

AN ORDINANCE DECLARING BUILDINGS OR STRUCTURES WHICH ARE DETERIORATED TO A CERTAIN PERCENTAGE OR PRESENT A FIRE HAZARD TO BE DANGEROUS, PROVIDING A METHOD FOR CALCULATION OF SUCH DETERIORATION AND PROVIDING A PROCEDURE FOR CONDEMNATION AND ABATEMENT OF SUCH DANGEROUS BUILDINGS OR STRUCTURES AS NUISANCES.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF TROUTDALE:

SECTION 1. DEFINITION

When any building or structure within the boundaries of the Town of Troutdale, because of deterioration from any cause in any part thereof, or because of overloading, leaning, buckling, or twisting in any part, or because of becoming a fire hazard to other property or to human life due to the condition of heating apparatus or wiring or other reason, reaches a condition where failure of a part or of the whole is possible or reaches a condition which the Council of the Town of Troutdale finds to present a danger of fire spread, it shall be deemed dangerous.

SECTION 2. DANGEROUS OR DETERIORATED FRAME BUILDINGS AND PROCEEDINGS FOR ABATEMENT

The percentage of deterioration of frame buildings, decks or other structures shall be calculated as follows:

The value of the existing building, dock or structure as it stands shall be subtracted from the value of a building, dock or structure similar but constructed of new materials. The result shall be divided by the value of the similar building, dock or structure constructed of new materials.

When any frame building, dock or structure becomes deteriorated by use, the weather, fire or decay, or by a combination of the foregoing causes to more than 50 per cent, the Mayor shall report the same to the Council. The Council shall thereupon fix a date for a hearing thereon, cause notice thereof to be posted on said building, dock or structure and served on the owner or person responsible therefor. Such service shall be by personal service of said notice or by mailing a copy of said notice to the last known address of the owner and by one publication of said notice in a newspaper published in Multnomah County not less than 10 days prior to the date fixed for the hearing thereof. The notice shall state that condemnation proceedings have been instituted against said building, dock or structure and shall direct the owner to remove the same forthwith, or within a reasonable time, or, in lieu thereof, to appear before the Council on the day set therefor and show cause why said building, dock or structure should not be condemned. Proof of personal service, publishing, posting or mailing of said notice shall be made by affidavit of the person serving, publishing, posting or mailing the same and said affidavit shall be filed with the Auditor.

On the date fixed for the hearing, the Council shall hear all parties interested therein after which it shall then determine whether or not said building, dock or structure shall be condemned. If it determines that the same shall be condemned, it shall by ordinance declare said building, dock or structure to be a nuisance, fix the time within which the owner or person responsible therefor shall abate the same, designate and direct the           Marshal           to abate the same if it is not

abated within the designated time, and direct whether the same shall be abated by the Marshal by force account or by contract and whether with or without advertising for bids therefor. If the owner or person responsible therefor fails to abate said nuisance within the time fixed, the Marshal shall cause the same to be removed and abated, keeping account of all expenses incurred, including an overhead charge of 10 per cent for administration. Upon completing such removal and abatement, the Marshal shall file a statement of the cost thereof with the Recorder.

Upon the receipt of such statement, the Recorder shall forthwith mail to the owner of such property therein mentioned at his last known address a notice setting forth the expense incurred and stating that Council proposes to assess against the property the amounts mentioned in the preceding paragraph of this section and that objections to the proposed assessment may be made in writing and filed with the Recorder on or before 20 days from the date of mailing such notice. Upon the expiration of said period of 20 days, objection to the proposed assessment shall be heard and determined by the Council in the regular course of business. An assessment for such cost and overhead expenses shall be made by ordinance and shall be entered in the docket of City Liens. Upon such entry, the same shall constitute a lien upon the property from which said nuisance was removed and abated, which lien shall be collected in all respects as provided by Ordinance No. 29 for street improvement liens and shall bear interest at the rate of 6 per cent per annum from 10 days after the date of entry in the lien docket. An error in the name of the

owner or in the use of a name other than that of the true owner of such property, or the failure of the owner to receive notice of such assessment shall not render said assessment void, but the same shall be a valid and existing lien against said property.

SECTION 3. DANGEROUS BUILDING AND CONSTRUCTION

When any building, structure, or part thereof, including under the term "structure" such construction as fences, towers, tanks, retaining walls, platforms, docks, etc., is in a condition which is dangerous or becomes in a condition which is dangerous, or has become a fire hazard to other property or human life, or presents a danger of fire spread, the Mayor shall notify the owner or person responsible therefor either to tear the building or structure, etc., down, or to put the same in safe condition. If no steps are taken within a reasonable time to comply with this notice, the Mayor shall report the same to the City Council, and the Council shall proceed to condemn said building or structure in the same manner as deteriorated buildings are condemned.

SECTION 4. MANNER OF TEARING DOWN BUILDINGS

All buildings which are torn down shall be torn down in a careful and safe manner. The streets or sidewalks shall not be littered with rubbish, and the debris from the building, especially that from mortar and plaster, shall be wet down, if necessary, so that dust will not be blown about.

Passed by the Common Council of the Town of Troutdale, Oregon, this 13th day of December, 1955.

Signed by the Mayor this 13th day of Dec., 1955.

WALTER W. NORMENT

Mayor

ATTEST:

JESSIE OVERSTAD

Recorder

AYES 5

NAYS None