

ORDINANCE NO. 502 A

Introduced by Commissioner Earl Johnson

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, REPEALING ORDINANCE NO. 133A AND SUBSECTION (23), SECTION 4 OF ORDINANCE NO. 344A, AND DECLARING AN EMERGENCY.

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. For the purposes 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 a 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 or probability of partial or entire collapse thereof.

Section 2. For the purposes of this ordinance, the terms "building or other structure" shall mean an edifice, erected by art, and fixed upon or over the soil, composed of brick, marble, wood or other proper substance, connected together and designed for use in the position in which it is so fixed, whether or not said building or structure shall be real or personal property.

Section 3. The term "person" as used in this ordinance shall mean and include any person or persons, firm or firms, corporation or corporations.

Section 4. 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 Warrenton 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 Municipal Court of the City of Warrenton, 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 5. Whenever the Mayor, Chief of Police, City Attorney, Fire Chief or any Commissioner shall find or be of the opinion that there is a dangerous building in the City of Warrenton, it shall be the duty of such person to report the same to the City Commission. Thereupon, the City Commission shall within a 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 Auditor and Police Judge, 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 Commission may adjourn to, said hearing shall be held, and the Commission shall determine by resolution whether or not said building is dangerous. The Commission may, as a part of said hearing, inspect said building and the facts observed by said Commission 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 by publication in some newspaper of general circulation in the City of Warrenton, 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 Commission 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 Commission shall have the power to order said building made safe and to prescribe what acts or things must be done to render the same

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safe. Five days notice of said findings and of any orders made by the Commission shall be given to the owner of said building, his agent or other person controlling the same at his or their last known address, 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 Commission 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 Commission must specify with convenient certainty the work to be done and shall file a statement thereof with the City Auditor and Police Judge and shall advertise for bids 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 Commission 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, together with a reasonable sum as attorney fees in the event of foreclosure in the Circuit Court shall^{all} be done in substantially the same manner as foreclosure in the case of real estate mortgages in the State of Oregon.

Section 6. Every building or part thereof which shall be hereafter found by the City Commission 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 Warrenton in the Circuit Court of Clatsop County, Oregon.

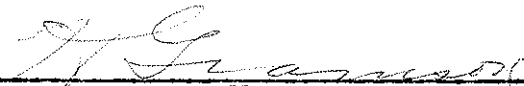
Section 7. It is the intention of the Commission that each separate provision of this ordinance shall be deemed independent to the end that if any portion thereof shall be declared invalid, that the remaining portions thereof shall, nevertheless, remain valid and enforceable.

Section 8. That Ordinance No. 133A and Subsection (23),
Section 4 of Ordinance No. 344A are hereby repealed.

Section 9. That WHEREAS, there are dangerous buildings in the City of Warrenton and great damage is likely to occur therefrom, it is the opinion of the City Commission 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 shall be in full force and effect from and after its passage and approval by the Mayor.

Passed by the City Commission of the City of Warrenton this 4th day of December, 1967.

Approved by the Mayor of the City of Warrenton this 4th day of December, 1967.



Mayor

ATTEST:



Auditor and Police Judge