

TITLE: An Ordinance providing for the vacation, removal, repair or demolition of any buildings or structures which are or threaten to be a public nuisance, dangerous to the health, morals, safety or general welfare of the people of the City of Albany, Oregon, or which might tend to constitute a fire menace; for the assessments of the cost of vacation, removal, repair or demolition thereof, as a municipal lien or assessment against such premises, providing penalties for violations of this Ordinance and declaring an emergency.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: DANGEROUS BUILDINGS DEFINED.

All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings."

- (a) Those whose interior walls or other vertical structure members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (b) Those which, exclusive of the foundation, show 33% or more, of damage or deterioration of the supporting member or members, or 50% of damage or deterioration of the non-supporting and closing or outside walls or covering.
- (c) Those which have improperly distributed loads upon the floors or roofs or on which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (d) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants of the people of the City of Albany.
- (e) Those which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
- (f) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.
- (g) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.
- (h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- (i) Those which are abandoned to the extent that access to such building or structure is easily available to the public, including children without supervision and control.

Section 2: STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed in substance in ordering repair, vacation or demolition:

- (a) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this Ordinance, it shall be ordered repaired.
- (b) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.
- (c) In any case where a "dangerous building" is 50% damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, or repaired, and in all cases where a building cannot

be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this ordinance of any ordinance of the City of Albany or the State of Oregon, it shall be demolished or repaired so that it is no longer a fire hazard.

Section 3: DANGEROUS BUILDINGS -- NUISANCES.

All dangerous buildings within the terms of Section 1 of this Ordinance are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

Section 4: DUTIES OF CITY OFFICIALS

The Fire Marshal shall examine or cause to examine every building of structure or portion thereof reported as a dangerous building in the City of Albany and shall file a written report thereof with the city manager. If such report includes a recommendation that the building structure also be examined by the building inspector, the city manager shall direct the building inspector to inspect the said building and file his report thereon with the city manager. The reports made by the Fire Marshal or the building inspector shall describe the hazardous condition and seriousness of the danger and shall recommend the steps that should be taken. The recommendation may include the following:

- (a) The Fire Marshal contact the building owner and advise him of the condition of the building and obtain an agreement to correct the condition of the building within a reasonable time and establish the date for the compliance.
- (b) That the building inspector contact the building owner and advise him of the dangerous condition and obtain an agreement to remedy such condition within a reasonable time and establish the date for compliance.
- (c) In the event the owner cannot be contacted, then the fire marshal or the building inspector may notify the owner of the property by letter and apprise him of the dangerous condition and establish a date for compliance with any request to eliminate the danger.
- (d) If an agreement cannot be worked out between the fire marshal and the owner of the premises, then it may be recommended that the city attorney be notified of the previous action and he shall immediately issue a formal notice of dangerous building to the property owner by registered mail. Such notice shall state in general terms that the building structure has been determined to be a "dangerous building" and that the danger must be abated and failure to abate the same within the period recommended by the fire marshal shall be cause for the matter to come before the city council at a public hearing. The notice of dangerous building shall also state a date for a public hearing which shall be a regular council meeting not less than fifteen (15) days nor more than forty-five (45) days following the date for compliance as established by the fire marshal.

Section 5: PROCEDURE FOR HEARING AND ABATEMENT.

In the event that a dangerous building has not been repaired within the time as established by the fire marshal or the building inspector as provided in Section 4 of this ordinance, the city council shall conduct a public hearing. The council shall establish a date upon which the hearing is to be held and shall give formal notice thereof to the owner of the property, said notice to be given not less than fifteen (15) days nor more than forty-five (45) days prior to the date of the hearing. At the said hearing, the owner or other person interested in building or structure shall be afforded the opportunity to be heard. If at the conclusion of the hearing the council finds that the building or structure is a "dangerous building" the council shall adopt a resolution declaring the building or structure to be a dangerous building and shall further provide that the danger be abated. The council may include in the resolution an order to repair the property within a fixed time or order the vacation of the premises as a living area or may order the demolition of the building. The council may by resolution fix times in which its orders are to be complied with. A certified copy of the resolution of the council shall be served upon the owner of the property by certified mail. If the resolution of the council is not complied with within the time set forth in the resolution, then the council shall have the power and the duty to order said building or structure removed or made safe at the expense of the property owner. The city council shall direct the city manager to advertise for bids for doing the work in the manner provided in advertising bids for public improvements and upon receipt of the said bids the contract for the work shall be let to the low bidder and the cost thereof assessed against the property owner and the assessment shall be docketed in the city liens of the City of Albany and shall become a lien against the property. The collection and enforcement of said lien shall be in substantially the same manner as in the case of assessments for the cost of public improvements as described in Ordinance No. 2864, City of Albany Ordinances or may be enforced under the provisions of the laws of the State of Oregon.

Section 6: OWNER ABSENT FROM CITY.

In cases, except emergency cases, where the owner, occupant or lessee or mortgagee of the premises is absent from the city, all notices or orders provided for herein shall be sent by certified mail to the owner or occupant or lessee and all other persons having interest in

the said building shown by the assessment records of Linn County, Oregon, to the last known address of each and a copy of such notice to be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service.

Section 7: EMERGENCY CASES

In cases where it reasonably appears there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated or demolished, and the fire marshal has reported such facts to the City Council, the city Council may cause the immediate repair, vacation, or demolition of such "dangerous building". The cost of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided in Section 5 of this ordinance.

Section 8: PENALTIES FOR VIOLATION

Any person who shall be the owner of, or shall be in possession of, or in responsible charge of any dangerous building within the City of Albany, who shall knowingly suffer or permit any such building to be or remain dangerous for as long as ten (10) days after receipt of notice as herein provided, he shall be guilty of a violation of this ordinance and shall, upon conviction thereof in the Municipal Court, be fined not to exceed \$100.00 or imprisonment not to exceed 50 days or by both fine and imprisonment. Each additional day of violation may be treated as a separate offense under this ordinance.

Section 9: EMERGENCY CLAUSE.

Whereas, there are dangerous buildings in the City of Albany and great damage is likely to occur therefrom, it is the opinion of the City Council that an emergency exists and it is necessary for the immediate preservation of the peace, safety and health of the city that this ordinance shall go into full force and effect immediately upon its passage by the Council and approval by the Mayor.

Section 10: REPEALING CONFLICTING ORDINANCES.

Ordinance No. 1417, as amended, and all other ordinances or parts thereof in conflict with any provision of this ordinance are hereby specifically repealed.

Passed by the Council: April 13, 1966

Approved by the Mayor: April 13, 1966

Effective Date: April 13, 1966

Russell W. Sniff
MAYOR

ATTEST:

Ernest W. Ham
City Recorder