

City of Brookings **WORKSHOP Agenda**

CITY COUNCIL

Monday, August 1, 2011, 4:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Roll Call

C. Topics

1. Changing election filing requirements for Council members [City Recorder, pg. 2]
 - a. Memo to Council dated May 17, 2011 [pg. 3]
2. Property Maintenance Ordinance [Building Official, pg. 4]
 - a. City of Gresham's International Property Maintenance Code [pg.5]
3. Habitat for Humanity Request [City Manager, pg. 27]
 - a. Letter from Habitat for Humanity [pg. 29]
 - b. Memo from Building Official [pg. 31]
 - c. Memo from Planning Director [pg. 32]
 - d. Title and deed information [pg. 33]
 - e. Sewer and storm line location sketch [pg. 39]
4. Budget Reduction Implementation [City Manager, pg. 40]
 - a. June 6, 2011, Budget Committee motion [pg. 42]
5. Strategic Plan Review – updated July 25, 2011 [City Manager, pg. 43]

D. Council Member Requests for Workshop Topics

E. Adjournment

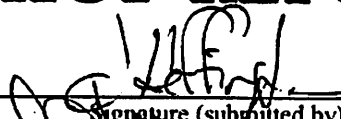
All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with advance notification. Please call 469-1102 if you have any questions regarding this notice.

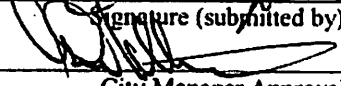
CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: August 1, 2011

Originating Dept: City Manager



Signature (submitted by)


City Manager Approval

Subject: Changing the election filing requirements for Council members.

Background/Discussion:

On May 17, 2011, the attached memo was distributed to Council. The memo was prompted by a conversation with Carla Cobin of the Secretary of State's Election Division regarding a request from Councilor Hedenskog that Council consider removing the 20 signature petition requirement for elected incumbents. As stated in the memo, Cobin advised the City to refer the proposed change to our City Attorney to determine its constitutionality.

Attachment(s):

- a. Memo dated May 17, 2011.



MEMORANDUM

JOYCE HEFFINGTON
City Recorder/Election Officer

TO: Mayor and Councilors
Cc: City Manager

DATE: May 17, 2011

SUBJECT: Changing the filing requirements for incumbent Council members.

The City Manager has been asked by Councilor Hedenskog to bring before the Council a proposal to modify the Brookings Municipal Code to remove the 20 signature petition requirement for elected incumbents. Before bringing this matter forward, the City Manager asked me to follow up with the Secretary of State's office to see if such a change would be allowed by ORS.

As background, the ORS provides for two forms of nomination for elected City officials; nomination by declaration, and nomination by petition. The choice of form and specific requirements are to be determined by each City, through its Charter and ordinances. As prescribed under Section 29 of the Brookings' City Charter, the City's form of nomination is by petition. The form and its requirements are further stipulated and defined under Section 2.10.010 of the Brookings Municipal Code, which reads:

"Candidates for elective offices for the city of Brookings shall be nominated by petition. The name of any qualified candidate shall be printed on the election ballot when a petition shall have been filed with the recorder signed by not less than 20 legally qualified electors of the city and accompanied by an acceptance of the candidates.
[Ord. 52-O-031 § 1.]"

This morning, I contacted Carla Cobin with the Secretary of State's Election office and asked if it were possible to amend our Code such that incumbents are not required to obtain the 20 signatures. Cobin advised that the City needed to refer this question to its legal counsel. According to Cobin, the question is really one of constitutionality, as the proposed change would give preferential treatment to one group of individuals over another, i.e., incumbents would not be required to meet the same requirements as every other candidate seeking nomination. Cobin added that, even if such a change were to stand up constitutionally, it would likely require a Charter amendment, in the end.

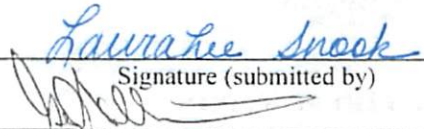
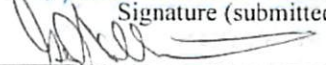
The City Manager would appreciate hearing from the Mayor and Council regarding their interest in having the City Attorney research and provide a legal opinion on the constitutionality of the proposed change.

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: July 05, 2011

Originating Dept: Building


Signature (submitted by)

City Manager Approval

Subject: Property Maintenance Ordinance

Recommended Action: Provide direction to Staff on desired parameters

Financial Impact: Considerable potential impact to property owners

Background/Discussion: Currently the City has the authority within the adopted Fire Code and Dangerous Building Code to require a level of maintenance that addresses safety considerations. These codes have been implemented on a complaint basis and almost exclusively related to blocked exits from buildings. Nine Cities have responded to a request for information regarding the policies and ordinances that they currently have in place for building maintenance, the responding Cities have ordinances that appear to be based on the requirements contained in the 2006 International Property Code. None of the responding Cities involve themselves in the aesthetics of how the properties are maintained but some of the regulated items could improve aesthetics as a side benefit, i.e., property must be kept in a condition that prevents rainwater from entering. If the Council wishes to move forward on this concept, decisions must also be made pertaining to implementation, are buildings inspected on a yearly basis? Do we act only when we receive a complaint regarding a structure? Will the maintenance code be utilized for conformance of commercial properties only?

Policy Considerations: Current policy is to investigate complaints and act only in the event of serious structural failure or fire and life safety violations.

Attachment(s):

City of Gresham's amended 2006 International Property Maintenance Code

A Member of the International Code Family



INTERNATIONAL PROPERTY MAINTENANCE CODE®

The background of the cover is a high-contrast, black and white aerial photograph of a city at night. The city lights create a bright, glowing pattern against the dark sky. A prominent curved road or highway is visible in the lower half of the image, leading the eye towards the city center. The overall mood is dramatic and modern.

2006

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CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These Regulations shall be known as the Property Maintenance Code of Gresham, hereinafter referred to as the "PMC." [Amended by GRC 10.30.035]

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102 APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy and all other work required under the PMC shall be done in 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE®

accordance with the procedures and provisions of the codes and provisions adopted in GRC Articles 10.05, 10.15, 10.20, 10.25, 10.26 and 10.60. [Amended by GRC 10.30.035]

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare. [Repealed by GRC 10.30.035]

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

103.3 Deputies. In accordance with the prescribed procedures of the jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. [Repealed by GRC 10.30.035]

103.4 Liability. The provisions and protections of the Oregon Tort Claims Act, ORS 30.265 et. seq. shall apply to all city officials, agents and employees charged with the enforcement of the PMC. The PMC shall not be construed to relieve from or lessen the responsibility of any non-city agent or employee, including but not limited to any owner, owner's agent, builder, contractor, agent or employee of any builder or contractor, or any person owning, operating or controlling any building, structure or premises, for any damages to persons or property caused by defects or violations of this code, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code. [Amended by GRC 10.30.035]

103.5 Fees. Fees charged under the PMC shall be adopted by council resolution. [Amended by GRC 10.30.035]

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of this code.

104.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4 Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

SECTION 105 APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

SECTION 106 VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. [Repealed by GRC 10.30.035]

SECTION 107 NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or

3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource. [Repealed by GRC 10.30.035]

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109 EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to

be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110 DEMOLITION

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

110.2 Notices and orders. All notices and orders shall comply with Section 107.

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate

upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111 MEANS OF APPEAL

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Membership of board. The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

111.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

111.2.2 Chairman. The board shall annually select one of its members to serve as chairman.

111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

111.2.5 Compensation of members. Compensation of members shall be determined by law.

111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal or at stated periodic meetings.

111.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any persons whose interests are

affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

111.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.5 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

111.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.

111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board. [Repealed by GRC 10.30.035]

CHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in the PMC and are defined in the codes and provisions adopted in GRC Articles 10.05, 10.15, 10.20, 10.25, 10.26 and 10.60, such terms shall have the meanings ascribed to them as stated in those codes. [Amended by GRC 10.30.035]

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202 GENERAL DEFINITIONS

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. 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.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust, and other similar materials.

[B] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal, but not a bathtub or shower.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in accordance with GRC Article 10.25 and any action taken thereunder. [Amended by GRC 10.30.035]

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided in other provisions of the GRC, no vehicle shall be kept on residential premises in a state of major disassembly, disrepair, or in the process of being stripped or dismantled, except and unless it is covered by a manufactured vehicle cover designed specifically for that purpose, enclosed within a permitted structure, or behind a fence. [Amended by GRC 10.30.035]

302.9 Defacement of property. The owner or occupant of property, or person in charge of property, shall comply with the requirements of GRC Article 7.80. [Amended by GRC 10.30.035]

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

GENERAL REQUIREMENTS

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way as required by the Oregon Fire Code. This section shall apply if, due to deterioration or loss, the numbers must be otherwise repaired, placed or replaced. [Amended by GRC 10.30.035]

304.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect. [Amended by GRC 10.30.035]

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.13.3 Window Sill Height. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements 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.

304.13.4 Minimum Dimensions. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements shall have a minimum net clear opening at least 20 inches wide, at least 22 inches high, and, if constructed after July 1, 1974, at least five square feet in area.

304.13.5 Ability to Open. 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. [Amended by GRC 10.30.035]

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed. [Repealed by GRC 10.30.035]

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304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.3.1 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. [Amended by GRC 10.30.035]

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 HANDRAILS AND GUARDRAILS

306.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 307 RUBBISH AND GARBAGE

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Approved containers for rubbish and garbage shall be provided. [Amended by GRC 10.30.035]

SECTION 308 EXTERMINATION

308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

308.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

308.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

308.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

308.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation prescribed in sections 402 and 403 of this code, artificial light or mechanical ventilation complying with GRC Article 10.05 shall be permitted. [Amended by GRC 10.30.035]

SECTION 402 LIGHT

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

SECTION 404 OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom shall contain at least 70 square feet (6.5 m²).

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7

m²). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

[P] SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

[P] SECTION 503 TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area.

The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

[P] SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the provisions of GRC 10.05.070. [Amended by GRC 10.30.035]

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[P] SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a year-round room temperature of 68°F (20°C) in all habitable rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Portable heating devices may not be used to meet the dwelling heat requirements of this code. No inverted or open flame fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type. [Amended by GRC 10.30.035]

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68°F (20°C) in all habitable rooms. [Amended by GRC 10.30.035]

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a year-round temperature of not less than 68°F (20°C) during the period the spaces are occupied. [Amended by GRC 10.30.035]

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with GRC 10.05.080. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes. [Amended by GRC 10.30.035]

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deteriorating or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

MECHANICAL AND ELECTRICAL REQUIREMENTS

- **605.3 Luminaires.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

- **606.1 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607 DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

[F] SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with GRC Article 10.25. [Amended by GRC 10.30.035]

702.2 Aisles. The required width of aisles in accordance with GRC Article 10.25 shall be unobstructed. [Amended by GRC 10.30.035]

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by GRC Article 10.05. [Amended by GRC 10.30.035]

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

[F] SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition.

Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

[F] SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with GRC Article 10.25. [Amended by GRC 10.30.035]

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or a dwelling unit with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with GRC Article 10.25. [Amended by GRC 10.30.035]

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such

FIRE SAFETY REQUIREMENTS

a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

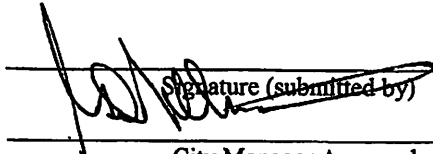
1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

CITY OF BROOKINGS

Council WORKSHOP Report

Workshop Date: August 1, 2011

Originating Dept: City Manager


Signature (submitted by)

City Manager Approval

Subject: Habitat for Humanity Request

Recommendation: Discussion on request.

Financial Impact: See below.

Background/Discussion:

This matter was continued from the Workshop of July 6. Questions arose at that meeting concerning utility easements, water connection fees and SDCs. Research by staff made the following findings:

1. The sewer main which crosses the property was installed sometime prior to 1967. There is no easement for the sewer main.
2. According to Public Works Department staff, past practice is that multiple "dig-in" fees are charged even if there is one common service lateral from the main serving multiple meters. The "dig-in" fee is only applicable if the City crew performs the water service connection and installs the lateral. See memo dated July 6 from the Building Official.
3. No record could be found concerning the installation of the drainage ditch with crosses the property at an angle. Typically, if there is an existing ditch carrying watershed water across private property and the landowner wishes to relocate the ditch into a storm drain, usually to facilitate a higher level of development on the property, the City requires that the property owner install the storm drain and dedicate it with an easement to the City. See memo dated July 21 from the Planning Director.

Staff would like to discuss and answer any questions concerning the above listed findings before developing a proposal in response to the Habitat for Humanity request.

Please see the attached letter from Habitat for Humanity concerning a project they are contemplating on a parcel they own on Tanbark Street. The letter makes the following requests of the City:

1. A credit for water SDCs in exchange for the grant of an easement to construct a future water line loop across the property.
Comment: The water line loop is not included in the City's Water Master Plan and is, therefore, not eligible for SDC funding. While public works operations staff has indicated that such a loop would be useful in the operation of the system, it is not needed.

2. A credit for storm water SDCs in exchange for the grant of an easement for a storm drain pipe crossing the property.

Comment: A drainage ditch currently crosses the property and functions as a part of the drainage system for this neighborhood. This ditch is not well located on the property to accommodate development, and Habitat for Humanity proposes to construct a pipeline to replace the ditch along the property line. The existing ditch is located in Sub-Basin 22 of the Storm Drain Master Plan; no problem areas are identified in this Sub-basin and no projects are proposed, thus the project would not be SDC eligible. Normally, if the developer wishes to replace a ditch with a pipeline, the developer does so at their own cost and in conformance with the Master Plan. Storm water SDC's for this project would total \$2,512.26.

3. Waiver of stub out fees for water and sewer service.

Comment: Stub out fees for this project (three parcels) would total \$7,458 for water and \$10,500 for sewer. Council action would be needed to waive the fees. The property is not within the boundaries of the Urban Renewal Area, so URA funds could not be used to pay the fees.

Attachment(s):

- a. Letter from Habitat for Humanity.
- b. Memo from Building Official
- c. Memo from Planning Director
- d. Title and deed information.
- e. Sewer and storm line location sketch



P.O. Box 1212
Brookings, OR 97415

April 21, 2011

Gary, Milliman, City Manager
City of Brookings
898 Elk Drive
Brookings, OR 97415

Dear Gary,

Thank you very much for your letter of March 29, 2011, to John Bischoff regarding our proposed Habitat for Humanity project on Tanbark Street. We welcomed the opportunity to meet and talk with you and Mr. Chistenson about this project and also appreciated your timely response. However, the tone and offers contained in your letter did not seem to reflect the attitudes and positions that existed during our meeting.

We wish to proceed with partitioning the property, but are not sure of our next step since your letter indicates that "full frontage improvements and street pave-out would likely be required as a condition of approval for the partition." We believe we will need to have a surveyor/engineer develop plans for the partitioning, along with the proposed drainage pipe and submit them for approval as our next step.

If we are going to be required to put in curb, gutter and sidewalk improvements and street pave-out, it seems logical to do all the underground work first. Unless a single water and sewer stub out was completed when the lines were put in along Tanbark, this would be a total of \$6,220 per unit and if all three were done first, it would mean \$18,660 plus the \$1,960 in partition fees—not counting the actual cost of construction. Our concern, as we mentioned, is trying to phase the work in such a way as to have funding available. Unfortunately, we are dependent on the inflow of donations from Habitat supporters.

We do appreciate the consideration of providing a Storm Water SDC credit in connection with installation of an underground drainage pipe. Currently, there is a deep trench as a drain with no easement. Getting a credit for this drainage pipe would only amount to \$821/unit or a total of \$2,463 for all three lots. It would seem the City's acquisition of a legal easement and a buried drainage pipe in lieu of an open ditch with no legal right would be worth far more than that. Can we presume the City will be willing to pay for the drainage pipe easement?

Likewise, the City is currently maintaining a sewer main that crosses the north boundary of the property. Your letter states that this is a prescriptive easement and the City would seek to have this pipe and a 15 foot wide maintenance easement dedicated to the City. While we can argue the legality of a

municipality asserting a prescriptive easement, and we recognize the power of eminent domain, it would seem such an easement would have a significant value to the City. Also, it would seem if the City wishes at a future time to put a water line loop in that easement, it would be wise to acquire 20 feet of easement now, prior to partitioning and development.

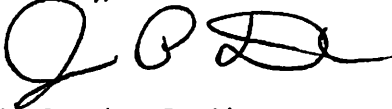
We fully understand the concerns of the City Engineer in terms of contributing their services in that it might be a conflict of interest. Thanks for checking into that possibility.

We are not sure how we will proceed as we do not have these kinds of funds for development of any lots at this time. It appears we will need between \$80,000 and \$100,000 to get these three lots ready for building. We are not sure of the costs associated with the construction of the buried drainage pipe, nor whether or not that should be our responsibility except to reduce liability and prepare the lot(s) for development.

The following are the next steps we'd like to pursue in partnership with the City.

- 1.) So as not to preclude the possibility for future expansion of the water line loop as discussed, the City should consider acquiring a 20 foot easement over the existing sewer line along the northern property boundary. If credit for the water SDC's can be granted in lieu of payment, we would grant the easement.
- 2.) CCHfH should design and install the drainage pipe underground. This could be delayed until the application for partition is officially filed, since the current pipe seems to extend beyond the sidewalk location. If the City wishes oversized pipe or has specific design requirements we would need to know. As the City has indicated, if we are credited with the storm sewer SCD's we would be amenable to granting the requested easement.
- 3.) Any additional assistance the City can provide, such as waiver of the stub out fees would be greatly appreciated. It would seem the stub outs would need to be completed prior to the curb gutter and sidewalk, so a reduction in this fee would be extremely helpful also. We are dependent on the good will of the City and the donors of the county.
- 4.) CCHfH would then make application for partition of the parcel into three lots, with payment of the partition fees.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Donahue', with a stylized flourish at the end.

Joe Donahue, President
Curry County Habitat for Humanity

City of Brookings –Building Department
898 Elk Drive
Brookings, OR 97415
(541)469-1131
(541) 469- Fax: 469-3650
lsnook@brookings.or.us
www.brookings.or.us



Memo

To: Gary Milliman, City Manager
From: LauraLee Snook, Building Official
Date: July 06, 2011
Re: SDC and utility fees/Tanbark Road

Proposed: 3 lot development on Tanbark Road with shared tap as allowed in BMC 13.05.130(F) at City's discretion.

Systems development fee:	$\$13,980.12 \times 3 =$	\$41,940.00
Water:		
2" water tap		\$ 5,180.00
¾ meter	$\$ 114. \times 3 =$	\$ 342.00
Account	$\$ 60. \times 3 =$	\$ 180.00
Sewer:		
4" tap	$\$ 4,700. \times 3 =$	\$ 14,100.00
Account	$\$ 10 \times 3 =$	<u>\$ 30.00</u>
TOTAL:		\$62,042.00

If they use an approved contractor they can tap the main lines themselves.



MEMO

TO: Gary Milliman, City Manager

FROM: Dianne Morris, Planning Director

DATE: July 21, 2011

SUBJECT: Easements granted over private property for City infrastructure

There have been numerous instances where the City has needed to obtain easements from private property owners for either new or existing City infrastructure. In the examples I have found no money was paid for the easement.

Esamples are:

- A storm drain easement given by JPMorgan Chase Bank to the City on May 10, 2011.
- A water line easement given by Curry Health District to the City on Feb. 22, 2011.
- A storm drain easement given by Ann Bauer to the City on Dec. 20, 2010.

Let me know if you need anything further.



First American

First American Title Insurance Company of Oregon
PO Box 1750 Brookings, OR 97415
603 Hemlock St, Ste A Brookings, OR 97411
Phn - (541)469-5318
Fax - (541)469-0375

CURRY COUNTY TITLE UNIT
FAX (541)469-0375

Title Officer:
(541)469-5318

LOT BOOK SERVICE

John Bischoff
96333 Wildwood Rd.
Brookings, OR 97415

Order No.: 7179-1567854
May 03, 2010

Phone No.: (541)412-0351

Fee: \$225.00

We have searched our Tract Indices as to the following described property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of April 26, 2010 at 8:00 a.m.

We find that the last deed of record runs to

Douglas H. Halley & Lucille M. Halley

We also find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

First American Title

Lot Book Service

Guarantee No.: 7179-1567854

Page 2 of 3

We also find the following paid taxes:

NOTE: Taxes for the year 2009-2010 PAID IN FULL

Tax Amount:	\$766.02
Map No.:	41-13-7AA TL 100
Property ID:	R12529
Tax Code No.:	17-1

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

Lot Book Service

Guarantee No.: 7179-1567854

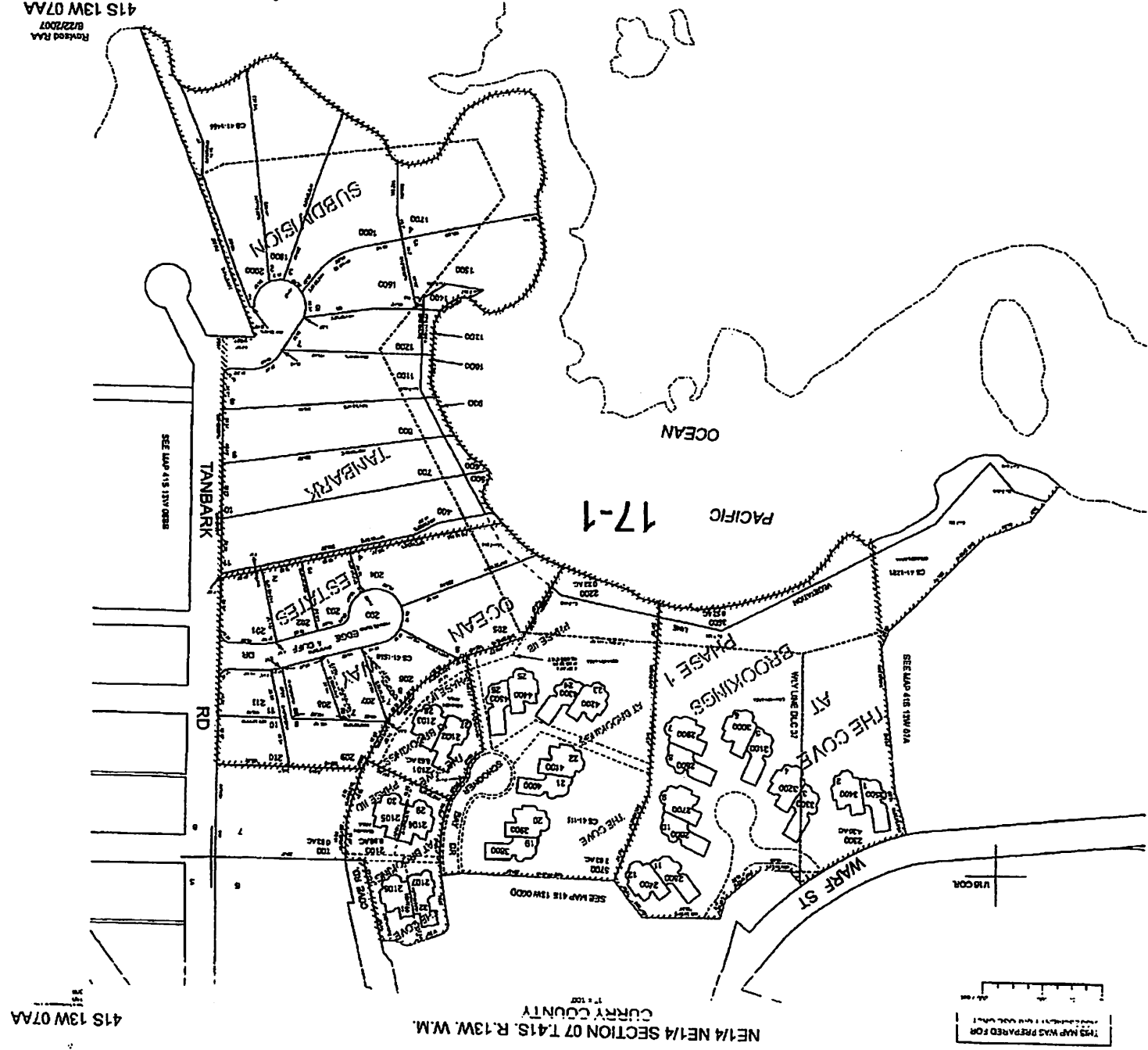
Page 3 of 3

Exhibit "A"

Real property in the County of Curry, State of Oregon, described as follows:

THAT CERTAIN TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 41 SOUTH, RANGE 13 WEST OF THE WILLAMETTE MERIDIAN IN THE COUNTY OF CURRY, STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE DRIVEN AT A POINT DUE WEST 6.0 FEET FROM THE NORTHEAST CORNER OF SECTION 7; THENCE DUE WEST 221.9 FEET TO AN IRON PIPE; THENCE SOUTH 2° 38' WEST 78.5 FEET; THENCE SOUTH 15° 5' WEST 79.3 FEET TO AN IRON PIPE; THENCE DUE EAST 246.1 FEET TO AN IRON PIPE; THENCE DUE NORTH 155.0 FEET TO THE PLACE OF BEGINNING, IN THE COUNTY OF CURRY AND STATE OF OREGON.



41S 13W 07AA
8/22/2007
Revised RAA

41S 13W 07AA

NE 1/4 SECTION 07 T41S. R.13W. W.M.
CURRY COUNTY

THIS MAP WAS PREPARED FOR
RECORDATION IN THE PUBLIC RECORDS
OF CURRY COUNTY, OREGON

1/16 COR.

SEE MAP 41S 13W 01A

SEE MAP 41S 13W 02D

SEE MAP 41S 13W 02B

17-1

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PHASE 1

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HERMAN CARL, et al

To
Kerr: Schutte

DISAPPEARED

WARRANTY DEED.

KNOW ALL MEN BY THESE PRESENTS, That Herman Carl and John Carl in consideration of Ten and no/100 (\$20.00) Dollars, to them paid by Werra Schutte hereby grant, bargain, sell and convey unto said Werra Schutte her heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Curry and State of Oregon, bounded and described as follows, to-wit: That certain tract of land, consisting of 0.814 acres, more or less, lying in the Northeast 1/4 of the Northeast 1/4 of Section 7, Township 41 South Range 13 West of the Willamette Meridian, in the County of Curry, Oregon described as follows;- Beginning at an iron pipe driven at a point due West 8.0 from the Northeast corner of Section 7, Thence due West 221.9 feet to an iron pipe. Thence South 2° 38' West 78.5 feet, Thence South 15° 5' West 79.3 feet to an iron pipe. Thence due East 245.1 feet to an iron pipe, Thence due North 155.0 feet to the place of beginning.

DOCUMENTARY STAMPS AFFIXED AND CANCELLED. (55%)

TO HAVE AND TO HOLD, the above described and granted premises unto the said Werra Schuette her heirs and assigns forever.

And Herman Carl and John Carl the grantor's above named do covenant to and with the above named grantee her heirs and assigns that _____ lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances, and that grantor's will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever,

WITNESS our hand and seal this 24th day of September 24th, 1945.

John Carl (SEAL)
Herman Carl (SEAL)

STATE OF OREGON,)
County of Curry.) ss.

BE IT REMEMBERED, That on this 24th day of September A. D. 1945, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Herman Carl and John Carl, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

NOTARY SEAL.

Frank B. Hassett
Notary Public for Oregon.
My commission expires Oct. 27, 1945.

Filed and recorded Feb. 13, 1946. Oleta A. Walker--County Clerk.

RUSSELL E. CALHOUN, et ux
To
BERYL E. BOLLINGER, et al

NARRANTY DEED.

COMPARED

COMPANIES

KNOW ALL MEN BY THESE PRESENTS, That Russell M. Calhoun and Mina M. Calhoun, husband and wife, of Brookings, Curry County, Oregon in consideration of Ten and xx Dollars and other valuable considerations to be paid by Beryl E. Bollinger and C. E. Hayes do hereby grant, bargain, sell and convey unto said Beryl E. Bollinger and C. E. Hayes their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in Brookings County of Curry and State of Oregon, bounded and described as follows, to-wit: That certain tract of land lying in the Northwest 1/4 of the Northwest 1/4 of Section 5, Township 41 South, Range 13 West of the Willamette Meridian, in Curry County, Oregon more particularly described as follows: Beginning at a point 370 feet East and 900 feet North of a concrete monument marking the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 5, thence East 340.73 feet, thence North 8 deg. 1st Min. 30 sec. West 101.34

KNOW ALL MEN BY THESE PRESENTS, That WERNA SCHUTTE, a Spinster, in consideration of TEN AND NO/100 (\$10.00) *****DOLLARS, to her paid by ANNETTE TERDINA does hereby grant, bargain, sell and convey unto said

ANNETTE TERDINA

her heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the

County of CLATSOP and State of OREGON, bounded and described as follows, to wit:

That certain tract of land, consisting of 0.814 acres, more or less, lying in the Northeast 1/4 of the Northeast 1/4 of Section 7, Township 41 South, Range 13, West of the Willamette Meridian, in the County of Clatsop, Oregon, described as follows:

Beginning at an iron pipe driven at a point due West 6.0 from the North-east corner of Section 7,

Thence due West 221.9 feet to an iron pipe,

Thence South 2 degrees 38 minutes West 78.5 feet,

Thence South 15 degrees 5 minutes West 79.3 feet to an iron pipe,

Thence due East 246.1 feet to an iron pipe,

Thence due North 155.0 feet to the place of beginning.



To Have and to Hold, the above described and granted premises unto the said

ANNETTE TERDINA

her heirs and assigns forever.

and

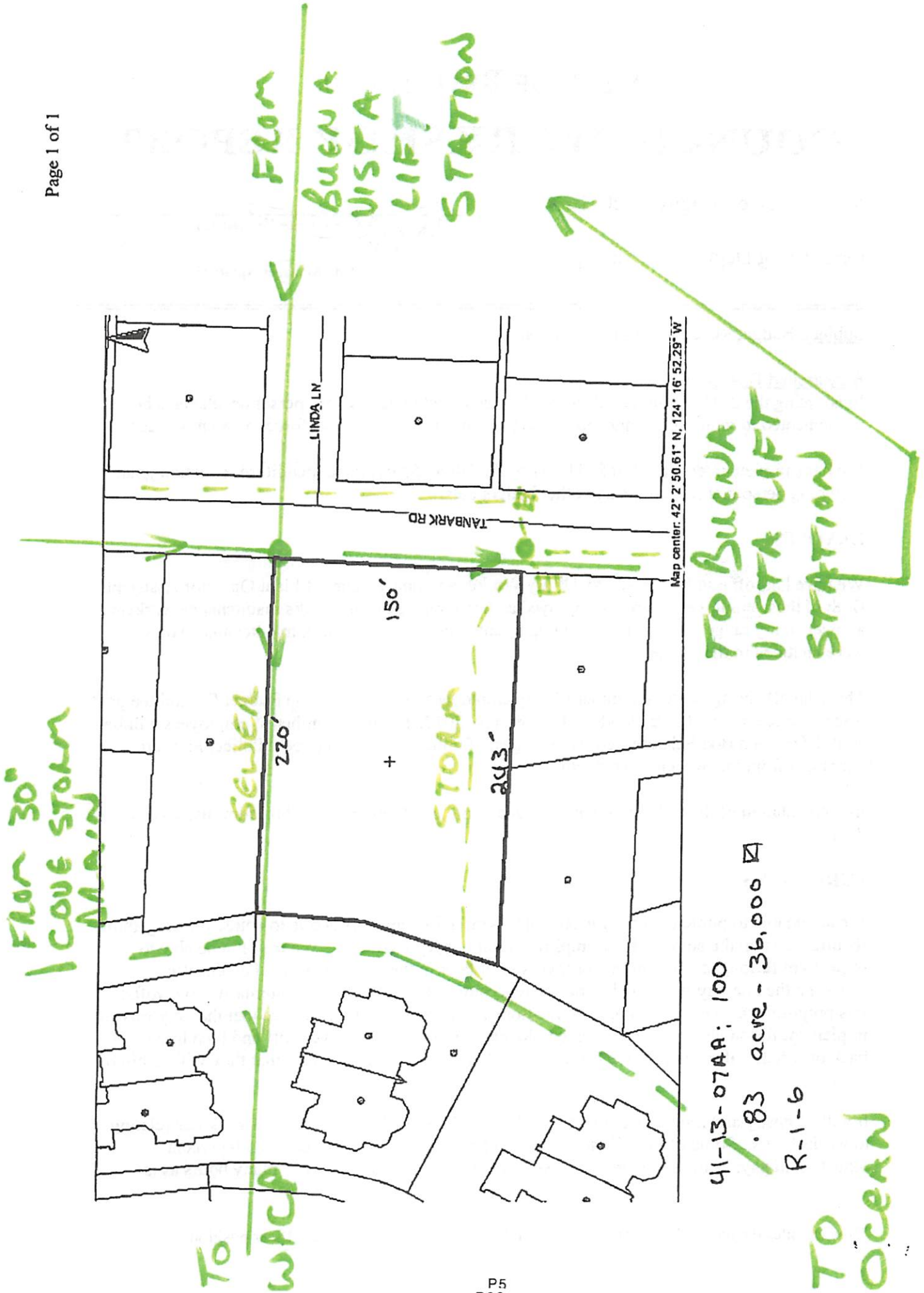
WERNA SCHUTTE

the grantor above named does covenant to and with the above named grantee, her heirs and assigns that she is lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances,

and that grantor will and her heirs, executors and administrators shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness my hand and seal this 23rd day of September, 1958.

Executed in the Presence of



CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: August 1, 2011

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Budget Reduction Implementation

Background/Discussion:

In adopting the 2011-12 budget, the City Council directed that certain personnel changes be implemented to reduce personnel costs and to reduce the overall workforce to 48 employees.

We have implemented a total of \$331,137 of the \$465,853 overall expenditure reduction goal, including personnel reductions and other budget cuts.

LAYOFFS

We have laid-off one Public Works Utility Worker and one Treatment Plant Operator Assistant. Both of these employees were re-employed as temporary, seasonal parks maintenance workers at a lower salary range and no benefits through September. Seasonal park maintenance workers were included in the budget.

These layoffs bring the total number of City employees to 50 FTE¹. The Budget Committee goal was to reduce the workforce to 48 FTE by March, 2012. The total number of employees will be at 49 FTE when Bob Schaefer retires in August. Public Safety employees (Police, Fire) are exempted from this workforce reduction.

Implementation of the following items included on the reduction list will be administratively difficult.

FURLOUGHS

We are unable to implement the furlough day with union employees due to collective bargaining requirements on the advice of our employee relations legal counsel. We may not be able to implement furloughs with union employees until later in the calendar year, if at all. We proposed the one-day-per-month furlough to Teamsters Local 223 as an alternative to layoffs; this proposal was rejected. Employee relations legal counsel has advised us that the only way to implement furloughs now with union employees is to lay the employees off and then hire them back on a reduced schedule. We cannot notify the employees in advance that they will be hired back.

It will be costly and time consuming to implement the furloughs. There are also issues relating to work hours. Some of the affected employees would simply experience a 5.0 percent reduction in pay; as management employees, they are required to work as many hours as is

¹This includes the new Public Works Director and the addition of one Police Officer position.

necessary to fulfill their duties. In some cases furloughing a supervisor will leave non-supervisory, union employees on duty with no supervisor. We could not close City Hall one day per month because there are three union employees who work here and it would be unsafe to leave the office open, for example, with only one employee at the payment window.

HEALTH INSURANCE CO-PAY

The 13 per cent contribution to the health insurance premium can only be implemented with non-union employees at this time. We have notified the 16 affected employees, including four in police and two in fire, that their monthly contribution will increase from \$46.40 to \$170.58 effective with their last July payroll.

Expanding this contribution rate to union employees can only be done through the collective bargaining process. According to the City's labor negotiator, achieving this level of contribution in the upcoming contract is highly unlikely.

PLANNING/BUILDING DEPARTMENT STAFF REDUCTION (10 per cent)

The four employees in this department work a combined total of 179 hour per week. Two of the employees are union members and their hours cannot be reduced unless they are laid off (see discussion under "Furloughs" above). This means that 18 hours per week need to come from reducing Planning Director and/or Planning Secretary hours. The Planning Secretary works 19 hour per week.

This budget reduction item was initiated by staff and was not modified when the furlough day provision was added.

Dianne Morris is planning to retire in July 2012, but has offered to retire in March. Donna Colby-Hanks has expressed interest in succeeding Morris. One post retirement staffing scenario would be to function with a Planning Director and Planning Assistant, with reassignment of the code enforcement function from the Senior Planner to the Building Official. There are several actions we will be taking internally to prepare for the transition and operating at a lower staffing level; making a staff reduction now may have a negative impact on an orderly staffing transition.

Further complicating matters is an inquiry I have received from County Commission Chair, George Rhodes, exploring the feasibility of consolidating City and County planning staffs.

Attachment(s):

- a. June 6, 2011, Budget Committee motion

BUDGET MOTION
ADOPTED JUNE 6, 2011

Motion to approve a budget for the City of Brookings for fiscal year 2011-12 in the amount of \$21,118,187 and recommend that the City Council adopt said budget with the following additional recommendations:

- 1. The City Council should seek to limit the growth in employee compensation costs to not more than the Consumer Price Index through the collective bargaining process.**
- 2. City management should restructure the City's organization as needed to reduce personnel costs while maintaining essential services. For FY 2011-12, this would include a reduction in workforce, preferably through attrition, by at least two FTE totaling not less than \$108,000 in compensation savings by March 15, 2012.**
- 3. The City Council should adjust water and sewer rates to maintain the self-sufficiency of the water and wastewater operations. A water rate increase of 3.9 per cent and a sewer rate of 5.5 per cent is recommended for FY 2011-12. City management should be directed to reduce water and sewer operating costs as necessary to balance the Water and Wastewater Fund budgets. It is recognized that such adjustments may include a workforce reduction and should include a suspension of the "franchise fee" transfer from the water and wastewater utility to the General Fund.**
- 4. The City should achieve an overall workforce to the 2003-04 workforce level of 47 FTE adjusted by an increase in the number of police officers to an adjusted workforce of 48 FTE by March 15, 2012.**
- 5. The City Council should adjust water and sewer annually by an amount equal to the CPI.**

City of Brookings 2011 Strategic Plan

GOAL 1: An Effective, Responsive, Ethical City Government That Is Fiscally Sustainable.				
Objectives	Priority/Action Items		Resp Party	Status/Notes
<ul style="list-style-type: none"> Sufficient revenue to sustain City services at appropriate levels. Provide competitive employee compensation through a merit-based system. Balanced revenue system that recognizes demands on City services by residents, businesses and visitors. Stable, effective and accountable management. Maximize non-City revenue resources to pay for services provided to unincorporated area. Encourage new private investment. Expedite development plan implementation. Sustain positive workplace environment and employee morale. Assure internal consistency and efficiency. Utilize local contractors. Succession planning. 	1	Maintain General Fund reserve at 5 percent of operating budget.	BC	Included in 2011-12 budget
	2	Develop two-year budget projection.	ASD	Will develop following adoption of 2011-12 budget/target 9/11
	3	Review/update storm water fees.	ASD	
	4	Conduct energy audits at water and wastewater plants.	PWD	
	5	Develop vehicle replacement program/schedule.	ASD	
	6	Modify City purchasing policies to provide local preference and reduce barriers for local contractors.	CA/ASD	
	7	Develop Public Works Department reorganization plan.	CM	Change implemented 8/11
	8	Significantly reduce vehicle fuel consumption.	PWD	
	9	Develop plan for recruiting and sustaining volunteers.	CM	
	10	Complete public works standards and specifications/digital format.	PWD	
	11	Complete infrastructure GIS project.	PL	
	12	Implement Council Technology Plan	ASD/CR	Need to retain consulting services.
GOAL 2: A Safe Community				
Objectives	Priority/Action Items		Resp Party	Status/Notes
<ul style="list-style-type: none"> Adequately staff, equipped and housed police and fire departments Maintain streets in safe/serviceable condition. Provide clean drinking water and compliant waste water treatment. Improve personal/family preparedness. 	1	Build and equip an Emergency Operating Center.	CM	Design in progress
	2	Exercise emergency plan.	PC	
	4	Develop bicycle plan & pursue funding for improvements.	PL	On-going
	5	Promote "Map your Neighborhood: preparedness program.	PC	Assign to VIPS
	6	Allocate additional funding for street reconstruction (increase beyond \$250,000.	BC	Increase beyond \$250,000. Included in 2011-12 budget.
	7	Increase employee compensation to discourage police officers from leaving for higher paying jobs.	CC	Collective bargaining in progress. Council budgeted zero COLA

KEY:

ASD = Administrative Services Director BC = Budget Committee BD = Building Official CC = City Council CE = City Engineer CM = City Manager CR = City Recorder
 FC = Fire Chief PC = Police Chief PL = Planning Director PWD = Public Works Director CA = City Attorney

City of Brookings 2011 Strategic Plan

GOAL 3: Influence Economic Growth				
Objectives	Priority/Action Items		Resp Party	Status/Notes
<ul style="list-style-type: none"> Complete approved capital projects in a timely and cost efficient manner. Provide infrastructure to support economic growth. Develop coastal access. Establish development policies and public improvements/standards that recognize economic trends. Secure needed resources. Establish policy that City is pro-growth. 	1	Reduce barriers that hinder development.	PL	Workshop to define 9/11
	2	Develop UGB transition agreements with special districts.	PL	Goal 12/11. Delayed by HSD
	3	Develop business and resident attraction program.	CM	Retain services in 2011-12 to assist; dropped from budget
	4	Develop schedule to review/update infrastructure master plans and development standards.	PWD	
	6	Downtown Master Plan implementation schedule.	CM/ASD	
	7	Downtown property maintenance ordinance	BD	City Council workshop 8/11
	8	Develop consolidated implementation plan for water, stormwater, wastewater and pavement management plans.	PWD	
	9	Complete dewatering processing facility.	CM	Construction in progress
	10	Secure alternate site for Public Works shop.	CM	Purchase old County yard, 8/11; pursue airport property/plan long-term
	11	Develop comprehensive plan for addressing wastewater I&I issue	PWD	Some corrective work budgeted 2011-12
	12	Wastewater plant slide stabilization strategy.	CE/PWD	Two phases; First phase budgeted in 2011-12
GOAL 4: Effective Intergovernmental Relations				
Objectives	Priority/Action Items		Resp Party	Status/Notes
<ul style="list-style-type: none"> Influence regional, state, national policy on issues important to achieving City goals. Secure grant funding. Achieve City goals through strategic partnerships. Prepare for potential County fiscal failure. 	1	Evaluate possible assumption of County services on a cost recovery basis.	CM/ASD	Initial meeting held with County Commission Chair. Follow up needed with new County ASD.

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