unit.** A one-room dwelling unit in a hotel providing sleeping, cooking, and living facilities for one or two persons in which some or all sanitary or cooking facilities (toilet, lavatory, bathtub or shower, kitchen sink, or cooking equipment) may be shared with other dwelling units.
 - 7. Manufactured Dwelling.** The term “manufactured dwelling” includes the following types of single-family dwellings as noted below. Manufactured Dwelling does not include any unit identified as a recreational vehicle by the manufacturer:
 - a. Residential Trailer.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed before January 1, 1962.

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- b. Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
 - c. Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations.
 - 8. Floating Home.** A floating structure used primarily as a dwelling unit. Application of this Title shall be modified for floating homes, when appropriate, by nautical application and tradition as defined in Portland City Code 28.01.020.
- U. Dwelling Unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating, and sanitation.
- V. Exit. (Means of Egress.)** A continuous, unobstructed means of escape to a public way, including intervening doors, doorways, exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, passageways, exterior courts and yards.
- W. Exterior Property Area.** The sections of residential property which are outside the exterior walls and roof of the dwelling.
- X. Extermination.** The elimination of insects, rodents, vermin or other pests at or about the affected building.
- Y. Floor Area.** The area of clear floor space in a room exclusive of fixed or built-in cabinets or appliances.
- Z. Guard or Guardrail.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

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- AA. Habitable Room (Space).** Habitable room or space is a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.
- BB. Handrail.** A horizontal or sloping rail intended for grasping by the hand for guidance or support.
- CC. Hotel.** See Dwelling Classifications.
- DD. Immediate Danger.** Any condition posing a direct immediate threat to human life, health, or safety.
- EE. Infestation.** The presence within or around a dwelling of insects, rodents, vermin or other pests to a degree that is harmful to the dwelling or its occupants.
- FF. Inspection.** The examination of a property by the Director for the purpose of evaluating its condition as provided by this Title.
- GG. Inspection Warrant.** An order from the Circuit Court authorizing a safety or health inspection or investigation to be conducted at a designated property.
- HH. Inspector.** An authorized representative of the Director whose primary function is the inspection of properties and the enforcement of this Title.
- II. Interested Party.** Any person or entity that possesses any legal or equitable interest of record in a property including but not limited to the holder of any lien or encumbrance of record on the property.
- JJ. Kitchen.** A room used or designed to be used for the preparation of food.
- KK. Lavatory.** A fixed wash basin connected to hot and cold running water and the building drain and used primarily for personal hygiene.
- LL. Lawn area.** Any area of a property, including vacant lots, where lawn grasses are used as ground cover, or where the ground covering vegetation does not permit passage to substantial portions of the property without walking directly on the vegetation.
- MM. Lawn grass.** Varieties of grass that were planted, or are commonly sold, for the purpose of maintaining a mowed lawn.
- NN. Maintenance.** The work of keeping property in proper condition to perpetuate its use.

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- OO. Maintained compost area.** A small portion of a property set aside for the purpose of encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer for the soil on the property. A maintained compost area shows clear indicators that the yard debris placed there is being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition is not a maintained compost area.
- PP. Manufactured Dwelling.** See Dwelling Classifications.
- QQ. Motel.** See Dwelling Classifications.
- RR. Naturescape.** Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.
- SS. Nuisance Abatement Warrant.** An order from the Circuit Court authorizing the removal and abatement of any nuisance as authorized by this Title, including disposal of the nuisance items removed in an appropriate manner.
- TT. Occupancy.** The lawful purpose for which a building or part of a building is used or intended to be used.
- UU. Occupant.** Any person (including an owner or operator) using a building, or any part of a building, for its lawful, intended use.
- VV. Operator.** Any person who has charge, care or control of a building or part of a building in which dwelling units are let or offered for occupancy.
- WW. Outdoor area.** All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.
- XX. Owner.** The person whose name and address is listed as the owner of the property by the County Tax Assessor on the County Assessment and Taxation records.

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- YY. Plumbing or Plumbing Fixtures.** Plumbing or plumbing fixtures mean any water heating facilities, water pipes, vent pipes, garbage or disposal units, waste lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connection to water, gas, sewer, or vent lines.
- ZZ. Property.** Any real property and all improvements, buildings or structures on real property, from property line to property line.
- AAA. Public right-of-way.** Any sidewalk, planting strip, alley, street, or pathway, improved or unimproved, that is dedicated to public use.
- BBB. Repair.** The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.
- CCC. Resident.** Any person (including owner or operator) hiring or occupying a room or dwelling unit for living or sleeping purposes.
- DDD. Residential Property.** Real property and all improvements or structures on real property used or intended to be used for residential purposes including any residential structure, dwelling, or dwelling unit as defined in this chapter and any mixed-use structures which have one or more dwelling units. Hotels that are used exclusively for transient occupancy, as defined in this Title, are excluded from this definition of residential property.
- EEE. Residential Rental Property.** Any property within the City on which exist one or more dwelling units which are not occupied as the principal residence of the owner.
- FFF. Residential Structure.** Any building or other improvement or structure containing one or more dwelling units as well as any accessory structure. This includes any dwelling as defined in this Title.
- GGG. Shall.** As used in this Title, is mandatory.
- HHH. Single-Family Dwelling.** See Dwelling Classifications.
- III. Single-Room Occupancy Housing Unit.** See Dwelling Classifications.
- JJJ. Sink.** A fixed basin connected to hot and cold running water and a drainage system and primarily used for the preparation of food and the washing of cooking and eating utensils.

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- KKK. Sleeping Room.** Any room designed, built, or intended to be used as a bedroom as well as any other room used for sleeping purposes.
- LLL. Stagnant Water.** Any impoundment of water in which there is no appreciable flow of water through the impoundment and the level of water does not vary during any 48-hour period.
- MMM. Street.** Includes any street, avenue, boulevard, alley, lane, bridge, bicycle path, road, walk, public thoroughfare or public way, and any land over which a right of way has been obtained, or granted and accepted for any purpose of public travel, including all area between property lines, and area dedicated to street use.
- NNN. Structure.** That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.
- OOO. Summary Abatement.** Abatement of a nuisance by the City, or by a contractor hired by the City, without obligation to give prior notice of the abatement action to the owner or occupant of the property.
- PPP. Supplied.** Installed, furnished or provided by the owner or operator.
- QQQ. Swimming Pool.** Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above ground and on-ground swimming pools, hot-tubs and spas.
- RRR. Toilet.** A flushable plumbing fixture connected to running water and a drainage system and used for the disposal of human waste.
- SSS. Toilet Compartment.** A room containing only a toilet or only a toilet and lavatory.
- TTT. Transient Occupancy.** Occupancy of a dwelling unit in a hotel where the following conditions are met:
1. Occupancy is charged on a daily basis and is not collected more than six days in advance;
 2. The lodging operator provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy;
 3. The period of occupancy does not exceed 30 days; and

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4. If the occupancy exceeds five days, the resident has a business address or a residence other than at the hotel.

UUU. Two-Family Dwelling. See Dwelling Classifications.

VVV. Unsecured. Any structure in which doors, windows, or apertures are open or broken so as to allow access by unauthorized persons.

WWW. Vehicle. Any device in, on, upon, or by which any person or property is or may be transported or drawn upon a public highway, except a device moved by human power or used exclusively upon stationary rails or tracks, including but not limited to a body, an engine, a transmission, a frame, or other major part.

XXX. Warehousing. Securing a structure against vandalism, deterioration, and unauthorized entry pending its return to active use or occupancy.

YYY. Yard. An open, unoccupied space, other than a court, unobstructed from the ground to the sky, and located between a structure and the property line of the lot on which the structure is situated.

Chapter 29.20

PROPERTY NUISANCES

Sections:

- 29.20.010 Outdoor Maintenance Requirements.
29.20.020 Other Endangering Conditions.
29.20.030 Nuisance Defined, Summary Abatement Authorized

29.20.010 Outdoor Maintenance Requirements.

(Amended by Ordinance Nos. 176381 and 180330, effective August 18, 2006.) 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. Holes, tanks, and child traps.** Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may

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endanger neighboring property or the health or safety of the public or the occupants of the property.

- B. Unsecured structures.** Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any structure so as to prevent access by unauthorized persons through such openings.
- C. Rat harborage.** Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.
- D. Emergency access routes.** Remove and keep removed all brush, vines, overgrowth and other vegetation located within 10 feet of a structure or within 10 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.
- E. Thickets that conceal hazards.** Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:

 - 1. Concealing trash and debris; or
 - 2. Creating rat harborage; or
 - 3. Creating harborage for people involved in criminal activity or for products used for criminal activity.
- F. Overgrown lawn areas.** Cut and remove and keep cut and removed all weeds and grass that are located in lawn areas and have a prevailing height of more than 10 inches.
- G. Trash and debris.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

 - 1. All garbage, offal, dead animals, animal and human waste, and waste materials (All garbage shall be stored as specified in Section 29.30.140);
 - 2. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;
 - 3. All dead bushes, dead trees, and stumps with the exception of such material which:

 - a. Is being maintained as part of a naturescaped property;

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- b. Does not result in a nuisance as otherwise defined in this chapter; and
 - c. Is located on a property which is otherwise substantially in compliance with this chapter;
 4. All trees which are dying and are determined by the City Forester to require removal in order to safeguard people or property;
 5. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and
 6. Accumulations of clothing and any other items not designed for outdoor storage.
- H. Storage of non-trash items.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:
1. Accumulations of wood pallets.
 2. All firewood that is not stacked and useable. “Useable” firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property.
 3. Accumulations of vehicle parts or tires.
 4. All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.
 5. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.
 6. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.
 7. All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal) that are stored in a well-maintained manner.

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8. All other non-trash items which:
 - a. Are of a type or quantity inconsistent with normal and usual use; or
 - b. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.
- I. **Disabled vehicles.** Neither store nor permit the storing of a disabled vehicle for more than 7 days unless the vehicle is enclosed within a legally permitted building or unless it is stored by a licensed business enterprise dealing in junked vehicles lawfully conducted within the City. Removal and disposition of such disabled vehicles shall be in accordance with the provisions of Section 16.30.320, 16.30.340, 16.30.350 and 16.30.500 of the Code to the extent that such provisions are applicable.
- J. **Obstructions to sidewalks, streets, and other rights of way.** Keep the adjacent rights of way free of anything that obstructs or interferes with the normal flow of pedestrian or vehicular traffic, unless specifically authorized by permit or ordinance to do otherwise. This responsibility includes, but is not limited to, removal of earth, rock, and other debris, as well as projecting or overhanging bushes and limbs that may obstruct or render unsafe the passage of persons or vehicles. This responsibility also includes, but is not limited to, the obligation to maintain all rights of way referenced in this subsection to meet the following minimum clearances:
 1. **Sidewalks.** All sidewalks must be clear of obstructions by earth, rock, or vegetation from edge to edge and to an elevation of 7-1/2 feet above sidewalk level. For example, bushes that encroach on or over any part of a sidewalk area must be cut back or removed and limbs of trees that project over the sidewalk area at an elevation of less than 7-1/2 feet above the sidewalk level must be removed.
 2. **Improved streets.** All improved streets must be clear of obstructions to vehicle movement and parking from edge to edge and to an elevation of 11 feet above street level. For example, bushes that encroach on or over any part of a street must be cut back or removed; limbs of trees that project over a street at an elevation of less than 11 feet above street level must be removed; and no wires or other things shall be maintained over the street level at any elevation less than 11 feet.
 3. **Alleys and unimproved rights of way.** All alleys, unimproved streets, and other public rights of way must be clear of obstructions that may hinder the normal flow of traffic or render the right of way unsafe for its current and necessary use.

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29.20.020 Other Endangering Conditions.

(Amended by Ordinance No. 176381, effective May 10, 2002.) 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 sewer line, or rain drain system, and
- B.** Any other substance, material or condition which is determined by the Director to endanger neighboring property, the health or safety of the public, or the occupants of the property.

29.20.030 Nuisance Defined, Summary Abatement Authorized.

(Amended by Ordinance No. 180330, effective August 18, 2006.) All conditions in violation of Sections 29.20.010 and 29.20.020 of this Title shall constitute a nuisance. Any person whose duty it is to correct such conditions and who fails to do so shall be subject to charges according to the Fee Schedule approved by the City Council. In cases where the Director determines that it is necessary to take immediate action in order to meet the purposes of this Title, summary abatement of such nuisances is authorized.

Chapter 29.30

HOUSING MAINTENANCE REQUIREMENTS

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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.

(Amended by Ordinance Nos. 180330 and 181699, effective April 25, 2008.)

- A.** An owner may not maintain or permit to be maintained, in violation of this Chapter, any residential property.
- B.** All residential property shall be maintained to the building, mechanical, plumbing and electrical code requirements in effect at the time of construction, alteration, or repair.
- C.** Where construction, alteration or repair has been made to a residential property illegally without benefit of a permit, all work shall be required to meet current requirements of the applicable Oregon Specialty Code as adopted in Sections 24.10.040, 25.01.020, 26.01.030 and 27.01.030 of the City Code.
- D.** The specific minimum maintenance standards set forth in Sections 29.30.010 through 29.30.240 shall only apply to residential property that was constructed, altered or repaired before July 1, 1974. Subsections 29.30.250 through 29.30.290 shall apply to all applicable structures regardless of construction date.

29.30.010 Display of Address Number.

Address numbers posted shall be the same as the number listed on the County Assessment and Taxation Records for the property. All dwellings shall have address numbers posted in a conspicuous place so they may be read from the listed street or public way. Units within apartment houses shall be clearly numbered, or lettered, in a logical and consistent manner.

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29.30.020 Accessory Structures.

All accessory structures on residential property shall be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

29.30.030 Roofs.

(Amended by Ordinance No. 176381, effective May 10, 2002.) The roof shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building and shall channel rainwater in an approved manner to an approved point of disposal.

29.30.040 Chimneys.

Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.

29.30.050 Foundations and Structural Members.

- A.** Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.
- B.** The supporting structural members in every dwelling shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

29.30.060 Exterior Walls and Exposed Surfaces.

- A.** Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.
- B.** All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Wood used in construction of permanent structures and located nearer than six inches to earth shall be treated wood or wood having a natural resistance to decay.
- C.** Exterior metal surfaces shall be protected from rust and corrosion.

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- D.** Every section of exterior brick, stone, masonry, or other veneer shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

29.30.070 Stairs and Porches.

Every stair, porch, and attachment to stairs or porches shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, or loose.

29.30.080 Handrails and Guardrails.

(Amended by Ordinance No. 176381, effective May 10, 2002.) Every handrail and guardrail shall be firmly fastened, and shall be maintained in good condition, capable of supporting the loads to which it is subjected, and meet the following requirements:

- A.** Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.
- B.** Where not otherwise required by original building codes, exterior stairs of more than three risers which are designed and intended to be used as part of the regular access to the dwelling unit shall have handrails. Interior stairs of more than three risers shall have handrails. When required handrails are installed they shall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.
- C.** Where not otherwise required by original building codes, porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guardrails. When required guardrails are installed, they shall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.

29.30.090 Windows.

(Amended by Ordinance No. 181699, effective April 25, 2008.)

- A.** Every habitable room shall have at least one window facing directly to an exterior yard or court. The minimum total glass area for each habitable room shall be 6.8 percent of the room's floor area, except for basement rooms where the minimum shall be 5 percent. The glazed areas need not be provided in rooms where artificial light is provided capable of producing an average illumination of 3 foot-candles over the area of the room measured at a height of 30 inches above the

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floor and the minimum ventilation requirements in Subsection B below are satisfied.

- B.** Except where another approved ventilation device is provided, the total openable window area in every habitable room shall be equal to at least one-fortieth (2.5%) of the area of the room. The glazed areas need not be openable where the opening is not required for emergency escape and an approved mechanical ventilation system is provided capable of producing 0.35 air changes per hour in the room.
- C.** Every bathroom or toilet room or compartment shall comply with the light and ventilation requirements for habitable rooms as required by Subsections 29.30.090 A and B, except that no window shall be required in bathrooms or toilet compartments equipped with an approved ventilation system.
- D.** Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements described in Section 29.30.230 A shall have a sill height of no more than 44 inches above the floor or above an approved, permanently installed step. The step must not exceed 12 inches in height and must extend the full width of the window. The top surface of the step must be a minimum of six feet from the ceiling above the step.
- E.** Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements described in Section 29.30.230 A shall have a minimum net clear opening of at least 20 inches wide and at least 22 inches high.
- F.** Every window required for ventilation or emergency escape shall be capable of being easily opened and held open by window hardware. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.
- G.** All windows within 10 feet of the exterior grade that open must be able to be securely latched from the inside as well as be openable from the inside without the use of a key or any special knowledge or effort. This same requirement shall apply to all openable windows that face other locations that are easily accessible from the outside, such as balconies or fire escapes, regardless of height from the exterior grade.
- H.** Every window shall be substantially weather-tight, shall be kept in sound condition and repair for its intended use, and shall comply with the following:

 - 1.** Every window sash shall be fully supplied with glass windowpanes or an approved substitute without open cracks and holes.

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2. Every window sash shall be in good condition and fit weather-tight within its frames.
3. Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling.

29.30.100 Doors.

- A. Every dwelling or dwelling unit shall have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment, to an exterior yard or court or to an approved exit. All such doors shall be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.
- B. In hotels and apartment houses, exit doors in common corridors or other common passageways shall be openable from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.
- C. Every door to the exterior of a dwelling unit shall be equipped with a lock designed to discourage unwanted entry and to permit opening from the inside without the use of a key or any special knowledge or effort.
- D. Every exterior door shall comply with the following:
 1. Every exterior door, door hinge, door lock, and strike plate shall be maintained in good condition.
 2. Every exterior door, when closed, shall fit reasonably well within its frame and be weather-tight.
 3. Every doorframe shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling.
- E. Every interior door and doorframe shall be maintained in a sound condition for its intended purpose with the door fitting within the doorframe.

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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 or scaling paint.
- B.** Every toilet compartment, bathroom, and kitchen floor surface shall be constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

29.30.120 Interior Dampness.

Every dwelling, including basements, and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

29.30.130 Insect and Rodent Harborage.

Every dwelling shall be kept free from insect and rodent infestation, and where insects and rodents are found, they shall be promptly exterminated. After extermination, proper precautions shall be taken to prevent reinfestation.

29.30.140 Cleanliness and Sanitation.

(Amended by Ordinance Nos. 176381, 177254 and 181699, effective April 25, 2008.)

- A.** All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. All household garbage shall be stored in receptacles which are free from holes and covered with tight fitting lids.
- B.** The interior of every dwelling shall 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, produce dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or create a fire hazard.
- C.** The owner of a residential rental property shall provide, for each dwelling unit, at least one 20 gallon receptacle into which garbage and rubbish from each dwelling unit 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. The owner of the residential rental property shall subscribe to and pay for weekly garbage removal service for the receptacles required by this Subsection, by a refuse collection permittee or franchisee as defined in Chapter 17.102 of the Code of the City of Portland.

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- D.** The owner of any owner occupied residential property shall be required to subscribe and pay for weekly 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 Section 29.20.010 G.1. or 2.

29.30.150 Bathroom Facilities.

Except as otherwise noted in this Section, every dwelling unit shall contain within its walls in safe and sanitary working condition:

- A.** A toilet located in a room that is separate from the habitable rooms and that allows privacy;
- B.** A lavatory basin; and
- C.** A bathtub or shower located in a room that allows privacy.

In hotels and apartment houses where private toilets, lavatories, or baths are not provided, there shall be on each floor at least one toilet, one lavatory, and one bathtub or shower each provided at the rate of one for every twelve residents or fraction of twelve residents. Required toilets, bathtubs, and showers shall be in a room, or rooms, that allow privacy.

29.30.160 Kitchen Facilities.

- A.** Every dwelling unit shall contain a kitchen sink apart from the lavatory basin required under Section 29.30.150, with the exception of single-room occupancy housing units which shall comply with Subsection 29.30.290 B.
- B.** Except as otherwise provided for in Subsections 29.30.290 B and C, every dwelling unit shall have approved service connections for refrigeration and cooking appliances.

29.30.170 Plumbing Facilities.

(Amended by Ordinance 180330, effective August 18, 2006.)

- A.** Every plumbing fixture or device shall be properly connected to a public or an approved private water system and to a public or an approved private sewer system.
- B.** All required sinks, lavatory basins, bathtubs and showers shall be supplied with both hot and cold running water and have a water pressure of at least 15 psi. Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to all required sinks, lavatory basins, bathtubs and showers.

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Water heating facilities shall be capable of heating water enough to permit an adequate amount of water to be drawn at every required facility at a temperature of at least 120 degrees at any time needed.

- C.** In every dwelling all plumbing or plumbing fixtures shall be:
 - 1.** Properly installed, connected, and maintained in good working order;
 - 2.** Kept free from obstructions, leaks, and defects;
 - 3.** Capable of performing the function for which they are designed; and
 - 4.** Installed and maintained so as to prevent structural deterioration or health hazards.
- D.** All plumbing repairs and installations shall be made in accordance with the provisions of Title 25 (Plumbing Regulations).

29.30.180 Heating Equipment and Facilities.

(Amended by Ordinance Nos. 179842 and 180330, effective August 18, 2006.)

- A.** All heating 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.** Every dwelling shall have a heating facility capable of maintaining a room temperature of 68 degrees Fahrenheit at a point 3 feet from the floor in all habitable rooms.
 - 1.** Portable heating devices may not be used to meet the dwelling heat requirements of this Title.
 - 2.** No inverted or open flame fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type.
- C.** All mechanical repairs and installations shall be made in accordance with the provisions of Title 27 (Heating and Ventilating Requirements.)

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29.30.190 Electrical System, Outlets, and Lighting.

(Amended by Ordinance 180330, effective August 18, 2006.) All buildings used for residential purposes shall be connected to an approved source of electric power. Every electric outlet and fixture shall be maintained and safely connected to an approved electrical system. The electrical system shall not constitute a hazard to the occupants of the building by reason of inadequate service, improper fusing, improper wiring or installation, deterioration or damage, lack of access to a dwelling unit's breaker or disconnect switch or similar reasons.

In addition to other electrical system components that may be used to meet cooking, refrigeration, and heating requirements listed elsewhere in this Title, the following outlets and lighting fixtures are required:

- A. Every habitable room shall contain at least two operable electric outlets or one outlet and one operable electric light fixture.
- B. Every toilet compartment or bathroom shall contain at least one supplied and operable electric light fixture and one outlet. Every laundry, furnace room, and all similar non-habitable spaces located in a dwelling shall have one supplied electric light fixture available at all times.
- C. Every public hallway, corridor, and stairway in apartment houses and hotels shall be adequately lighted at all times with an average intensity of illumination of at least one foot candle at principal points such as angles and intersections of corridors and passageways, stairways, landings of stairways, landings of stairs and exit doorways, and at least ½-foot candle at other points. Measurement of illumination shall be taken at points not more than 4 feet above the floor.
- D. All electrical repairs and installations shall be made in accordance with the provisions of Title 26 (Electrical Regulations.)

29.30.200 Ceiling Heights.

(Amended by Ordinance Nos. 180330 and 181699, effective April 25, 2008.) Habitable rooms in existing one and two family dwelling buildings shall have a clear ceiling height of at least 7 feet. Habitable rooms in other existing buildings shall have a clear ceiling height of at least 7 feet 6 inches. The following height exceptions may be used for the one and two family dwelling ceiling height requirements:

- A. **Flat ceilings.** Where the ceiling is flat, ceiling heights may be a minimum of 6 feet 8 inches. Pipes, ducts, beams, or similar objects projecting from the ceiling may be as follows:
 - 1. Ceiling projections may be as low as 6 feet where they are located within 2 feet from the wall; or

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2. Ceiling projections may be as low as 6 feet 2 inches where they do not occupy more than 10 percent of the floor area in the room where they are located.

B. Sloped ceilings.

1. **General.** Where the ceiling is sloped, the height may be as follows:
 - a. The minimum ceiling height must be at least 6 feet 8 inches over an area comprising at least 50% of the overall room area; and
 - b. Portions of the room with a ceiling height less than 5 feet shall not be counted toward the overall room area.
2. **Bathrooms.** In bathrooms with sloped ceilings not more than 75% of the floor area of a bathroom is permitted to have a sloped ceiling less than 7 feet in height, provided an area of 21 inches by 24 inches in front of toilets and lavatories has a minimum of 6 feet 4 inches in height. An area of 24 inches by 30 inches in front of and inside a tub or shower shall have a minimum of 6 feet 4 inches in height.

- C. These exceptions to the current building codes shall not apply where any occupancy has been changed, or the occupant load has been increased, contrary to the provisions of this Title.

29.30.210 Sleeping Room Requirements.

Every room used for sleeping purposes:

- A. Shall be a habitable room as defined in this title;
- B. Shall not be a kitchen;
- C. Shall have natural light, ventilation, and windows or other means for escape purposes as required by this Title; and
- D. Shall comply with the following minimum requirements for floor area:
 1. Shall have a minimum area of at least 70 square feet of floor area, except that where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each person in excess of two. No portion of a room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the room's minimum area.

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2. Any dwelling or portion of any dwelling constructed pursuant to permit or lawfully constructed prior to permit requirements shall be deemed in compliance with respect to sleeping room area provided that the deficiency in floor area is no more than 15 percent of that required by Subsection 29.30.210 D 1. This subsection shall not apply where any occupancy has been changed, or the number of occupants has been increased, contrary to the provisions of this Title.
3. Floor area requirements for single-room occupancy housing units shall be in accordance with Section 29.30.290 of this Title.

29.30.220 Overcrowding.

No dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there are more residents than one plus one additional resident for every 100 square feet of floor area of the habitable rooms in the dwelling unit.

29.30.230 Emergency Exits.

(Amended by Ordinance Nos. 176381 and 180330, effective August 18, 2006.)

- A. Every sleeping room shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full clear opening without the use of special knowledge, effort, or separate tools. Windows used to meet this requirement shall meet the size and sill height requirements described in 29.30.090 D. and E. All below grade windows used to meet this requirement shall have a window well the full width of the window, constructed of permanent materials with a minimum 3 foot by 3-foot clearance in front of the window measured perpendicular to the outside wall. If the bottom of the window well is more than 44" below the ground level, approved steps or an approved permanently attached ladder shall be used.
- B. Required exit doors and other exits shall be free of encumbrances or obstructions that block access to the exit.
- C. All doorways, windows and any device used in connection with the means of escape shall be maintained in good working order and repair.
- D. In addition to other exit requirements, in hotels and apartment houses:
 1. All fire escapes shall be kept in good order and repair and painted so as to prevent corrosion of metal, in a manner approved by the Fire Marshal.

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2. Every fire escape or stairway, stair platform, corridor or passageway which may be one of the regular means of emergency exit from the building shall be kept free of encumbrances or obstructions of any kind.
3. Where doors to stair enclosures are required by City code to be self-closing, the self-closing device shall be maintained in good working order and it shall be unlawful to wedge or prop the doors open.
4. Windows leading to fire escapes shall be secured against unwanted entry with approved devices.
5. Every apartment house and hotel shall have directional signs in place, visible throughout common passageways, that indicate the way to exit doors and fire escapes. Emergency exit doors and windows shall be clearly labeled for their intended use.

29.30.240 Smoke Detectors.

(Amended by Ordinance Nos. 176381 and 180330, effective August 18, 2006.) 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.

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

(Amended by Ordinance No. 178745, effective October 1, 2004.) 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. Minimum fire safety standards shall be as provided in Appendix Chapter 12 of the State of Oregon Structural Specialty Code, 1979.
- B. Residential High Rise Buildings constructed in accordance with the high-rise building requirements of the Oregon Structural Specialty Code shall maintain all the required fire and life safety systems and equipment in good repair and working order. Upon request of the Director the owner shall produce proof that required fire and life safety systems are fully operational.

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29.30.260 Hazardous Materials.

(Amended by Ordinance No. 180330, effective August 18, 2006.)

- A. When paint is applied to any surface of a residential structure, it shall be lead-free.
- B. Residential property shall be free of dangerous levels of hazardous materials, contamination by toxic chemicals, or other circumstances 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 hazardous conditions on the property, the property shall be in violation of this Title. Any such property shall remain in violation of this Title until such time as the agency has approved the abatement of the hazardous conditions. The Director may order such property vacated pursuant to Section 29.60.070 of this Title.
- C. No residential property shall 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 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 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 be constructed and maintained to properly and safely perform their intended function.
- B. All non-required facilities or equipment present in a dwelling shall be maintained 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 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.

29.30.290 Special Standards for Single-Room Occupancy Housing Units.

(Amended by Ordinance Nos. 176955 and 180330, effective August 18, 2006.) In addition to meeting requirements for residential structures defined elsewhere in this Title, hotels containing single-room occupancy housing units shall comply with the following:

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- A.** The unit shall have at least 100 square feet of floor area, except that any single-room occupancy housing unit constructed pursuant to permit or lawfully constructed prior to permit requirements shall be deemed in compliance with respect to floor area provided it has at least 85 square feet of floor area. This exception shall not apply where any occupancy has been changed or increased contrary to the provisions of this Title.
- B.** Either a community kitchen with facilities for cooking, refrigeration, and washing utensils shall be provided on each floor, or each individual single-room occupancy housing unit shall have facilities for cooking, refrigeration and washing utensils. In addition, facilities for community garbage storage or disposal shall be provided on each floor.
- C.** Where cooking units are provided in individual single-room occupancy housing units, they shall conform to the requirements set forth below.

 - 1.** All appliances shall be hard-wired and on separate circuits or have single dedicated connections;
 - 2.** All cooking appliances shall be fixed and permanent;
 - 3.** The Mechanical Specialty Code, as adopted by Section 27.01.030, shall be used for setting standards for cooking appliances. Cabinets over cooking surfaces shall be 30 inches above the cooking surface, except that this distance may be reduced to 24 inches when a heat shield with 1-inch airspace and extending at least 6 inches horizontally on either side of the cooking appliance is provided. Cooking appliances are limited to two cooking elements or burners and located with at least a 6-inch clear space in all directions from the perimeter of the cooking element or burner. In lieu of two-burner cooking appliances, standard third-party tested and approved ranges with ovens are acceptable, provided that the units are fixed and hard-wired or have single dedicated connections;
 - 4.** All cooking appliances shall be installed under permit from the Bureau of Development Services; and
 - 5.** All cooking appliances shall be installed so as to provide a minimum clear workspace in front of the appliance of 24 inches.

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Chapter 29.40

DANGEROUS AND DERELICT STRUCTURES

Sections:

- 29.40.005 Generally.
- 29.40.010 Derelict Buildings.
- 29.40.020 Dangerous Structures
- 29.40.030 Abatement of Dangerous Structures.

29.40.005 Generally.

No property shall contain any dangerous structure or derelict building as described in this chapter. All such structures shall be repaired or demolished.

29.40.010 Derelict Buildings.

(Amended by Ordinance Nos. 176381 and 181699, effective April 25, 2008.)

- A.** A derelict building shall be considered to exist whenever any building, structure, or portion thereof which is unoccupied meets any of the following criteria or any residential structure which is at least 50% unoccupied meets any of the following two criteria:
 - 1.** Has been ordered vacated by the Director pursuant to Chapter 29.60;
 - 2.** Has been issued a correction notice by the Director pursuant to Section 29.60.050;
 - 3.** Is unsecured;
 - 4.** Is boarded;
 - 5.** Has been posted for violation of Chapter 29.20 more than once in any two year period; or
 - 6.** Has, while vacant, had a nuisance abated by the City pursuant to this Title.
- B.** Any property which has been declared by the Director to include a derelict building shall be considered in violation of this Title until:
 - 1.** The building has been lawfully occupied;

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2. The building has been demolished and the lot cleared and graded under building permit, with final inspection and approval by the Director; or
3. The owner has demonstrated to the satisfaction of the Director that the property is free of all conditions and in compliance with all notices listed in the definition of a derelict building in this Section.

29.40.020 Dangerous Structures.

Any structure which has any or all of the following conditions or defects to the extent that life, health, property, or safety of the public or the structure's occupants are endangered, shall be deemed to be a dangerous structure and such condition or defects shall be abated pursuant to Sections 29.60.050 and 29.60.080 of this Title.

- A. **High loads.** Whenever the stress in any materials, member, or portion of a structure, due to all dead and live loads, is more than 1-1/2 times the working stress or stresses allowed in the Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location.
- B. **Weakened or unstable structural members or appendages.**
 1. Whenever any portion of a structure has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability is materially less than it was before such catastrophe and is less than the minimum requirements of the Oregon State Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location; or
 2. Whenever appendages including parapet walls, cornices, spires, towers, tanks, statuary, or other appendages or structural members which are supported by, attached to, or part of a building, and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Oregon State Structural Specialty and Fire and Life Safety Code.
- C. **Buckled or leaning walls, structural members.** Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- D. **Vulnerability to earthquakes, high winds.**
 1. Whenever any portion of a structure is wrecked, warped, buckled, or has settled to such an extent that walls or other structural portions have

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materially less resistance to winds or earthquakes than is required in the case of similar new construction; or

2. Whenever any portion of a building, or any member, appurtenance, or ornamentation of the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Oregon State Structural Specialty Code and Fire and Life Safety Code for such buildings.

E. Insufficient strength or fire resistance. Whenever any structure which, whether or not erected in accordance with all applicable laws and ordinances:

1. Has in any non-supporting part, member, or portion, less than 50 percent of the strength or the fire-resisting qualities or characteristics required by law for a newly constructed building of like area, height, and occupancy in the same location; or
2. Has in any supporting part, member, or portion less than 66 percent of the strength or the fire-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

This subsection does not apply to strength required to resist seismic loads. For application of seismic requirements see Chapter 24.85.

F. Risk of failure or collapse.

1. Whenever any portion or member of appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property; or
2. Whenever the structure, or any portion thereof, is likely to partially or completely collapse as a result of any cause, including but not limited to:
 - a. Dilapidation, deterioration, or decay;
 - b. Faulty construction;
 - c. The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such structure; or

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- d.** The deterioration, decay, or inadequacy of its foundation.
- G. Excessive damage or deterioration.** Whenever the structure exclusive of the foundation:
 - 1. Shows 33 percent or more damage or deterioration of its supporting member or members;
 - 2. 50 percent damage or deterioration of its non-supporting members; or
 - 3. 50 percent damage or deterioration of its enclosing or outside wall coverings.
- H. Demolition remnants on site.** Whenever any portion of a structure, including unfilled excavations, remains on a site for more than 30 days after the demolition or destruction of the structure;
- I. Lack of approved foundation.** Whenever any portion of a structure, including unfilled excavations, remains on a site, including:
 - 1. Where a structure is not placed on an approved foundation and no valid permit exists for a foundation for that structure: or
 - 2. For more than 90 days after issuance of a permit for a foundation for a structure, where the structure is not placed on an approved foundation.
- J. Fire hazard.** Whenever any structure is a fire hazard as a result of any cause, including but not limited to: Dilapidated condition, deterioration, or damage; inadequate exits; lack of sufficient fire-resistive construction; or faulty electric wiring, gas connections, or heating apparatus.
- K. Other hazards to health, safety, or public welfare.**
 - 1. Whenever, for any reason, the structure, or any portion thereof, is manifestly unsafe for the purpose for which it is lawfully constructed or currently is being used; or
 - 2. Whenever a structure is structurally unsafe or is otherwise hazardous to human life, including but not limited to whenever a structure constitutes a hazard to health, safety, or public welfare by reason of inadequate maintenance, dilapidation, unsanitary conditions, obsolescence, fire hazard, disaster, damage, or abandonment.

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L. Public nuisance.

1. Whenever any structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence; or
2. Whenever the structure has been so damaged by fire, wind, earthquake or flood or any other cause, or has become so dilapidated or deteriorated as to become:
 - a. An attractive nuisance, or
 - b. A harbor for vagrants or criminals.

M. Chronic dereliction. Whenever a derelict building, as defined in this Title, remains unoccupied for a period in excess of 6 months or period less than 6 months when the building or portion thereof constitutes an attractive nuisance or hazard to the public.

N. Violations of codes, laws. Whenever any structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such structure provided by the building regulations of this City, as specified in the Oregon State Structural Specialty Code and Fire and Life Safety Code or any law or ordinance of this State or City relating to the condition, location, or structure or buildings.

29.40.030 Abatement of Dangerous Structures.

All structures or portions thereof which are determined after inspection by the Director to be dangerous as defined in this Title are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified herein. If the Director determines that a structure is dangerous, as defined by this Title, the Director may commence proceedings to cause the repair, vacation, demolition, or warehousing of the structure.

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Chapter 29.50

OTHER REQUIREMENTS

Sections:

- 29.50.010 Permits Required.
- 29.50.020 Inspections Required.
- 29.50.030 Requested Inspections for Residential Structures.
- 29.50.040 Occupancy of Residential Property After Notice of Violation.
- 29.50.050 Illegal Residential Occupancy.
- 29.50.060 Interference with Repair, Demolition, or Abatement Prohibited.
- 29.50.070 Warehousing of Structures.

29.50.010 Permits Required.

No person, firm or corporation shall construct, alter, repair, move, improve, or demolish any structure without first obtaining applicable building permits as required by City code.

29.50.020 Inspections Required.

(Amended by Ordinance No. 180330, effective August 18, 2006.) All buildings, structures, or other improvements within the scope of this Title and all construction work for which a permit is required shall be subject to inspection as required by the City Code.

29.50.030 Requested Inspections for Residential Structures.

(Amended by Ordinance No. 176528, effective June 28, 2002.) Requested inspections that are not part of the City's code enforcement program will be made as soon as practical after payment to the Director of the fee specified in the Property Maintenance Regulations Fee Schedule as approved by City Council.

29.50.040 Occupancy of Residential Property After Notice of Violation.

(Amended by Ordinance Nos. 172088, 176381, and 176528, effective June 28, 2002.)

- A. If a notice of violation of Chapters 29.30 or 29.40 has been issued, and if the affected structure or any portion thereof is or becomes vacant, it shall be:
 - 1. Unlawful to re-enter the affected structure or any portion thereof between the hours of 10:00 p.m. 7:00 a.m. for any use of, or presence in, the affected structure or portion thereof unless authorized in writing by the Director.
 - 2. Unlawful to re-enter the affected structure or portion thereof between the hours of 7:00 a.m. and 10:00 p.m. for any purpose other than work

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associated with the correction of violations noted in the Notice of Violation.

3. Except as provided above in subsection 2., it is unlawful to occupy the affected structure or portion thereof without prior written approval from the Director.

- B. In addition to any civil penalties imposed pursuant to Section 22.05.010 A.5. or Section 29.70.020 D., and as collected through a municipal lien process, any person unlawfully occupying any such affected structure or portion thereof shall upon conviction be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or both.

29.50.050 Illegal Residential Occupancy.

When a property has an illegal residential occupancy, including but not limited to occupancy of tents, campers, motor homes, recreational vehicles, or other structures or spaces not intended for permanent residential use or occupancy of spaces constructed or converted without permit, the use shall be abated or the structure brought into compliance with the present regulations for a building of the same occupancy.

29.50.060 Interference with Repair, Demolition, or Abatement Prohibited.

It is unlawful for any person to obstruct, impede, or interfere with any person lawfully engaged in:

- A. The work of repairing, vacating, warehousing, or demolishing any structure pursuant to the provisions of this Title;
- B. The abatement of a nuisance pursuant to the provisions of this Title; or
- C. The performance of any necessary act preliminary to or incidental to such work as authorized by this Title or directed pursuant to it.

29.50.070 Warehousing of Structures.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A. When the Director determines that a structure is suitable, due to its historic designation or other significant features, the owner may be permitted to warehouse such structure, as defined in this Title, for a period of up to 30 months. An extension for one further period of 1 year may be permitted by the Director, provided that the condition of the warehoused structure is determined by inspection, to be satisfactory.
- B. The Director shall have the authority to adopt and enforce written rules concerning the maintenance and monitoring of warehoused structures. The

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requirements for the warehousing of each structure under the rules shall be recorded in the files of the Bureau of Development Services.

- C.** All work necessary in warehousing a structure shall be carried out under permits required by City Codes.
- D.** Owners of a warehoused structure shall continue to be subject of the penalties set forth in Chapter 29.70 to pay the Bureau of Development Services for the cost of regular inspections of their buildings during the warehousing period.

Chapter 29.60

ADMINISTRATION AND ENFORCEMENT

Sections:

29.60.010	Administration Authority and Responsibility.
29.60.020	Authorization to Inspect.
29.60.030	Enforcing Compliance.
29.60.040	Right of Entry; Inspection Warrants.
29.60.050	Notice and Order.
29.60.060	Nuisance Abatement; Warrants.
29.60.070	Vacating Structures in the Event of Immediate Danger.
29.60.080	Referral to the Hearings Officer for Repair or Demolition of Dangerous Structures.
29.60.085	Demolition; Warrants
29.60.090	Contracts to Repair or Demolish.
29.60.100	Exceptions.

29.60.010 Administration Authority and Responsibility.

The Director is hereby authorized to administer and enforce all of the provisions of this Title. In accordance with approved procedures, the Director may employ qualified officers, inspectors, assistants, and other employees as shall be necessary to carry out the provisions of this Title. The authority of the Director to enforce the provisions of this Title is independent of and in addition to the authority of other City officials to enforce the provisions of any other Title of the City Code.

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29.60.020 Authorization to Inspect.

(Amended by Ordinance No. 176955, effective October 9, 2002.) The Director is authorized to make inspection of property for the purposes of enforcing this Title. Wherever possible, inspections made by the personnel of the Bureau of Development Services or Fire shall be coordinated in order to avoid the issuance of multiple or conflicting orders.

29.60.030 Enforcing Compliance.

To enforce any of the requirements of this Title, the Director may gain compliance by:

- A. Instituting an action before the Code Hearings Officer as set out in Title 22 of City code;
- B. Causing appropriate action to be instituted in a court of competent jurisdiction; or
- C. Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

29.60.040 Right of Entry; Inspection Warrants.

(Replaced by Ordinance No. 173248; amended by Ordinance Nos. 174225 and 176381, effective May 10, 2002.)

- A. Right of Entry. The Director may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any building regulations, or whenever the Director has reasonable cause to believe that there exists in any structure or upon any property any condition which makes such property substandard as defined in any building regulations. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:
 - 1. Occupied Property. If any structure on the property is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant;
 - 2. Unoccupied Property.
 - a. If the property is unoccupied, the Director shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant.
 - b. If structures on the property are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons

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having charge or control of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant; or

3. Open, Unoccupied Property. If any structure on the property is unoccupied and open:
 - a. The Director shall notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons. If the property is not secured within fifteen (15) days from the date notice is sent, the Director may secure the property as provided in PCC Chapter 29.20.
 - b. If the Director believes that a hazardous condition exists, the Director may immediately secure the property as provided in PCC Chapter 29.20. Following the summary abatement, the Director shall notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection or abatement warrant.

B. Grounds for Issuance of Inspection Warrants; Affidavit.

1. Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.
2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any building regulation exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with building regulations.

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C. Procedure for Issuance of Inspection Warrant.

1. Examination. Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.
2. Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.
3. Police Assistance. In issuing an inspection warrant on unoccupied property, including abatement warrants pursuant to Section 29.60.060, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the Director or representative of the department inspecting the property in any way necessary to complete the inspection.

D. Execution of Inspection Warrants

1. Occupied Property. Except as provided in subsection 2. of this section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.
2. Unoccupied Property. In executing an inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1. of this section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.
3. Return. An inspection warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 10

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working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

29.60.050 Notice and Order.

(Amended by Ordinance Nos. 177254 and 180330, effective August 18, 2006.)

- A. Notification Required.** Except in the case of summary abatement or immediate danger, if the Director finds one or more violations of the provisions of this Title on a property or adjacent right of way, the Director shall notify the property owner to repair, remove or take any other action as necessary to correct the violations. Notification to the property owner shall be accomplished by mailing a notice to the owner, at the owner's address as recorded in the county assessment and taxation records for the property. The notice may be sent via First Class Mail or certified mail at the Director's discretion. Notice to the property owner may also be accomplished by posting notice on the property.

In addition to the above notice to the property owner, prior notice before towing a disabled vehicle must be provided by mailing a notice to the registered owner(s) and any other persons who reasonably appear to have an interest in the vehicle within 48 hours, Saturdays, Sundays and holidays excluded, after the notice has been posted on the property. The Director shall also provide notice to the registered owner and other persons who have an interest in the disabled vehicle by posting written notice on the vehicle.

- B. Content of the Notice.** The notice shall include:

1. The date of posting (if notice was posted at the property);
2. The street address or a description sufficient for identification of the property;
3. A statement that one or more violations of this Title exist at the property with a general description of the violation(s);
4. Disclosure that penalties, charges, and liens may result from a failure to remedy the violations, and in the case of a disabled vehicle, a statement that the City intends to tow and remove the vehicle if the violation is not corrected;
5. Specification of a response period during which the property may be brought into compliance with this Title before penalties, charges, or liens will be assessed; and

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6. Disclose the owner's right to appeal the findings of the notice of violation and a description of the time limits for requesting an administrative review or a hearing, as described in Chapter 29.80 of this Title.
- C. Notification by Mail.** An error in the name of the property owner or address listed in the county assessment and taxation records for the property shall not render the notice void, but in such case the posted notice, if a notice was posted on the property, shall be deemed sufficient.
- D. Notification Following Summary Abatement.** When summary abatement is authorized by this Title, the decision regarding whether or not to use summary abatement shall be at the Director's discretion. In the case of summary abatement, notice to the owner or occupant of the property prior to abatement is not required. However, following summary abatement, the Director shall post upon the property liable for the abatement a notice describing the action taken to abate the nuisance violation. In addition, a Notice of Summary Abatement shall be mailed to the property owner. The Notice of Summary Abatement shall include:
1. The date the nuisance on the property was abated;
 2. The street address or description sufficient for identification of the property;
 3. A statement of the violations of Title 29 that existed at the property and were summarily abated;
 4. Disclosure that penalties, charges and liens will result from the summary abatement;
 5. Disclosure of the owner's right to appeal the findings of the notice.
- E. Compliance Inspections and Penalties.** The Director shall monitor compliance with the notice through periodic tracking and inspection. Once a notice has been mailed, the owner shall be responsible for all enforcement penalties associated with the property, as described in Chapter 29.70, until the violations are corrected and the Director has been so notified. Except in the case of summary abatement, whenever the owner believes that all violations listed in the first or any subsequent notice of violation have been corrected, they shall notify the Director.
- F. Time Limits for Repair.** The Director may set time limits in which the violations of this Title are to be corrected. Failure to comply with the time limits shall be a violation of this Title.

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- G. Effective Date of Notice.** All notices served pursuant to this section shall be considered served as of the date and time of mailing the notice described in subsections A. and C. of this section.
- H. Information Filed with County Recorder.** If the Director finds violations of this Title on any property, the Director may record with the County Recorder information regarding City code violations and possible liens on the property.

29.60.060 Nuisance Abatement; Warrants.

(Replaced by Ordinance No. 173248; amended by Ordinance No. 176381, effective May 10, 2002.)

- A. Abatement.** If, within the time limit set by the Director in the notice of violation, any nuisance described in the notice has not been removed and abated, or cause shown, as specified in Chapter 29.80 of this Title, why such nuisance should not be removed or abated, or where summary abatement is authorized, the Director may cause the nuisance to be removed and abated, including disposal in an approved manner.
- B. Warrants.** The Director may request any Circuit Court judge to issue an nuisance abatement warrant whenever entry onto private property is necessary to remove and abate any nuisance, or whenever the Director has reasonable cause to believe that there exists in any building or upon any property any nuisance which makes such property substandard as defined in any building regulations.
- C. Grounds for Issuance of Nuisance Abatement Warrants; Affidavit.**
 - 1. Affidavit.** A nuisance abatement warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the removal and abatement of the nuisance, the building or property to be entered, the basis upon which cause exists to remove or abate the nuisance, and a statement of the general types and estimated quantity of the items to be removed or conditions abated.
 - 2. Cause.** Cause shall be deemed to exist if reasonable legislative or administrative standards for removing and abating nuisances are satisfied with respect to any building or upon any property, or if there is cause to believe that a nuisance violation exists, as defined in this Title, with respect to the designated property.
- D. Procedure for Issuance of a Nuisance Abatement Warrant.**

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1. Examination. Before issuing a nuisance abatement warrant, the judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.
2. Issuance. If the judge is satisfied that cause for the removal and abatement of any nuisance exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement of the general types and estimated quantity of the items to be removed or conditions abated. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.
3. Police Assistance. In issuing a nuisance abatement warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the representative of the bureau in any way necessary to enter the property and, remove and abate the nuisance.

E. Execution of Nuisance Abatement Warrants.

1. Occupied Property. Except as provided in subsection 2. of this section, in executing a nuisance abatement warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.
2. Unoccupied Property. In executing a nuisance abatement warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1. of this section, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the nuisance abatement warrant shall be conspicuously posted on the property.
3. Return. A nuisance abatement warrant must be executed within 10 working day of its issue and returned to the judge by whom it was issued

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within 10 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

- F.** Disposal of Nuisance Items Removed. The Director may cause the nuisance items removed pursuant to the nuisance abatement warrant to be disposed of in an approved manner whenever the Director, in the Director's sole discretion, finds that the fair and reasonable value of the items at resale would be less than the cost of storing and selling the items. In making the above determination, the Director may include in the costs of sale the reasonable cost of removing the items to a place of storage, of storing the items for resale, of holding the resale including reasonable staff allowances, and all other reasonable and necessary expenses of holding the sale

29.60.070 Vacating Structures.

(Amended by Ordinance No.176381, effective May 10, 2002.)

- A.** Any structure found to be in violation of Chapter 29.30 to such an extent as to be a hazard or declared a dangerous structure under Chapter 29.40 may be vacated, secured, and maintained against entry by order of the Code Hearings Officer.
- B.** If the Director finds violations to the extent that an immediate danger is posed to the health, safety, or welfare of the occupants, or that of the general public, the Director may order part of the structure, or all of the structure, to be vacated or demolished forthwith, if in the Director's discretion, circumstances are found that do not allow time for prior application to the Hearings Officer.
- 1.** The owner or any tenant of the property, who has been affected by the Director's determination to vacate may appeal that determination to the Code Hearings Officer by following the procedure contained in Section 22.20.030 of City code.
- 2.** Upon receipt of a request for hearing pursuant to Section 22.20.030 of City code, the Code Hearings Officer shall schedule and hold an appeal hearing within ten (10) days after the receipt of the request.
- C.** Upon vacation of the structure a notice shall be posted at or on each exit of the building. Whenever such notice is posted, the Director shall include in such notice a statement declaring the building unsafe to occupy and specifying the conditions that necessitate the posting.
- D.** Unless authorized by the Director, it is unlawful for any person knowingly to enter or remain in any structure that the Director has ordered vacated pursuant to this Section. In addition to any civil penalties imposed pursuant to Section 22.05.010A.5. or Chapter 29.70 of City code, any person knowingly entering or

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remaining in such a structure shall upon conviction be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or both.

29.60.080 Referral to the Hearings Officer for Repair or Demolition of Dangerous Structures.

(Amended by Ordinance No. 176955, effective October 9, 2002.) At any time after the Director identifies a property as containing a dangerous structure and has notified the owner as specified in Section 29.60.050, the Director may cause an action to be instituted before the Code Hearings Officer as provided in Title 22 of City code. In the event the owner fails or neglects to comply with any order of the Hearings Officer to repair or demolish a structure, the Hearings Officer may authorize the Bureau of Development Services to carry out such repairs or demolish the structure.

29.60.085 Demolition; Warrants

(Added by Ordinance No. 174265; amended by Ordinance No. 176381, effective May 10, 2002.)

- A.** Abatement. If, within the time limit set by the Hearings Officer's Order for Demolition, the dangerous structure described in the Order has not been removed and abated, or cause shown, as specified in Chapter 29.80 of this Title, why such dangerous structure should not be removed or abated, or where summary abatement is authorized, the Director may cause the dangerous structure to be removed and abated, including disposal in an approved manner.
- B.** Warrants. The Director may request any Circuit Court judge to issue a demolition warrant whenever entry onto private property is necessary to demolish a dangerous structure.
- C.** Grounds for Issuance of Demolition Warrants; Affidavit

 - 1.** Affidavit. A demolition warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the demolition of the dangerous structure, the building or property to be entered, the basis upon which cause exists to demolish the dangerous structure and a general statement describing the structure to be demolished. In addition, the affidavit shall contain a statement describing the conditions under which the demolition is to be completed, including completion of all work on the property within a thirty-day period.
 - 2.** Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards are satisfied with respect to the demolition of the dangerous structure.

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D. Procedure for Issuance of a Demolition Warrant.

1. Examination. Before issuing a demolition warrant, the judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.
2. Issuance. If the judge is satisfied that cause for the demolition of any dangerous structure exists and that the other requirements for granting the application are satisfied, the judge shall issue the demolition warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement describing the structure to be demolished and the work to be performed. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.
3. Police Assistance. In issuing a demolition warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the representative of the bureau in any way necessary to enter the property and demolish the dangerous structure.

E. Execution of Demolition Warrants.

1. Execution. In executing the demolition warrant, the person authorized to execute the warrant need not inform anyone of the person's authority or purpose but may promptly enter the designated property if it is or at the time reasonably appears to be a) unoccupied, or b) not in the possession of any person. A copy of the demolition warrant shall be conspicuously posted on the property.
2. Return. A demolition warrant must be executed within 10 working days of its issuance by the judge. The authority to enter into the property and perform the demolition work shall continue for a period of up to 30 days after the date of execution, unless the judge extends this time before it has expired. The executed warrant shall be returned to the judge upon the completion of the demolition or the expiration of the authorized time, whichever occurs first. If the warrant is not executed within 10 days after the issuance by the judge, the warrant shall be void.

F. Disposal of Demolition Debris. The Director may cause the debris to be removed pursuant to the demolition warrant and disposed of in an approved manner

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whenever the Director, in the Director's sole discretion, finds that the fair and reasonable value of the debris would be less than the cost of storing and selling the items. In making the above determination, the Director may include in the costs of sale the reasonable cost of removing debris to a place of storage, of storing the items for resale, of holding the resale including reasonable allowances for costs of staff, and any other reasonable and necessary expenses of holding a sale.

29.60.090 Contracts to Repair or Demolish.

(Amended by Ordinance No. 176955, effective October 9, 2002.) If the Bureau of Development Services is authorized to repair or demolish a structure by the Hearings Officer pursuant to 29.60.080, the Director is authorized to enter into a contract or contracts for such work on behalf of the City in a sum not to exceed \$18,000 on any single structure.

Repair or demolition contracts in excess of \$18,000 shall be approved by Council by ordinance. Any sums expended by the City for repair or demolition of any structure pursuant to this Chapter shall be a lien upon the structure and/or real property on which the structure is located pursuant to the provisions of Chapter 22.06 of City code.

29.60.100 Exceptions.

(Replaced by Ordinance No. 177254, effective March 14, 2003.)

- A.** The Director may grant an exception when the enforcement of the requirements of this Title would cause undue hardship to the owner or occupants of the affected property, or whenever the Director deems it necessary in order to accomplish the purpose of this Title.
- B.** To carry out the intent of this Section the Director shall establish written policies in the form of waivers to explain the exceptions that are available to property owners. The waivers shall include the following information:

 - 1. An explanation of the purpose of the waiver;
 - 2. A list of the requirements the owner must meet in order to qualify for the waiver;
 - 3. An explanation of the period of time during which the waiver will be in effect;
 - 4. A list of the actions the owner must perform to fulfill their responsibilities to maintain the waiver and to prevent the waiver from being cancelled.
- C.** The owner must apply for a waiver in writing. This Section shall not be construed so as to evade the provisions of Title 22.

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Chapter 29.70

COSTS AND PENALTIES

Sections:

- 29.70.005 Generally.
29.70.010 Enforcement Fees for Housing and Dangerous and Derelict Buildings.
29.70.020 Costs and Penalties for Abatement of Nuisances, Disable Vehicles, and Re-occupancy in Violation.
29.70.030 Building Demolition Costs and Penalties.
29.70.040 Chronic Offender.

29.70.005 Generally.

In order to defray the costs of enforcement of, and to encourage compliance with, this Title, the Director shall impose penalties on those properties which are found to be in violation of this Title.

29.70.010 Enforcement Fees for Housing and Dangerous and Derelict Buildings.

(Amended by Ordinance Nos. 176528 and 181699, effective April 25, 2008.)

- A.** The City may charge a penalty in the form of a monthly enforcement fee for each property found in violation of Chapters 29.30 or 29.40 of this Title that meets the following conditions:
- 1.** The property is a subject of a notice of violation of this Title as described in Section 29.60.050;
 - 2.** A response period of 30 days has passed since the effective date of the initial notice of violation; and
 - 3.** The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.
- B.** The amount of the monthly enforcement fee shall be charged according to the Property Maintenance Regulations Fee Schedule as approved by the City Council. If all violations are not corrected within six months from the date of the initial notice of violation, subsequent enforcement fees shall be twice the amount stated

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in the Property Maintenance Regulations Fee Schedule as approved by the City Council.

- C.** Whenever the owner believes that all violations listed in the first or any subsequent notice of violation have been corrected, they shall so notify the Director. Upon receipt of such notice, the Director shall promptly schedule an inspection of the property and shall notify the owner if any violations remain uncorrected.
- D.** Once monthly enforcement fees begin, they shall continue until all violations listed in the first or any subsequent notice of violation have been corrected, inspected and approved.
- E.** When a property meets the conditions for charging an enforcement fee as described in this Section, the Director shall file a statement with the City Auditor that identifies the property, the amount of the monthly fee, and the date from which the charges are to begin. The Auditor shall then:
 - 1.** Notify the property owner(s) of the assessment of enforcement fees;
 - 2.** Record a property lien in the Docket of City Liens;
 - 3.** Bill the property owner(s) monthly for the full amount of enforcement fees owing, plus additional charges to cover administrative costs of the City Auditor; and
 - 4.** Maintain lien records until:
 - a.** The lien and all associated interest, penalties, and costs are paid in full; and
 - b.** The Director certifies that all violations listed in the original or any subsequent notice of violation have been corrected.

29.70.020 Costs and Penalties for Abatement of Nuisances, Disable Vehicles, and Re-occupancy in Violation.

(Replaced by Ordinance No. 176528; amended by 176955, effective October 9, 2002.)

- A.** Nuisances.
 - 1.** Whenever a nuisance is abated by the City, the Director shall keep an accurate account of all expenses incurred for each nuisance abated including but not limited to abatement costs, civil penalties, administrative

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costs, recorders fees and title report charges according to the Property Maintenance Regulations Fee Schedule as approved by City Council.

2. When the City has abated a nuisance maintained by any owner of real property, for each subsequent nuisance which is abated by the City within 2 consecutive calendar years concerning real property, owned by the same person, an additional civil penalty according to the Property Maintenance Regulations Fee Schedule shall be added to the costs, charges and civil penalties provided for in subsection A. of this Section. The additional civil penalty shall be imposed without regard to whether the nuisance abated by the City involved the same real property or are of the same character.
3. Costs and penalties resulting from nuisance abatement shall be assessed as a lien upon the real property as provided in subsection D.

B. Disabled Vehicles.

1. Whenever a vehicle is removed from real property by the City, the Director shall keep an accurate account of all expenses and penalties incurred for each disabled vehicle removed including but not limited to abatement costs, civil penalties, administrative costs, recording fees, and title report charges according to the Property Maintenance Regulations Fee Schedule as approved by the City Council.
2. Whenever a disabled vehicle, which has been tagged by the City of Portland, is removed from real property and placed on the public right-of-way, the owner of the real property shall be responsible for that vehicle. The Director shall remove the disabled vehicle from the right-of-way and keep an accurate account of all expenses and penalties incurred for each disabled vehicle removed including but not limited to abatement costs, civil penalties, administrative costs, recording fees and title report charges according to the Property Maintenance Regulations Fee Schedule as approved by the City Council.
3. Costs and penalties resulting from the abatement of disabled vehicles shall be assessed as a lien upon the real property as provided in subsection D.

C. Occupancy of Property After Notice of Violation.

1. Whenever an owner causes or permits a vacant structure or portion thereof to be occupied in violation of this Title, a penalty according to the Property Maintenance Fee Schedule as approved by the City Council shall be imposed per structure or portion thereof.

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2. Costs and penalties resulting from the occupancy of property after notice of violation shall be assessed as a lien upon the real property as provided in subsection D.
- D. When a property meets the conditions for assessment of costs and/or penalties as described in sections A., B. or C. above, the Bureau of Development Services shall file a statement of such costs and/or penalties with the Auditor. Upon receipt of the statement, the Auditor shall mail an assessment notice to the property owner. The notice shall include the amount due plus charges to cover the administrative costs of the City Auditor. At the same time the notice is mailed by the Auditor, the Auditor shall enter the amount due or the amount of the unpaid balance, plus charges to cover the administrative cost of the City Auditor, in the Docket of City Liens which shall thereafter constitute a lien against the property. The property owner is responsible for paying all liens assessed against the property.

29.70.030 Building Demolition Costs and Penalties.

(Amended by Ordinance No. 176528, effective June 28, 2002.)

- A. Whenever a building is demolished by the City, the Director shall keep an accurate account of all expenses incurred for each building demolished, including but not limited to abatement costs, civil penalties plus administrative costs according to the Property Maintenance Regulations Fee Schedule as approved by the City Council.
- B. Costs and penalties resulting from demolition by the City of any structure pursuant to this Title plus charges to cover the administrative costs of the City Auditor shall be assessed as a lien upon the real property on which the structure was located pursuant to the provisions of Chapter 22.06 of City code.

29.70.040 Chronic Offender.

(Added by Ordinance No. 181699, effective April 25, 2008.)

- A. A Chronic Offender is any person whose property has accumulated, within any 12-month period, multiple violations under Title 29 which have a negative impact on the public health or welfare and cause repeat inspections and enforcement efforts by the Director.
- B. The Director shall adopt policies and procedures setting forth the type and number of Title 29 violations that result in a Chronic Offender designation.
- C. The Director may pursue any of the following actions against a Chronic Offender:

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1. Refer the Chronic Offender to the Code Hearings Officer, as provided in Title 22 of the City Code, for additional sanctions; 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.

Chapter 29.80

APPEALS

Sections:

- 29.80.010 Administrative Review.
29.80.020 Appeals to the Code Hearings Officer.
29.80.030 Further Appeals

29.80.010 Administrative Review

(Amended by Ordinance Nos. 176381 and 176955, effective October 9, 2002.)

- A. Whenever an owner has been given a notice pursuant to this Title and has been directed to make any correction or to perform any act and the owner believes the finding of the notice was in error, the owner may have the notice reviewed by the Director. If a review is sought, the owner shall submit a written request to the Bureau of Development Services within 15 days of the date of the notice. Such review shall be conducted by the Director. The owner requesting such review shall be given the opportunity to present evidence to the Director. Following the review, the Director shall issue a written determination.
- B. Nothing in this Section shall limit the authority of the Director to initiate a proceeding under Title 22.

29.80.020 Appeals to the Code Hearings Officer.

A determination issued pursuant to 29.80.010 may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of City code.

29.80.030 Further Appeals.

All appeals from the Code Hearings Officer's determination pursuant to 29.80.020 shall be by writ of review as authorized by Section 22.04.010 of the City Code and ORS 34.010 - 34.100.

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Chapter 29.90

HOUSING RECEIVERSHIP

Sections:

29.90.010	Purpose and Scope.
29.90.020	Authority.
29.90.030	Selection of Properties.
29.90.040	Notice to Interested Parties and Application.
29.90.050	Selection of Receivers.
29.90.060	Powers of a Receiver.
29.90.070	Plan and Estimate.
29.90.080	Record Keeping.
29.90.090	Purchasing.
29.90.100	Liens.
29.90.110	Foreclosure.
29.90.120	Termination of Receivership.

29.90.010 Purpose and Scope.

The purpose of this Chapter is to establish authority and procedures for the use of the Oregon Housing Receivership Act (ORS 105.420 to 105.455), and shall apply to all residential property.

29.90.020 Authority.

(Amended by Ordinance Nos. 176955 and 180330, effective August 18, 2006.)

- A.** When the Director finds that any residential property is in violation of Titles 24, 25, 26, 27, 28, 29, 31, or 33 and believes that violation is a threat to the public's health, safety or welfare, the Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement. As used in this Chapter, abatement shall mean the removal or correction of any condition at a property that violates any provision of Titles 24, 25, 26, 27, 28, 29, 31, or 33 of the City Code as well as the making of other improvements or corrections as are needed to rehabilitate the property or structure. Abatement may include demolition, but does not include securing a structure against entry.
- B.** In administering the provisions of this Chapter, the Director's authority shall include, but is not limited to:

 - 1.** The selection of properties;

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2. The selection of appropriate receivers; and
3. The establishment of written rules and procedures as are deemed necessary for the administration of this Chapter.

29.90.030 Selection of Properties.

(Amended by Ordinance No. 180330, effective August 18, 2006.) In selecting properties where the City may seek appointment of a receiver, the Director shall consider those properties that have, at a minimum, the following characteristics:

- A. A violation of any provision of Titles 24, 25, 26, 27, 28, 29, 31 or 33 that threatens the public health, safety or welfare;
- B. The owner has not acted in a timely manner to correct the violations; and
- C. Abatement of the violations on this property would further the Housing Policy of the City of Portland as articulated in Goal 4 of the City's Comprehensive Plan.

29.90.040 Notice To Interested Parties and Application.

- A. At least 60 days prior to the filing of an application for appointment of a receiver, the Director shall cause a notice to be sent by regular mail to all interested parties.
- B. The notice shall give the date upon which the City has the right to file with the court for the receiver, and in addition shall:
 1. State the address and legal description of the property;
 2. List the code violations which give rise to the proposed application; and
 3. Give the name, address and telephone number of a person who can provide additional information concerning the violations and their remedy.
- C. If no interested party has taken any action to foreclose their security interest within 60 days of the date of the notice, the Director may thereafter apply for the appointment of a receiver.

29.90.050 Selection of Receivers.

In selecting specific receivers, the Director shall choose either the Housing Authority of Portland, a City bureau, an urban renewal agency, or a private not-for-profit corporation, the primary purpose of which is the improvement of housing conditions within the City. In making the selection, the Director shall consider, at a minimum, the following:

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- A. The location of the property relative to other properties owned or managed by the receiver.
- B. The receiver's experience in rehabilitating and managing this type of property.
- C. The receiver's capacity to take on additional property management responsibilities.

29.90.060 Powers of a Receiver.

A receiver appointed by the court pursuant to the Oregon Housing Receivership Act shall have the authority to do any or all of the following, unless specifically limited by the court:

- A. Take possession and control of the property, including the right to enter, modify and terminate tenancies pursuant to ORS Chapters 90 and 105, and to charge and collect rents and apply rents collected to the costs incurred due to the receivership.
- B. Negotiate contracts and pay all expenses associated with the operation and conservation of the property, including, but not limited to all utility, fuel, custodial, repair, and insurance costs.
- C. Pay all accrued property taxes, penalties, assessments, and other charges imposed on the property by a unit of government, as well as any charge of like nature accruing during the pendency of the receivership.
- D. Dispose of all abandoned personal property found on the property pursuant to ORS Chapter 90.
- E. Enter into contracts and pay for the performance of any work necessary to complete the abatement.
- F. Enter into financing agreements with public or private lenders and encumber the property so as to have moneys available to correct the conditions at the property giving rise to the abatement.
- G. Charge an administrative fee at an hourly rate approved by the court or at a rate of 15 percent of the total cost of abatement, whichever the court deems more appropriate.

29.90.070 Plan and Estimate.

Within 30 days after appointment by the court, a receiver shall submit to the Director a written plan for the abatement. The Director shall approve the plan before the receiver commences work on the abatement.

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29.90.080 Record Keeping.

The receiver shall keep a record of all moneys received and expended and all costs and obligations incurred in performing the abatement and managing the property. Records shall be kept in a form as shall be agreed upon by the receiver and the Director, and copies shall be provided to the Director upon request.

29.90.090 Purchasing.

All abatement work done under this Chapter is exempt from the purchasing and contracting provisions of Chapters 5.32 and 5.68 of City code.

29.90.100 Liens.

- A.** All moneys expended and all costs and obligations incurred by the receiver in performing the abatement shall be reviewed by the court for reasonableness and their necessity in performing the abatement. To the extent that the court finds the moneys, costs, or obligations, to be reasonable and necessary, it shall issue an order reciting this fact as well as the amount found to be reasonable and necessary.
- B.** If the costs and obligations incurred due to the abatement have not been paid, the order of the court shall be filed with the county recorder within 60 days of its filing with the court and shall thereafter constitute a lien on the property.

29.90.110 Foreclosure.

In the event that the lien created pursuant to the terms of this Chapter and the Oregon Housing Receivership Act is not paid in a timely fashion, the receiver or their assignee or other successor in interest may bring a suit or action in foreclosure as provided for by law.

29.90.120 Termination of Receivership.

(Amended by Ordinance No. 180330, effective August 18, 2006.) The receivership authorized pursuant to the terms of this Chapter and the Oregon Housing Receivership Act shall terminate only by an order of the court after a showing by an interested party or the receiver that:

- A.** The abatement has been completed;
- B.** The costs and obligations incurred due to the abatement have been paid by an interested party or a lien has been filed pursuant to Section 29.90.100 of this Chapter; and
- C.** The interested party will manage the property in conformance with the applicable provisions of Titles 24, 25, 26, 27, 28, 29, 31 and 33 of City code.