

ORDINANCE No. 852-A

Introduced by Commissioner all City Commissioners

PROVIDING FOR THE ABATEMENT OF DANGEROUS BUILDING NUISANCES;
REPEALING ORDINANCE No. 771-A

The City of Warrenton, Oregon, ordains as follows:

Section 1. DEFINITIONS: The following terms are defined for use in this ordinance:

Dangerous building:

(a) A structure that for lack of proper repair; because of age and dilapidated condition; of poorly installed electrical wiring or equipment, defective chimney, gas connections or heating apparatus; or for any other reason is liable to cause fire; and which is situated or occupied in a manner that endangers other property or human life.

(b) A structure containing combustible or explosive materials or inflammable substances liable to cause fire or danger to the safety of the building, premises or to human life.

(c) A structure that is in a filthy or unsanitary condition liable to cause the spread of contagious or infectious disease.

(d) A structure in such weak, dilapidated or deteriorated condition that it endangers a person or property because of the probability of partial or entire collapse.

Person:

Every natural person, firm, partnership, association or corporation.

Section 2. DECLARATION OF A NUISANCE: Every building found by the city commission to be a dangerous building is declared to be a public nuisance and may be abated by the procedures specified in this ordinance or by a suit for abatement brought by the city.

Section 3. INITIAL ACTION: When a city official determines that a dangerous building exists, the official shall report it to the city commission. The commission shall, within a reasonable time, fix a time and place for a public hearing.

Section 4. NOTICE: The city manager shall notify the owner of the building and, if not the same person, the owner of the property on which the building is situated; said notice to be posted on the property and contain the following:

- (a) That a hearing will be held concerning the nuisance character of the property.
- (b) The time and place of the hearing.

Section 5. PUBLISHED AND POSTED NOTICES: Ten (10) days' notice of the hearing shall be published in a newspaper of general circulation in the city or by posting notices in three public places in the city.

Section 6. HEARING:

- (1) The owner or other persons interested in the dangerous building shall have a right to be heard, at a duly-scheduled hearing.
- (2) The city commission may inspect the building and may consider facts observed in determining if the building is dangerous.
- (3) If said commission determines that the building is dangerous, it may, by resolution;
 - (a) order the building to be abated; or
 - (b) order the building to be made safe and prescribe what must be done to make it safe.

Section 7. COMMISSION ORDERS - NOTICE: Five (5) days' notice of the commission's findings and any orders made by the commission shall be given to the owner of the building, the owner's agent or other person controlling it. If the orders are not obeyed and the building not made safe within the time specified by the order (not less than five days), the commission may order the building demolished or made safe at the expense of the owner of the property on which it is situated.

Section 8. ABATEMENT BY CITY COMMISSION: If the commission's orders are not obeyed, the commission may

- (a) specify the work to be done, including clean-up;
- (b) file a statement with the city manager; and
- (c) advertise for bids to do the required work, using the manner by which bids are advertised for street improvements. Bids shall be received, opened and the contract let.

Section 9. ASSESSMENT:

(1) The commission shall determine the probable cost of the work and assess this cost against the property upon which the building is situated. The assessment shall be declared by resolution, entered in the docket of city liens and become a lien against the property.

(2) The creation of the lien and the collection and enforcement of the cost shall be performed in substantially the same manner as assessments for street improvements.

Section 10. SUMMARY ABATEMENT: The procedures of this ordinance need not be followed if a building is unmistakably dangerous and imminently endangers human life or property. In this instance, the chief of the fire department, the fire marshal or the chief of police may summarily demolish the building.

Section 11. ERRORS IN PROCEDURE: Failure to conform to the requirements of this ordinance, not substantially affecting the legal right of a person does not invalidate a proceeding under this ordinance.

Section 12. REPEAL: Ordinance No. 771-A, adopted 3 December 1984, is hereby repealed.

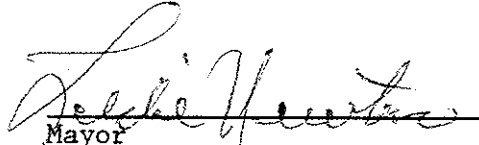
Section 13. PENALTY: A person who owns or is in possession or in charge of a dangerous building, and who allows the building to remain dangerous for as long as ten days after receipt of the notice specified in Section 7, may be fined no more than \$100.00, with each day thereafter being considered a separate offense.

First reading: 5-3-89

Second reading: 5-17-89

PASSED by the City Commission of the City of Warrenton, Oregon, this 17th day of May 19 89.

APPROVED by the Mayor of the City of Warrenton, Oregon, this 17th day of May 19 89.


Mayor

ATTEST:


City Manager/Auditor

Ord. # 852. A