

City of Sherwood, Oregon

Ordinance No. 97- 1024

AN ORDINANCE ADOPTING THE PROPERTY MAINTENANCE CODE OF THE CITY OF SHERWOOD, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council recognizes the need to have properties within the city maintained in a safe and sanitary condition in order to promote the public health, safety and welfare; and

WHEREAS, no existing ordinance or set or ordinances addresses property maintenance within the city comprehensively; and

WHEREAS, there is an urgent need to have a property maintenance code in place to address unsafe and/or unsanitary conditions on properties in the city,

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1 Adoption of Property Maintenance Code. The Council hereby adopts the Property Maintenance Code of the City of Sherwood as shown in Attachment A.

Section 2. Effective Date. To preserve the public health, safety and welfare, an emergency is hereby declared to exist and this ordinance shall become effective from and after the date of its passage by the Council and approval by the Mayor.

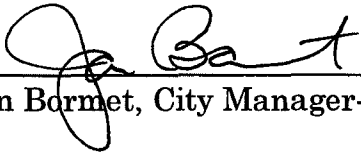
Duly passed by the City Council this 10th day of June 1997.

Approved by the Mayor this 10th day of June 1997.



Ron Tobias, Mayor

Attest:



Jon Borner, City Manager-Recorder

AYE NAY

Aamold	<u> ✓ </u>	<u> </u>
Boyle	<u> ✓ </u>	<u> </u>
Cottle	<u> ✓ </u>	<u> </u>
Krause	<u> ✓ </u>	<u> </u>
Tobias	<u> ✓ </u>	<u> </u>

**Property Maintenance Code
of the City of Sherwood**

CHAPTER 1

ADMINISTRATION

SECTION PM-101.0 GENERAL

PM-101 Title: These regulations shall be known as the Property Maintenance Code of the City of Sherwood hereinafter referred to as “this code”.

PM-101.2 Scope: This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing *premises* by establishing minimum requirements and standards for *premises*, structures, equipment, and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of *owners*, operators and occupants; regulating the *occupancy* of existing structures and *premises*, and providing for administration, enforcement and penalties.

PM-101.3 Intent: This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provision shall be altered or repaired to provide a minimum level of health and safety as required herein.

PM-101.4 Referenced standards: The standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

PM-101.5 Existing remedies: The provisions in this code shall not be construed to abolish or impair existing remedies of the City or its officers or agencies relating to the removal or demolition

of any structure which is dangerous, unsafe and unsanitary.

PM-101.6 Workmanship: All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner.

PM-101.7 Application of other codes: Any repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical and electrical codes as adopted by the City.

SECTION PM-102.0 VALIDITY

PM-102.1 Validity: If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

PM-102.2 Saving clause: This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

SECTION PM-103.0 MAINTENANCE

PM-103.1 Required: All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure or *premises* when erected or altered shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire

**Property Maintenance Code
of the City of Sherwood**

protection and safety systems and devices in existing structures.

SECTION PM-104.0 APPROVAL

PM-104.1 Approved materials and equipment:

All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

PM-104.2 Modifications: Where there are practical difficulties involved in carrying out provisions of this code, the code official shall have the right to vary or modify such provisions upon application of the *owner* or the *owner's* representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

PM-104.2.1 Records: The application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department.

PM-104.3 Material and equipment reuse: Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved by the code official.

PM104.4 Alternative materials and equipment:

The provisions of this code are not intended to prevent the installation of any material or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the intent of the provision of this code, and that the material, method or work offered is for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

PM-104.5 Research and investigations:

Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative subject to the requirements of this code. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

SECTION PM-105.0 DUTIES AND POWERS OF THE CODE OFFICIAL

PM-105.1 General: The code official shall enforce all of the provisions of this code.

PM-105.2 Notices and order: The code official shall issue all necessary notices or orders to ensure compliance with the code.

PM-105.3 Right of entry: The code official is authorized to enter the structure or *premises* at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

PM-105.4 Access by owner or operator: Every *occupant* of a structure or *premises* shall give the *owner* or *operator* thereof, or agent or employee, access to any part of such structure or its *premises* at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

PM-105.5 Identification: The code official shall carry proper identification when inspecting structures or *premises* in the performance of duties under this code.

PM-105.6 Coordination of enforcement: Inspection of *premises*, the issuance of notices and

Property Maintenance Code of the City of Sherwood

orders and enforcement thereof shall be the responsibility of the code official so charged by the City. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

PM-105.7 Rule-making authority: The code official shall have power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provision of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering practice involving public safety.

PM-105.8 Organization: The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate and employ a deputy who shall exercise all the powers of the code official during the temporary absence or disability of the code official.

PM-105.9 Restriction of employees: An official or employee connected with the enforcement of this code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of *construction documents* thereof, unless that *person* is the *owner* of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

PM-105.10 Relief from personal responsibility: The code official, officer or employee charged with the enforcement of this code, while acting for the City, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to *persons* or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the City until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

PM-105.11 Official records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such records.

SECTION PM-106.0 VIOLATIONS

PM-106.1 Unlawful acts: It shall be unlawful for any *person* firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, *let* to another or occupy or permit another *person* to occupy any *premises*, property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted

Property Maintenance Code of the City of Sherwood

under the provisions of this code. All nuisances as defined in this code shall constitute a violation of this code. All violations of this code shall constitute a civil infraction and shall be processed according to the procedures established in Section PM-106.3.

PM-106.2 Penalty: Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a civil fine of up to \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

PM-106.3 Infraction Procedures: When an alleged complaint is reported to the code official, the code official shall prepare a statement of the facts and shall review the facts and circumstances surrounding the alleged complaint. The code official shall not proceed further with the matter if the code official determines that there is not sufficient evidence to support the allegation, or if the code official determines that it is not in the best interest of the City to proceed. If the code official determines that a violation has occurred the City may enforce this code by any of the following methods:

1. Citation
2. Abatement
3. Citation and abatement
4. Other enforcement remedies available at law or at equity

SECTION PM-107.0 ABATEMENT NOTICES AND ORDERS

PM-107.1 Notice to owner or to person or persons responsible: Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred and decides that abatement procedures are appropriate, a notice of infraction shall be given to the *owner* or the *person* or *persons* responsible therefore in the manner prescribed in Sections PM-107.2 and PM-107.3. Notices for

condemnation procedures shall also comply with Section PM-108.3.

PM-107.2 Form: Such notice of infraction prescribed in Section PM-107.1 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued; and
4. Include a correction order allowing a reasonable time for the abatement of the nuisance or repairs and improvements required to bring the premises into compliance with the provisions of this code;
5. Include a notice of the appeal procedures under Section PM-111.1.

PM-107.3 Method of service: Such notice shall be deemed to be properly served if a copy thereof is sent by first class mail addressed to the owner at the last known address, and is (a) delivered to the *owner* personally; or (b) sent by certified or registered mail addressed to the *owner* at the last known address with return receipt requested, or, (c) posted in a conspicuous place in or about the *premises* affected by such notice. Service of such notice in the foregoing manner upon the *owner's* agent or upon the *person* responsible for the structure shall constitute service of notice upon the *owner*.

PM-107.4 Time to remedy violation after notice: The code official shall give the respondent a reasonable time to cure or remedy the alleged violation after the notice is sent/posted/delivered. The time allowed shall not be more than 10 days. Where there is an extreme hardship, as determined by the code official, the code official may grant additional time.

PM-107.5 Abatement by the City: If within the time prescribed in Section PM 107.4, the violation described in the notice of infraction has not been removed and abated, or cause shown, as specified

Property Maintenance Code of the City of Sherwood

in Section PM 111.0, why such should not be removed and abated, the code official may cause the violation to be removed and abated. All costs incurred by the City in abating the violation, including administrative and legal costs, shall become a lien upon the real property on which the violation was abated.

PM-107.6 Penalties: Penalties for noncompliance with orders and notices shall be as set forth in Section PM-106.2.

PM-107.7 Transfer of ownership: It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another unit the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION PM-108.0 UNSAFE STRUCTURES AND EQUIPMENT

PM-108.1 General: When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

PM-108.1.1 Unsafe structure: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing

minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

PM-108.1.2 Unsafe equipment: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the *premises* or structure.

PM-108.1.3 Structure unfit for human occupancy: A structure is unfit for human *occupancy* whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

PM-108.1.4 Unlawful structure: An unlawful structure is one found in whole or in part to be occupied by more *persons* than permitted under this code, or was erected, altered or occupied contrary to law.

PM-108.2 Closing of vacant structures: If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the code official is authorized to post a placard of *condemnation* on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the code official shall cause the *premises* to be closed through any available public

**Property Maintenance Code
of the City of Sherwood**

agency or by contract or arrangement by private *persons* and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

PM-108.3 Notice: Whenever the code official has *condemned* a structure or equipment under the provision of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the *person* or *persons* responsible for the structure or equipment in accordance with Section PM-107.3. The notice shall be in the form prescribed in Section PM-107.2.

PM-108.4 Placarding: Upon failure of the *owner* or *person* responsible to comply with the notice provision within the time given, the code official shall post on the *premises* or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operation the equipment or removing the placard.

PM-108.5 Prohibited occupancy: Any *person* who shall occupy a placarded *premises* or shall operate placarded equipment, any *owner* or any *person* responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION PM-109.0 EMERGENCY MEASURES

PM-109.1 Imminent danger: When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or

dangerous equipment, the code official is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official." It shall be unlawful for any *person* to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

PM-109.2 Temporary safeguards:

Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

PM-109.3 Closing streets: When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

PM-109.4 Emergency repairs: for the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

PM-109.5 Cost of emergency repairs: Costs incurred in the performance of emergency work shall be paid from the treasury of the City on approval of the code official. The Finance Director of the City shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

Property Maintenance Code of the City of Sherwood

PM-109.6 Appeal: Any *person* ordered to take emergency measures shall comply with such order forthwith. Any affected *person* shall thereafter, upon filing a written application for appeal in accordance with Section PM - 111.1, have the appeal decided by the City Manager.

SECTION PM-110.0 DEMOLITION

PM-110.1 General: The code official shall order the *owner* of any *premises* upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to raze and remove at the *owner's* option; or where there has been cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure.

PM-110.2 Order: All notices and orders shall comply with Section PM-107.0.

PM-110.3 Failure to comply: If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private *persons*, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

PM-110.4 Salvage materials: When any structure has been ordered razed and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted

with a report of such sale or transaction, including the items of expense and the amounts deducted, for the *person* who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION PM-111.0 MEANS OF APPEAL

PM-111.1 Application for appeal: Any *person* affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the City Manager provided that a written application for appeal is filed within the time allowed to remedy the violation as prescribed in Section PM 107.4, or within 10 days of the imposition of any emergency measures in Section PM - 109.0. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

PM-111.2 City Manager's decision: The decision of the City Manager shall be final on all appeals of decisions of the code official.

CHAPTER 2

DEFINITIONS

SECTION PM-201.0 GENERAL

PM-201.1 Scope: Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

PM-201.2 Interchangeability: Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

PM-201.3 Terms defined in other codes: Where terms are not defined in this code and are defined

Property Maintenance Code of the City of Sherwood

in the building, plumbing or mechanical codes listed in Chapter 4, such terms shall have the meanings ascribed to them as in those codes.

PM-201.4 Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

PM-201.5 Parts: Whenever the words “*dwelling unit*,” “*dwelling*,” “*premises*,” “*building*,” “*rooming house*,” “*rooming unit*” or “*story*” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION PM-202.0 GENERAL DEFINITIONS

Approved: Approved by the code official.

Basement: See Section PM-302.0

Building: Any structure occupied or intended for supporting or sheltering any *occupancy*.

Building code: The building code officially adopted by the legislative body of this City, or other such codes officially designated by the legislative body of the City for the regulation of construction, alteration, addition, repair, removal, demolition, location, *occupancy* and maintenance of buildings and structures.

Code Official: The building official who is charged with the administration and enforcement as specified under ORS 455.150, or any duly authorized representative.

Condemn: To adjudge unfit for *occupancy*.

Construction documents: All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the

project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

Dwellings: (See Section PM-201.5.)

Dormitory: A space in a building where group sleeping accommodations are provided in one room, or in a series or closely associated rooms, for *persons* not members of the same *family* group.

Dwelling unit: A single unit providing complete, independent living facilities for one or more *persons*, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Hotel: Any building containing six or more guest rooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

One-family dwelling: A building containing one dwelling unit with not more than five lodgers or boarders.

Rooming house: A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a *one-family dwelling* or a *two-family dwelling*.

Rooming unit: Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Two-family dwelling: A building containing two *dwelling units* with not more than five lodgers or boarders per *family*.

Exterior property: See Section PM-302.0.

Extermination: See Section PM-302.0.

Family: An individual or married couple and the children thereof or other *persons* related directly to the married couple by blood or marriage; or a

Property Maintenance Code of the City of Sherwood

group of not more than five unrelated *persons*, living together as a single housekeeping unit in a *dwelling unit*.

Garbage: See Section PM-302.0.

Infestation: See Section PM-302.0.

Inspection Certificate: An identification applied on a product by an approved agency containing the name of the manufacturer, the function and performance characteristics, and the name and identification of an approved agency which indicates that the product or material has been inspected and evaluated by an approved agency.

Label: A identification applied on a product by the manufacturer which contains the name of the manufacturer, the function and performance characteristics of the product or material, and the name and identification of an approved agency and which indicates that the representative sample of the product or material has been tested and evaluated by an approved agency .

Let for occupancy or let: See Section PM-302.0.

Manufacturer's designation: An identification applied on a product by the manufacturer indicating that a product or material complies with a specified standard or set of rules (see also *Mark, Label, and Inspection certificate*).

Mark: An identification applied on a product by the manufacturer indicating the name of the manufacturer and the function of a product or material (see also *Manufacturer's designation, Label, and Inspection certificate*).

Occupancy: The purpose for which a building or portion thereof is utilized or occupied.

Occupant: See Section PM-302.0.

Openable area: See Section PM-402.0.

Operator: See Section PM-302.0.

Owner: See Section PM-302.0.

Person: See Section PM-302.0.

Premises: See Section PM-302.0.

Public nuisance: See Section PM-302.0.

Registered design professional: An architect or engineer, registered or licensed to practice professional: An architect or engineer, registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the project is to be constructed.

Rubbish: See Section PM-302.0.

Structure: That which is built or constructed or a portion thereof.

Tenant: See Section PM-302.1.

Workmanlike: Executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Yard: See Section PM-302.0

CHAPTER 3

GENERAL REQUIREMENTS SECTION PM-301.0 GENERAL

PM-301.1 Scope: The provisions of this chapter shall govern the minimum conditions and the responsibilities of *persons* for maintenance of structures, equipment and *exterior property*.

PM-301.2 Responsibility: the *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in Sections PM-306.0 and PM-307.0. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* which do not comply with the requirements of this chapter.

**Property Maintenance Code
of the City of Sherwood**

PM-301.3 Vacant structures and land: All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION PM-302.0 DEFINITIONS

PM-302.1 General: The following words and terms shall, for the purposed of this chapter and as stated elsewhere in this code, have the meanings shown herein.

Basement: That portion of a building which is partly or completely below grade.

Exterior property: The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

Extermination: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Infestation: The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.

Let for occupancy or let: To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or structure by a *person* who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale

Occupant: Any *person* living or sleeping in a building; or having possession of a space within a building.

Operator: Any *person* who has charge, care or control of a structure or *premises* which is *let* or offered for *occupancy*.

Owner: Any *person*, agent, *operator*, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such *person* and the executor or administrator of the estate of such *person* if ordered to take possession of real property by a court.

Person: An individual, corporation, partnership or any other group acting as a unit.

Premises: A lot, plot or parcel of land including any structures thereon.

Public nuisance: Includes any of the following:

1. The physical condition or *occupancy* of any *premises* regarded as a public nuisance at common law;
2. Any physical condition or *occupancy* or any *premises* or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, *basements*, excavations and unsafe fences or structures;
3. Any *premises* that has unsanitary sewerage or *plumbing* facilities;
4. Any *premises* designated as unsafe for human habitation;
5. Any *premises* that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property;
6. Any *premises* from which the *plumbing*, heating or facilities required by this code have been removed, or from which utilities have

**Property Maintenance Code
of the City of Sherwood**

been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;

7. Any *premises* that is unsanitary, or that is littered with *rubbish* or *garbage*, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the *premises*.

Rubbish: Combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Tenant: A *person*, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

Yard: An open space on the same lot with a structure.

**SECTION PM-303.0 EXTERIOR
PROPERTY AREAS**

PM-303.1 Sanitation: All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

PM-303.2 Grading and drainage: All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Water retention areas and reservoirs approved by the code official.

PM-303.3 Sidewalks and driveways: All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of the appropriate specialty code.

PM-303.4 Weeds: All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers, crops and gardens.

PM-303.5 Rat harborage: All structures and *exterior property* shall be kept free from rat *infestation*. Where rats are found, they shall be promptly *exterminated* by approved processes which will not be injurious to human health. After *extermination*, proper precautions shall be taken to prevent *re-infestation*.

PM-303.6 Exhaust vents: Pips, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

PM 303.7 Accessory structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

PM-303.8 Motor vehicles: Except as provided for in other regulations, no currently unregistered or un-inspected motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major

**Property Maintenance Code
of the City of Sherwood**

disassembly, disrepair, or in the process of being stripped or dismantled.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

PM-303.9 Offensive odors: No animal, substance, condition or process that causes an odor detectable at a property line that is unreasonably offensive to persons with ordinary sensitivity to odors shall be permitted on any *premises*.

PM-303.10 Open storage of junk. All *premises* and *exterior property* shall be kept free from all used or dismantled household appliances, furniture, vehicle parts, other discards, garbage, junk or refuse.

**SECTION PM-304.0 EXTERIOR
STRUCTURE**

PM-304.1 General: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

PM-304.2 Exterior painting: All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

PM-304.3 Street numbers: Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least 3 inches high and ½-inch stroke.

PM-304.4 Structural members: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

PM-304.5 Foundation walls: All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

PM-304.6 Exterior walls: All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

PM-304.7 Roofs and drainage: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a *public nuisance*.

PM-304.8 Decorative features: All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

PM-304.9 Overhang extensions: All canopies, marquees signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM-304.10 Stair and walking surfaces: Every stair, ramp, balcony, porch, deck or other walking

**Property Maintenance Code
of the City of Sherwood**

surface shall comply with the provisions of the applicable adopted specialty code.

PM-304.11 Stairways, decks, porches and balconies: Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

PM-304.12 Chimneys and towers: All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM-304.13 Handrails and guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads of 200 pounds per square foot and shall be maintained in good condition.

PM-304.14 Window and door frames: Every window, door and frame shall be kept in sound condition, good repair and weather tight.

PM-304.14.1 Glazing: All glazing materials shall be maintained free from cracks and holes.

PM-304.14.2 Openable windows: Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

PM-304.15 Insect screens: Every door, window and other outside opening utilized or required for *ventilation* purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with

approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

PM-304.16 Doors: All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units, rooming units* and guest rooms shall tightly secure the door.

PM-304.17 Basement hatchways: Every *basement* hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

PM-304.18 Guards for basement windows: Every *basement* window that is openable shall be supplied with rat proof shields, storm windows or other approved protection against the entry of rats.

**SECTION PM-305.0
INTERIOR STRUCTURE**

PM-305.1 General: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every *occupant* shall keep that part of the structure which such *occupant* occupies or controls in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house, a hotel, a dormitory, two or more dwelling units* or two or more nonresidential *occupancies*, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

PM-305.2 Structural members: All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

**Property Maintenance Code
of the City of Sherwood**

PM-305.3 Interior surfaces: All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

PM-305.4 Lead-based paint: Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50-percent lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warnings as to the lead content of such surface.

PM-305.5 Stairs and railings: All interior stairs and railings shall be maintained in sound condition and good repair.

PM-305.6 Stairs and walking surfaces: Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of the applicable specialty code.

PM-305.7 Handrails and guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads of 200 pounds per square foot and shall be maintained in good condition.

SECTION PM-306.0 RUBBISH AND GARBAGE

PM-306.1 Accumulation of rubbish or garbage: All *exterior property* and *premises*, and the interior of every structure shall be free from any accumulation of *rubbish* or *garbage*.

PM-306.2 Disposal of rubbish: Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in approved containers.

PM-306.2.1 Rubbish storage facilities: The *owner* of every occupied *premises* shall supply approved covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

PM-306.3 Disposal of garbage: Every *occupant* of a structure shall dispose of *garbage* in a clean and sanitary manner by placing such *garbage* in an approved *garbage* disposal facility or approved *garbage* container.

PM-306.3.1 Garbage facilities: The *owner* of every dwelling shall supply one of the following: an approved mechanical food waster grinder in each *dwelling unit*; an approved incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an approved leak proof, covered, outside *garbage* container.

PM-306.3.2 Containers: The *operator* of every establishment producing *garbage* shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION PM-307.0 EXTERMINATION

PM-307.1 Infestation: All structures shall be kept free from insect and rat *infestation*. All structures in which insects or rats are found shall be promptly *exterminated* by approved processes that will not be injurious to human health. After *extermination*, proper precautions shall be taken to prevent *re-infestation*.

PM-307.2 Owner: The *owner* of any structure shall be responsible for *extermination* within the structure prior to renting or leasing the structure.

PM-307.3 Single occupant: The *occupant* of a *one-family dwelling* or of a single-tenant nonresidential structure shall be responsible for *extermination* on the *premises*.

**Property Maintenance Code
of the City of Sherwood**

PM-307.4 Multiple occupancy: The *owner* of a structure containing two or more dwelling units, a multiple *occupancy*, a rooming house or a nonresidential structure shall be responsible for *extermination* in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an occupant to prevent such *infestation* in the area occupied, the *occupants* shall be responsible for *extermination*.

PM-307.5 Occupant: The *occupant* of any structure shall be responsible for the continued rat-free condition of the structure, and if the *occupant* fails to maintain the rat-free condition, the cost of *extermination* shall be the responsibility of the *occupant*.

Exception: Where rat *infestations* are caused by defects in the structure, the *owner* shall be responsible for *extermination*.

CHAPTER 4

REFERENCE STANDARDS

ASME - American Society of Mechanical Engineers
345 East 47th Street
New York, NY 10017

- Safety Code for Elevators & Escalators with 1994 Addenda

CODES* Building Officials and Code Administrators International, Inc.
4051 West Flossmoor Road
Country Club Hills, IL 60478-5795

- BOCA National Building Code
- BOCA National Fire Prevention Code
- ICC International Mechanical Code
- ICC International Plumbing Code with 1996 Supplement

*All BOCA & ICC publications are available from BOCA.

NFPA - National Fire Protection Association
Batterymarch Park
Quincy, MA 02269

- National Electric Code



City of
Sherwood
Oregon

Home of the Tualatin River National Wildlife Refuge

**20 NW Washington
Sherwood, OR 97140
Phone: (503) 625-5522
FAX: (503) 625-0629
Kathy Cary**

MEMORANDUM

TO: Scott Spence
From: Kathy Cary
Date: July 2, 1997

Attached is a copy of Ordinance No. 97-1024, and the current ordinance. Please note that there is no repealer clause in 1024 to repeal the old sections. Also, the following sections—I think—should be revised:

Page 7 - Section PM-111.2 - appeal procedure- See page 6 of Ordinance No. 96-1015, wouldn't that refer to this code also?

Page 8 - Definitions of one and two family dwelling go beyond that in the comp code. If the Code will not permit more than five lodgers, Mark Cottle has to move (or should be cited for violation of this code!). Definition of "family" was, I believe ruled unconstitutional.

Page 9 - Openable area - Section PM-402.0 - there is no such section

-N-

NOISES,	
Offensive	4-6:IX.1(e)
Unreasonable	4-6:VIII.1(1b)
NOTICES,	
Contract review board hearing	1-9.9
Destruction	4-6:VI.20
Improvement	2-4.3,6
Nuisance abatement	4-6:IX.6
in Public areas	4-7.8,15
Sidewalk construction or repair	2-2.7,9
Taxicab permit cancellation	6-3.3
Water shortage	3-3.7A(b)
NOXIOUS VEGETATION	4-6:IX.1(f),2
NUISANCES,	
Abatement	4-6:IX.6
Animal carcasses	4-6:IX.1(d)
Bingo or lotto violations	6-4.13
Definitions	4-6:IX.1
Excavations	4-6:VIII.7(1b)
Hazards	4-6:IX.3
Junk, open storage	4-6:IX.5
Liquor law violations	4-1.23
Maintaining	4-6:IX.4
Privies	4-6:IX.1(a)
Rubbish, on private property	4-2.1; 4-6:IX.5(1b)
Sidewalks, defective	2-2.6
Snow and ice on sidewalks	4-6:VIII.16
Wastes, liquid, drainage	4-2.1;
	4-6:VIII.6(1b)
Weeds	4-6:IX.1(f),2
NUMBERING SYSTEM, Buildings	8-1

-O-

OBSCENITY	4-6:VIII.1(1c), 4(1b)
-----------	--------------------------

or causes the projectile from such device to be projected onto, over or across any sidewalk, street, park, alley or lane, or other public place.

(b) Unlawful use of an air gun, beanshooter, blow gun or slingshot, or similar device, is a violation.

Section 20. Expectoration.

(1) A person commits the offense of expectoration if he expectorates upon any sidewalk or street or on or in any public building or public place except in receptacles provided for that purpose.

(2) Expectoration is a violation.

ARTICLE IX
Nuisance Offenses

Section 1. Definition of Nuisances. The following are hereby declared to be nuisances affecting the public health and safety, and may be abated in the manner prescribed in Section 6 of this article:

(a) Maintenance on any private property of any open vault or privy.

(b) Maintenance or keeping on private property of any animal, substance or condition causing an odor unreasonably offensive to the public.

(c) Maintenance or keeping of any livestock or buildings for the purpose of housing such livestock in such places or in such a manner that they will be offensive or annoying to residents within the immediate vicinity thereof, or maintaining the premises in such a manner as to be a breeding place or likely breeding place for rodents, flies or other pests.

(d) Maintenance of any dead animal or bird exposed on private property for any period of time longer than reasonably necessary to accomplish the removal or disposal of the carcass.

(e) Maintenance of any condition, activity, operation or vocation on private property which causes noise unreasonably offensive to the public.

(f) Maintenance on private property of grass, weeds and noxious vegetation contrary to the provisions of Section 2.

(g) Maintenance on private property of any hazardous condition contrary to the provisions of Section 3.

Section 2. Noxious Vegetation. The owner, person in possession, or agent of the owner of any lot, tract or parcel of land, improved or unimproved, shall, during the months of May, June, July, August and September of each year, cut and remove, and keep cut and removed

8/14/74

therefrom and from the half of the street or streets abutting the property, all weeds, thistles, burdock, ferns and other noxious vegetation, and all grass more than 10 inches in height, and all dead bushes, dead trees, stumps and any other thing likely to cause fire.

Nothing herein contained shall be considered to apply to bushes, trees, shrubbery and/or other vegetation grown for food, fuel or ornament or for the production of food, fuel or ornament; providing, that the health and safety of the public be not thereby endangered by the maintenance of such growth or vegetation.

Section 3. Hazards. During all months of the year, such person shall remove and keep removed therefrom all stagnant water, filth, rubbish, waste material and any other substance which may endanger or injure neighboring property, passersby or the health, safety or welfare of the public. During all months of the year, he shall keep the sidewalk and streets abutting such property free from earth, rock and other debris, and from projecting and/or overhanging bushes, brush and limbs that may obstruct or render unsafe the passage of persons or vehicles.

Section 4. Maintenance of Nuisances.

(1) Any person who is an owner, tenant, person in possession, or person having the care of any real property, commits the crime of maintaining a nuisance if he maintains or fails to remove or abate any of the nuisances set forth in Section 1 of this article.

(2) Maintaining a nuisance is a Class C misdemeanor.

(3) Each day's violation of this section shall constitute a separate crime.

Section 5. Open Storage of Junk.

(1) A person commits the crime of open storage of junk when, as the owner, tenant, person in possession, or person in charge of or having the care of any real property, he deposits, stores, maintains or keeps on any real property within the city of Sherwood, outside a fully enclosed storage facility, building or garbage receptacle, any of the following:

(a) Inoperable, unusable, partially dismantled automobiles, cars, trucks, trailers or other vehicular equipment or parts thereof in a state of disrepair for more than 10 days as to any one automobile, car, truck, trailer or piece of vehicular equipment.

(b) Used or dismantled household appliances, furniture, or parts thereof, or discards, garbage, debris, rubbish, junk, trash or refuse for more than five days.

(2) Nothing contained in any section of this ordinance shall be

8/14/74

construed as permitting any activity otherwise proscribed or regulated by other ordinances or statutes applicable within the city of Sherwood.

(3) Open storage of junk is a Class C misdemeanor.

(4) Each day's violation of this section shall constitute a separate crime.

Section 6. Abatement of Nuisances.

(1) Any of the nuisances described in Sections 1, 2, 3 or 5 of this article may be abated as prescribed in this section.

(2) Notice.

(a) Whenever it is declared by ordinance that anything is a nuisance and the police chief has knowledge that such nuisance exists, unless the ordinance authorizes summary abatement, he shall cause to be posted upon the property liable for the abatement of such nuisance a notice, in legible characters, directing the removal of such nuisance, which notice shall be substantially in the following form:

NOTICE TO REMOVE NUISANCE

To the owner, agent of owner, and occupant of the following described real property _____
in the City of Sherwood, Oregon:

You are hereby notified to remove and abate the nuisance existing on above described property within 10 days from date of this notice, which nuisance consists of _____,
or show to the Sherwood City Council that no nuisance exists under Article IX of Ordinance No. _____. In case of failure to remove said nuisance within said time, you will be subject to fine or imprisonment, and the City of Sherwood will cause the same to be abated and charge the cost thereof against the property herein described.

Dated _____.

Chief of Police

(b) The police chief shall also, at approximately the time of posting such notice, notify the city recorder thereof; and the recorder shall thereupon cause to be mailed a copy of the notice so posted, postage prepaid, to the owner or agent of the owner of said real property, directed to the last known post office address of such owner or agent or, if the post office address of both is unknown, to such owner or agent at Sherwood, Oregon.

The chief of police may delegate any city employe to post or mail such notice. The person posting such notice and the person mailing the same shall forthwith file in the city recorder's office

8/14/74

a certificate stating the date and place of such mailing and posting.

An error in the name of the owner or agent or the use of a name other than that of the true owner or agent of such property shall not render void such notice, but in such case, the posted notice shall be deemed sufficient.

(3) Nuisance to be abated within 10 days; hearing.

(a) Within 10 days after posting and mailing of such notice, the owner, agent of the owner, or occupant of any such property shall remove and abate such nuisance or show that no nuisance in fact exists. Such showing may be made by filing a written statement that no nuisance exists, which statement shall be in duplicate and one copy thereof filed with the chief of police and the other filed with the city recorder. Thereupon, the recorder shall place said matter upon the calendar of the city council to be heard by the council in regular course of business. At the time set for hearing such person may appear and be heard by the council, and the council shall thereupon determine whether or not such nuisance exists.

(b) If it be determined by the council that such nuisance exists, the proceedings hereinafter specified shall be followed. The city recorder shall forthwith notify the police chief of the action by the council thereon.

(4) Abatement by city. If, within the time fixed in the code, the nuisance described in the notice has not been removed and abated, or cause shown, as specified in Subsection (3) hereof, why such nuisance should not be removed and abated, the police department shall cause said nuisance to be removed and abated.

Where summary abatement is authorized and no notice to abate is given, the police department shall cause said nuisance to be removed and abated. The department shall keep an accurate account of all expenses incurred, including an overhead charge of 10 per cent for administration. The police chief shall, after completion of removal and abatement, file a statement of the cost thereof with the city recorder.

(5) Notice of assessment.

(a) Upon receipt of such statement, the city recorder shall forthwith mail to the owner of such property therein mentioned, a notice setting forth the expense incurred and stating that the council proposes to assess against his property the amounts mentioned in Subsection (4) hereof, and that objections to the proposed assessment may be made in writing and filed with the city recorder on or before 20 days from date of mailing such notice.

(b) Upon expiration of said period of 20 days, objections to

8/14/74

the proposed assessment shall be heard and determined by the council in regular course of business.

(c) Any assessment for such cost and overhead expenses shall be made by ordinance, and shall be entered in the lien docket of the city; and 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 for street improvement liens, and shall bear interest at the rate of 6 per cent per annum from 10 days after 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.

(6) Summary abatement. The procedure provided by this ordinance is not exclusive but in addition to procedure provided by other ordinances; and furthermore, the health officer, the chief of the fire department and the police officers of this city may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

(7) Abatement not exclusive remedy. The abatement of a nuisance, as herein provided, shall not constitute a penalty for a violation of this ordinance, but shall be in addition to any penalty imposed for a violation of this ordinance.

ARTICLE X Repealer

Section 1. Ordinance No. 527, enacted by the city council of Sherwood on December 23, 1963, and all sections and the whole thereof be, and the same is hereby, repealed.

Ordinance No. 531, enacted by the city council of Sherwood on February 7, 1964, and all sections and the whole thereof be, and the same is hereby, repealed.

Ordinance No. 535, enacted by the city council of Sherwood on February 2, 1964, and all sections and the whole thereof be, and the same is hereby, repealed.

Sections 2, 4, 5 and 17 of Ordinance No. 529, enacted by the city council of Sherwood on December 23, 1963, be, and the same are hereby, repealed.

8/14/74