

ORDINANCE NO. 336

AN ORDINANCE FOR THE PREVENTION OF DANGEROUS BUILDINGS AND STRUCTURES, DEFINING THE SAME, PROVIDING FOR PUNISHMENT FOR MAINTAINING THE SAME, PROVIDING FOR THE ABATEMENT AND REMOVAL THEREOF, AND THE CHARGING OF THE COST OF SUCH REMOVAL OR ABATEMENT AGAINST THE PROPERTY, AND DECLARING AN EMERGENCY.

Canby does ordain as follows:

Section 1. For the purpose of this ordinance the term "dangerous building" shall mean and include any building or other structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connection, defective heating apparatus, or for any other cause or reason, is especially liable to fire and which building or structure is so situated or occupied as to endanger any other building or property or human life. Said term shall also mean and include any building or structure containing any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind especially liable to cause fire or danger to the safety of such building, premises, or to human life. Said term shall also mean and include any building or structure which shall be kept or maintained or shall be in filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious disease or diseases. Said term shall also mean and include any building or structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property by reason of probability of partial or entire collapse thereof.

Section 2. The term "person" as used in this ordinance shall mean and include any person or persons, firm or firms, corporation or corporations.

Section 3. Any person who shall be the owner of, or shall be in possession of, or in responsible charge of any dangerous building within the City of Canby, and who shall knowingly suffer or permit any such building to be or remain dangerous for as long as ten days after receipt of notice as herein provided, shall be guilty of a violation of this ordinance, and shall, upon conviction thereof in the Recorder's Court, be fined not to exceed \$100.00, or imprisoned not to exceed fifty days, or both fined and imprisoned in the judgment of the court.

Section 4. Whenever the Mayor, Marshal, City Attorney, Street Commissioner, Fire Chief, or any Councilman, shall find or be of the opinion that there is a dangerous building in the City of Canby, it shall be the duty of such person to report the same to the Common Council. Thereupon the Common Council shall, within reasonable time, fix a time and place for a public hearing thereon. Notice shall be mailed to the owner of record of the premises whereon said building is located, by the City Recorder, notifying said owner in general terms that a hearing will be held concerning said property, and the time and place thereof. At said time and place, or at such other time or times, or place or places, as the Council may adjourn to, said hearing shall be held, and the Council shall determine by resolution whether or not said building is dangerous. The Council may, as a part of said hearing, inspect said building, and the facts observed by said council at such inspection may be considered by it in determining whether or not said building is dangerous. At said hearing the owner or other person interested in said property or building shall have the right to be heard, if such owner or person requests the same. Ten days notice of any such hearing shall be given publication in some newspaper published in the City of Canby, or by posting notices thereof in three public places in said City, and if the last mentioned notice be published or given as herein required, no irregularity or failure to mail notices shall invalidate the proceedings. At such hearing the Council shall have the power to order any building declared to be dangerous, removed and abated, if in its judgment such removal or abatement is necessary in order to remove said dangerous condition, or the Council shall have the power to order said building made safe and to prescribe what acts or things must be done to render the same safe. Five days notice of said findings and of any orders made by the Council shall be given to the owner of said building, his agent or other person controlling the same and if said orders be not obeyed and said building rendered safe within the time in said order specified, being not less than five days, then the Council shall have the power and duty to order said building removed or made safe at the expense of the property on which the same may be situated. In that event the Council must specify with convenient certainty the work to be done and shall file for the doing of said work in the manner provided for advertising for bids for street improvement work, and thereafter said bids shall be received, opened, and contract let, the Council shall ascertain and determine the probable cost of said work, and assess the same against the property upon which said building is situated, said assessment shall be declared by an ordinance, and it shall be entered in the docket of City Liens, and shall thereupon be and become a lien against said property, and the creation of said lien and the collection and enforcement of said cost shall all be done and performed in substantially the same manner as in the case of the cost of street improvements, but irregularities or informalities in the procedure shall be disregarded.

Section 5. Every building or part thereof which shall hereafter be found by the Common Council to be a dangerous building, is hereby declared to be a public nuisance, and the same may be abated either summarily or the procedure hereinabove specified may be followed, or a suit for abatement thereof may be brought by the City of Canby in the Circuit court of Clackamas County, Oregon.

Section 6. It is the intention of the Council that each separate provision of this ordinance shall be deemed independent, to the end that if any portion thereof shall be declared invalid

that the remaining portions thereof shall, nevertheless remain valid and enforceable.

Section 7. Whereas, there are dangerous buildings in the City of Canby and great damage is likely to occur therefrom, it is the opinion of the Common Council that an emergency exists, and that it is necessary for the immediate preservation of the peace, health and safety of said City that this ordinance go into full force and effect immediately.

Section 8. Therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Read for the first time at the regular meeting of the City Council, January 4, 1943, passed and ordered published, and to come up for final action at the regular meeting of the Council February 1, 1943.

Date of first publication, January 7, 1943.

Date of last publication, January 22, 1943.