

CHAPTER 1432

Dangerous Buildings

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CROSS REFERENCES

Adoption and amendment of State Building Code - see ORS 455.020, 455.030, 455.110, 455.675

Building officials and inspectors - see ORS 455.020, 455.150

Fees - see ORS 455.020, 455.210, 455.220; B. & H. Ch. 1448

Permits - see ORS 455.050, 455.150, 455.210, 455.685, 455.700; B. & H. 1428.03, Ch. 1448

Complaints; suspected violations - see ORS 455.070

Rural area owner-built dwellings; county exemptions - see ORS 455.330 et seq.

Oregon State Structural Specialty Code, Mechanical Specialty Code, Electrical Specialty Code, Plumbing Specialty Code and Oregon and Residential Specialty Code, Oregon Energy Efficiency Specialty Code, International Code Council A117.1 as Amended by the Oregon State Structural Specialty Code

1432.01 PURPOSE.

It is the purpose of this Chapter to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by these Codified Ordinances or otherwise available by law, whereby buildings or structures which endanger the life, limb, health, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished. The purpose of this Chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected, benefited, or targeted by the terms of this Chapter.

(E. Ord. 91-8. Passed 1-30-91; P. Ord. 91-9. Passed 2-13-91; Ord. 2003-1. Passed 1-8-03; Ord. 2017-23. Passed 11-08-17.)

1432.02 (E. Ord. 91-8. Passed 1-30-91; P. Ord. 91-9. Passed 2-13-91; REPEALED by Ord. 2017-23. Passed 11-08-17.)

1432.03 DANGEROUS BUILDING DEFINED.

For the purpose of this Chapter, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects endanger the life, health, property or safety of its occupants or the public.

(a) Whenever any 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.

(b) Whenever the walking surface of any aisle, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(c) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Oregon State Structural Specialty Code ("OSSSC") for new buildings of similar structure, purpose or location.

(d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the OSSSC for new buildings of similar structure, purpose or location.

(e) Whenever any portion or member or appurtenance thereof likely to fail, or to become detached or dislodged, or to collapse and hereby injure persons or damage property.

(f) Whenever any portion of a 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 of that specified in the OSSSC for new buildings of similar structure, purpose or location without exceeding the work stresses permitted in the OSSSC for such buildings.

(g) Whenever any portion thereof has wracked, warped, buckled or settled to such 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.

(h) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

- (i) Whenever, for any reason, the building or structure, or portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (j) 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.
- (k) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- (l) Whenever the building or structure has been so damaged, or has become so dilapidated or deteriorated, or has been vacated and unsecured as to become (i) an attractive nuisance to children; (ii) a harbor for squatters or criminal activity; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful acts.
- (m) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the OSSSC or Housing Code, or of any law or ordinance of this State or jurisdiction relating to the condition, location or structure of buildings.
- (n) Whenever any 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 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) 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.
- (o) Whenever 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's Health and Human Services Department, the Oregon Department of Environmental Quality, or the Building Official, to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (p) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistant construction, faulty or inadequate electric wiring or equipment, gas connections or heating apparatus, chimneys or other cause, is determined by a fire marshal, fire district, or Building Official to be a fire hazard.

(q) Whenever any 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 and unsecured for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(Ord. 2017-23. Passed 11-08-17.)

1432.04 ENFORCEMENT AND INTERPRETATION.

(a) The County Building Official and the Building Official's designees are authorized to enforce the provisions of this Chapter. Subject to the procedures provided in this Chapter for review by Hearings Officers, and on appeal by any court, the County Building Official shall have the power to render interpretations of this Chapter and adopt and enforce policies in order to carry out its provisions.

(b) Right of Entry. When it is necessary to make an inspection to enforce the provisions of this Chapter, or when the Building Official or the Building Official's designee has reasonable cause to believe that a building is a dangerous building as defined in this Chapter, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Chapter, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises by attempting to identify the owner through the County's tax records and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

(Ord. 2017-23. Passed 11-08-17.)

1432.05 DANGEROUS BUILDING DECLARED VIOLATION AND NUISANCE SUBJECT TO ABATEMENT.

(a) It shall be a violation for any person to erect, construct, enlarge, alter, repair, move, improve, convert, equip, use, occupy, or maintain a dangerous building or cause or permit the same to be done.

(b) All buildings or portions thereof which are determined after inspection by the Building Official to be dangerous as defined in this Chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in this Chapter.

1432.06 NOTICE, CITATION, AND ORDER TO IMMEDIATELY VACATE.

(a) Except as provided in subsection (c) of this Section, all notices for a violation of this Chapter shall be issued in accordance with Section 203.03 of these Codified Ordinances and shall be served on the owner of the building in accordance with Section 203.05 of these Codified Ordinances. A copy of the notice described in subsection (b) of this Section shall be attached to the citation.

(b) In addition to a citation served in accordance with subsections (a) and (d) of this Section, the Building Official shall cause a notice to be posted in a conspicuous location on the building or structure that contains:

- (1) A statement that the Building Official has found the building to be a dangerous building with a brief and concise description of the conditions found to render the building dangerous.
- (2) The information required to be placed in citations by subsection 203.03(c) of these Codified Ordinances.
- (3) A statement that the building or structure must be immediately vacated and secured against entry immediately and that it is a Class A Violation to enter or occupy the building if the Building Official makes such a determination in accordance with Section 1432.07 of this Chapter.
- (4) A statement that the building or structure may be demolished or removed if the Building Official has made such a determination in accordance with Section 1432.07 of this Chapter.

(c) When the Building Official cannot locate the owner of a building with reasonable diligence by examining the County's tax records, a Hearings Officer shall not find service to be deficient provided that notice has been posted in accordance with subsection (b) of this Section.

(d) In addition to the service required in subsection (a) of this Section, a citation for a violation of this Chapter shall be served on all persons with a recorded interest in the real property, as reflected in the County's Recording Office records, if the Building Official has determined that the building or structure should be demolished or removed. Such service shall be provided in accordance with Section 203.05 of these Codified Ordinances.

(Ord. 2017-23. Passed 11-08-17.)

**1432.07 ORDER TO IMMEDIATELY VACATE DANGEROUS BUILDING;
ORDER TO DEMOLISH OR REMOVE BUILDING.**

(a) If, due to the condition of the building or structure, the Building Official determines that occupation or entry into a dangerous building constitutes an immediate threat to the life, limb, or safety of an individual, the Building Official may order that the building be immediately vacated and secured against entry. Such an order shall remain in place until the building has received a certificate of occupancy or until a Hearings Officer has dissolved such an order.

(b) If the Building Official has determined that a dangerous building should be immediately vacated and secured against entry and has posted notice in accordance with subsection 1432.06(b) (3) of this Chapter, it shall be a Class A Violation for any person to enter the building except for an individual licensed to engage in the work necessary to remediate the dangerous condition(s). It shall be a Class A Violation for any person to remove or destroy the notice posted in accordance with subsection 1432.06(b)(3) of this Chapter until the building has been demolished, removed, or a certificate of occupancy has been issued for the building.

(c) If, due to the condition of the building or structure, the Building Official determines that the existence of the building constitutes an immediate threat to human life, limb, safety, or health, or if the building constitutes an immediate threat to adjacent property, the Building Official may order that the building be demolished or removed in a time period not longer than 60 days from the date of citation and posting of notice in accordance with subsection 1432.06(b) (4) of this Chapter.

1432.08 HEARINGS PROCEDURE AND PENALTIES.

(a) Except as provided in this Section, all hearings on citations for violations of Section 1432.05 of this Chapter shall be conducted before a Hearings Officer in accordance with the procedures set forth in Chapter 294 of these Codified Ordinances.

(b) If the Building Official has determined that the building should be immediately vacated in accordance with section 1432.07(a) of this Chapter or demolished or removed in accordance with subsection 1432.07(c) of this Chapter, any person provided with service of the citation or notice may request that a hearing take place on a date sooner than the time set for a hearing on the citation and notice. Upon such a request, the hearing shall take place as soon as practicable.

(c) In addition to the penalties provided for in Section 202.99 of these Codified Ordinances, upon a finding by the Hearings Officer that the building is dangerous the Hearings Officer must order that the dangerous building be remediated within a reasonable time. Unless the Hearings Officer orders that the dangerous building be demolished or removed upon a finding upholding the Building Official's determination under subsection 1432.07(c) of this Chapter, a dangerous building may be remediated by repair, rehabilitation, demolition, removal, or by vacating and securing the building against entry. If the Hearings Officer orders that the dangerous building be demolished or removed, the Hearings Officer must explain the basis for the determination. If the Building Official has ordered that the dangerous building be immediately vacated in accordance with subsection 1432.07(a) of this Chapter, the Hearings Officer must make written findings upholding or dissolving such an order.

(d) If a dangerous building remains unremediated following the expiration of the time set for remediation by the Hearings Officer, the defendant may be cited for a continuing violation and the Building Official may remediate the building without further hearing and the actual costs of such remediation shall be charged to the building's owner(s) and may become a lien against the subject property.

(e) Nothing in this Chapter should be construed to eliminate the need for any permit(s) required to remediate a dangerous building.

(Ord. 2017-23. Passed 11-08-17.)