

Chapter 21.50: Abatement of Building Nuisances

21.50.010 DANGEROUS BUILDING DEFINED

For the purpose of this chapter the term “dangerous building” means any building or structure that has any or all of the conditions or defects hereinafter described, provided that such conditions or defects endanger the life, health, property or safety of the public or the occupants of the buildings or structures:

1. When a door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;
2. When the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half ($1\frac{1}{2}$) times the working stress or stresses allowed in State Building Code, for new buildings of similar structure, purpose or location;
3. When any portion the building has been damaged by fire, earthquake, wind and flood, or be any other cause, to such an extent that the structural strength or stability of the building is materially less than it was before such catastrophe and is less than the minimum requirements of the State Building Code, for new buildings of similar structure, purpose or location;
4. When any portion of member or appurtenance of the building is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
5. When any portion of the building, or any member, appurtenance or ornamentation on 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 ($1/2$) of that specified in the State Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the State Building Code for such buildings;
6. When any portion of the building has wracked, warped, buckled or settled to an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
7. When the building or structure, or any portion thereof, because of (1) dilapidation, deterioration or decay; (2) faulty construction; (3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse;
8. When, for any reason, the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is being used;
9. When an exterior wall or other vertical structural member lists, leans or buckles to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third ($1/3$) of the base;
10. When the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (1) an attractive nuisance to children; (2) a harbor for vagrants, criminals or immoral persons; or as to (2) enable persons to resort thereto for the purpose of committing unlawful or immoral acts;
11. When a building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to the building or structure provided by the

building regulations of the City, as specified in the State Building Code, Volume I, or State Building Code, volume III, Housing, or of any law or ordinance of this State or City relating to the condition, location or structure of buildings;

12. When a building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion, less than fifty (50) percent, or in any supporting part, member or portion less than sixty-six (66) percent of the (1) strength; (2) fire resisting qualities or characteristics; or (3) weather 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;
13. When a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the County Health Department to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease;
14. When a building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistant construction, faulty electrical wiring, gas connection or heating apparatus, or other cause, is determined by the Fire Marshall to be a fire hazard;
15. When a building or structure is in such a condition as to constitute a public nuisance;
16. When a portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute an attractive nuisance or hazard to the public;

21.50.020 MAINTENANCE OF DANGEROUS BUILDINGS

Any person who is the owner of, or is in possession of any dangerous building within the City and knowingly permits the building to be or remain dangerous for a period of ten days after receipt of notice as provided in section 21.50.040 of this chapter is guilty of a violation of this chapter.

21.50.030 HEARING – NOTICE

Whenever the Building Official finds or is of the opinion that there is a dangerous building in the City, it shall be the Building Official's duty to report the same to the City Council. Thereupon the City Council shall, within a reasonable time, fix a time and place for public hearing on the report. The City Recorder shall provide notice of the hearing to the owner of record of the property on which the building is located, the tenant or occupant of the building, and any person or corporation having a lien of record against the property. The notice shall state, in general terms, that a hearing will be held concerning the property and the time and place thereof. At the hearing, the City Council shall determine by resolution whether or not the building is dangerous. The City Council may, as a part of the hearing, inspect the building and the facts observed by the City Council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or other person interested in the property or building shall have the right to be heard, if the owner or person requests the same.

1. Notice required in this section shall be provided by personal service or registered or certified first class mail upon the owner of record of the premises whereupon the building is located, the tenant or occupant of the building, and any person or corporation having a lien of record against the property, if any or all shall be found in the City.

2. Said notice shall be given to such persons or corporation not less than ten days prior to the date of the hearing before City Council.

21.50.040 DETERMINATION OF CITY COUNCIL – COMPLIANCE

At the hearing the City Council shall have the power to order any building declared to be dangerous, removed and abated, if in its judgment such removal and abatement is necessary in order to remove the dangerous condition. The City Council may order the building made safe and to prescribe what acts or things must be done to make the building safe. Notice of the findings and of any orders made by the City Council shall be given to the owner of the building, the owner's agent and to the tenant or occupant of the building. If the City Council orders are not obeyed and the building rendered safe within the time in the specified in the order, the City Council may arrange to have the building removed or made safe and the costs thereof assessed as a lien against the property.

21.50.050 CITY MAY ABATE LIEN

In the event the City Council orders the building removed or made safe, the Council must specify with convenient certainty the work to be done and shall file a statement to that effect with the recorder. The City shall advertise for bids for the completion of the work. All costs incurred by the City to remove the building or make it safe shall be assessed the property on which the building is located. The assessment shall be declared by an ordinance, entered in the docket of the City liens and thereupon become a lien against the property. The creation of a lien and the collection and enforcement of the costs shall be done and performed in substantially the same manner as in the case of the cost of street improvements, but irregularities or informalities in the procedure shall be disregarded.

21.50.060 DANGEROUS BUILDINGS DECLARED NUISANCE

Every building or part thereof that is found by the City Council to be a dangerous building is declared to be a public nuisance and may be abated according to the procedure described in this chapter or by a suit for abatement brought by the City in the Clackamas County Circuit Court. In addition, the Chief of Police or the Building Official may proceed summarily, without prior action by the City Council, to temporarily abate a condition in or on a dangerous building which such official finds to be an unmistakable danger to public health or safety, and from which there is imminent danger to human life or property. Emergency abatement action shall be the minimum necessary to remove the imminent danger to human life or property and such actions shall be promptly reported to the City Council.

21.50.070 BUILDINGS USED FOR ILLEGAL MANUFACTURE

Any building or any portion thereof that has been used for the illegal manufacture or distribution of hazardous chemicals or materials is declared a dangerous building.

21.50.090 VIOLATION – PENALTY

Any person or corporation violating any of the provisions of this chapter shall upon conviction thereof be punished by imprisonment in jail for a period not exceeding thirty (30) days, or by a fine not exceeding five hundred dollars, or by both. Each day the violation exists constitutes a separate offense.

1. The owner of any dangerous building within the City shall not knowingly allow a building to be or remain dangerous after ten (10) days from the date that a notice to abate has been mailed and no written protest has been filed.

2. A person shall not fail to abate a nuisance within the time provided in the Notice and Order of the Building Official.
3. Violation of this ordinance is a Class 1 Civil Infraction and shall be processed in accordance with the procedures set forth in Building Code (BC) 2.10.010 through 2.10.050.
4. The requirement to abate a public nuisance is not a penalty for violating this ordinance but is an additional remedy.