

ORDINANCE BILL NO. 7 FOR 1944

ORDINANCE NO. 611 611 ✓

Active 6-14

A BILL FOR AN ORDINANCE REGULATING THE REPAIR AND ALTERATION OF BUILDINGS IN THE FIRE LIMITS, FOR THE CONDEMNATION OF UNSAFE AND HAZARDOUS BUILDINGS, PROVIDING PENALTIES AND DECLARING AN EMERGENCY.

Section 1. No building within the fire limits which is not of the type of construction and materials required by Ordinance No. 545 (Building Code) shall be altered or repaired to the extent of more than 40% of its value, to be determined as hereafter provided, over any period of five (5) years hereafter; that the value of said building shall be determined by the assessed valuation thereof as shown by the records of the Linn County Assessor or the Linn County Sheriff for the year 1930 and depreciated at the rate of 2% per annum from said date to the date application shall be made for said proposed repairs or alterations; provided that if any such building shall not have been assessed on the records of the Linn County Assessor or Linn County Sheriff for the year 1930 the valuation thereof shall be determined as of the first year after 1930 that said building appeared on said assessment roll, depreciated at the rate of 2% per annum for the number of years from 1930 to the date application shall be made for said proposed repairs or alterations, provided further, that if any such building shall not appear on the records of the Linn County Assessor from 1930 to the date application is made for said proposed repairs or alterations, the valuation thereof shall be determined by a Board of Arbitrators in the manner provided for determining the value of depreciated buildings as provided in Section 3 hereof.

Section 2. No application for proposed alterations or repairs to any such building shall be approved by the Building

Committee of the Common Council unless the same shall be accompanied by a Certificate of the Linn County Assessor or the Linn County Sheriff stating the assessed valuation of said building for the year 1930, or the earliest year thereafter, if said building was not on the records of the Linn County Assessor in 1930 or if never assessed since 1930 a certificate to that effect, so that the members of said Committee may arrive at the valuation thereof at the time of said application as provided in Section 1 hereof; said application shall also be accompanied by a Certificate of the owner or applicant or a contractor specifying that the proposed alterations or repairs shall not exceed in cost 40% of the value of said building at the time of said application as arrived at as in Section 1 hereof provided. If it should appear that said proposed repairs or alterations of said building exceed 40% or, together with other repairs made within five (5) years from the date of said application, exceed (40%) of the value thereof as determined as hereinabove provided, the Building Committee of the Council shall deny said application.

Section 3. Any building within the Fire Limits as established by Ordinance No. 545, which may be damaged to the extent of 50% or more by fire decay or otherwise, shall not be repaired or rebuilt unless the entire structure conforms to the provisions of said ordinance. When the damage thereto is less than 50% of the value thereof, the structure shall not be repaired or rebuilt to an elevation higher than the highest part left standing after such damage shall have occurred, or so as to be in a better state or repair, or to occupy a greater space than before the injury thereto. The extent of the damage that may be done to any such building by fire or other casualty shall be determined by three (3) disinterested persons, residents of Lebanon, Oregon, one of whom shall be selected by the

owner or agent of the building, the second by the Building Committee of the Council, and the two so chosen shall select a third. The persons so chosen shall fairly and impartially estimate such damage, and their decision shall be final and binding upon all persons concerned.

Whenever any building shall be found to be depreciated more than 50% notice of such finding in writing shall be served by the Chairman of the Building Committee of the Council on the owner or agent of said building, and thereafter said building shall be, and the same is hereby declared, a public nuisance and shall be abated. Failure of the owner or agent of the said building to remove the same within thirty (30) days after receipt of written notice of the finding herein above referred to, shall be fined in any sum not exceeding \$100.00. Each day the same shall be permitted to stand after the receipt of such notice in writing and the expiration of said ~~30~~-day period, shall constitute a separate offense. In case the owner after due notice fails to remove or abate the structure within sixty (60) days after service of notice, the City shall remove or abate said nuisance, the cost of the removal of the same to be collected by the City from the owner of the property by civil action.

Section 4. Any person, firm or corporation who shall be convicted before the Recorder's Court of the violation of Sections One or Two of this Ordinance, shall be fined in any sum not exceeding \$100.00; and each day said violation shall continue shall constitute a separate offense.

Section 5. This Ordinance being necessary to prevent the repair of old and dangerous buildings and to prevent depreciated buildings, as herein defined, from being used

and maintained in an unsafe condition, this Ordinance is for the peace, health and safety of the people of the City of Lebanon, and an emergency is hereby declared to exist; and this Ordinance shall be in full force and effect upon its passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 2nd day of May, 1944.



MAYOR

ATTEST:



CITY RECORDER