

ORDINANCE NO. 95

AN ORDINANCE PROVIDING FOR THE ABATEMENT OF BUILDING NUISANCES

The City of Lakeside ordains as follows:

Section 1. DEFINITIONS. For the purpose of this ordinance the following definitions apply:

Dangerous building

(a) A structure or building that, for lack of proper repairs or because of age and dilapidated condition, or because of poorly installed electrical wiring or equipment, defective chimney, gas connection or heating apparatus, or for any other reason is a fire hazard.

(b) A structure or building that has defective plumbing or is in such a filthy or unsanitary condition that it is likely to cause the spread of contagious or infectious disease.

(c) A structure or building in such a weak, dilapidated or deteriorated condition that it constitutes a potential danger to persons or property because of the probability of partial or complete collapse.

Person

Every person or persons, firm, partnership, association or corporation.

City Official

Includes all city council members, city police officers and city fire officials and any other person or entity designated by the city council to act in the city's behalf in enforcing the terms of this ordinance.

Section 2. ADOPTION OF STATE CODES.

The city hereby adopts all rules, regulations and codes of the State of Oregon applying to buildings and construction, plumbing, fire protection, machinery and public health. Said codes and regulations are commonly referred to as state building code, state plumbing code, state mechanical code, state fire code and state health regulations.

Section 3. NUISANCE DECLARED. Every building found by the city council to be a dangerous building is declared to be a public nuisance and may be abated by the procedures specified in this ordinance or by a suit for abatement brought by the city.

Section 4. ACTION. When a city official determines that there is a dangerous building within the city's limits, the official shall report it to the city recorder who shall notify the owner of the building and the owner of the property on which the building is situated that correction action must be initiated and completed within a reasonable time, depending on the nature of the public danger involved. If it is an emergency situation, corrective action must begin within forty-eight (48) hours from the moment notice is given and the corrective action must be completed without delay. If corrective action is not provided within the allotted time, the city recorder shall report it to the city council which shall fix a time and place for a public hearing. The purpose of the public hearing shall be to determine what action shall be taken by the city. In case of emergency, the council may conduct a special, emergency meeting upon giving twenty-four (24) hours notice to the public and affected persons or entities located within the city.

Section 5. MANNER OF NOTICE FOR HEARING

(1) The city recorder shall make reasonable effort to notify the owner of the building, and if not the same person, the owner of the property on which the building is situated. The notice shall include:

- (a) The reason for the notice;
- (b) The time and place of the public hearing;
- (c) The purpose of the public hearing and;
- (d) Possible action by the city;

(2) Written notice shall be posted on the property.

Section 6. PUBLISHED AND POSTED NOTICES. Notice of the public hearing shall be published in a newspaper of general circulation in the city and by posting notices in three

public places in the city, unless an emergency situation exists. In such case, only the public postings need be done.

Section 7. PUBLIC HEARING.

(1) At the public hearing, the owner or other persons interested in the dangerous building shall have the right to be heard.

(2) The city council may inspect the building and may consider the facts observed by it in determining if the building is dangerous.

(3) If the city council determines that the building is dangerous, and that corrective action or abatement is necessary, the city council shall by resolution:

(a) order the building to be abated or;

(b) order the building to be made safe and prescribe what must be done to make it safe or;

(c) take whatever action may be necessary to abate the nuisance.

Section 8. COUNCIL ORDERS; NOTICE.

(1) The city council's findings, resolutions and orders shall be given to the owner of the building, his agent or other persons controlling the building within five (5) working days from the time said findings, etc. are made. If the city council's orders are not obeyed and the building not made safe within the time specified by the order, being not less than ten (10) days nor more than ninety (90) calendar days, unless it is an emergency situation requiring immediate action, the city council may order the building demolished or otherwise made safe at the expense of the property on which it is situated.

(2) If the City council orders that abatement must take place, the city council may:

(a) specify the work to be done;

(b) file a statement outlining the work to be done with the city recorder and;

(c) advertise for bids for doing the work.

(3) If the city incurs expense in abating the nuisance, the city council shall determine the cost of the work and assess the cost against the property upon which the building is situated. The assessment shall be declared by resolution, and it shall be entered in the docket of city liens and become a lien against the property.

(4) The creation of the lien and the collection and enforcement of the cost shall be performed in substantially the same manner as assessment for other city liens.

Section 9. SUMMARY ABATEMENT. The procedures of this ordinance need not be followed if a building presents a clear and present danger to the health, safety or welfare of the community. In such an instance, the city may summarily take whatever emergency action is deemed reasonably necessary to correct the situation and protect the public. The city council shall then assess the actual cost of the remedial action as provided in Section 8 of this ordinance.

Section 10. ERRORS IN PROCEDURE. Failure to conform to the procedural requirements of this ordinance that does not substantially prejudice or affect a legal right of a person aggrieved or affected by city action under this ordinance does not invalidate a proceeding under this ordinance.

Section 11. PENALTY. A person who owns or is in possession of or is in charge of a dangerous building, and who allows the building to remain dangerous in contradiction to the city's order(s) under this ordinance may be fined for each day of violation of this ordinance a maximum daily fine of \$500.00 or 10% of the tax assessor's current true market evaluation of said property, whichever is greater.

Adopted by the city council of the City of Lakeside on this 17th day of November, 1983. This ordinance shall take effect on December 18, 1983, the thirtieth day after its enactment.

ATTEST:

Bruce N. Stennett
Bruce N. Stennett,
City Recorder/Administrator
Date: 11-29-83

APPROVED:

W. Van Schoyck
W. Van Schoyck, Mayor

Date: Nov-29, 1983