

## ORDINANCE NO 189

### AN ORDINANCE ESTABLISHING PROCEDURES FOR THE IDENTIFICATION OF DANGEROUS STRUCTURES; PROVIDING FOR THE ABATEMENT OF DANGEROUS STRUCTURES; REPEALING ORDINANCE 30.

**WHEREAS**, the Detroit City Council finds it in the best interest of the citizens of the City of Detroit to update the 1965 Ordinance relating to dangerous structures; and,

**WHEREAS**, the Detroit City Council finds that inspections of dangerous structures is best provided for by persons trained, certified and experienced in the application of the uniform building codes for the State of Oregon; and,

**WHEREAS**, the Detroit City Council finds that, being under contract with the Marion County Building Inspections Department for the application, processing, inspecting and enforcement of all regulated construction within the City of Detroit, the City shall additionally adopt the specialty codes which comprise the International Conference of Building Officials Uniform Building Codes for all aspects of building regulations and enforcement as adopted by the Marion County Building Inspections Department and the State of Oregon,

**NOW, THEREFORE, THE CITY OF DETROIT, OREGON ORDAINS AS FOLLOWS:**

#### **SECTION 1. DEFINITIONS**

##### **A. DANGEROUS STRUCTURE**

- 1) A structure, including a building, that, for lack of proper repairs, or because of age and dilapidated condition or of poorly installed electrical wiring or equipment, defective chimney, gas connection, or heating apparatus, or for any other reason, is liable to cause fire, and which is situated or occupied in a manner that endangers the life, health, property or safety of the public or the structure's occupants.
- 2) A structure containing combustible or explosive materials or inflammable substances liable to cause fire or danger to the life, health, property or safety of the public or the structure's occupants.
- 3) A structure that is in a filthy or unsanitary condition liable to cause the spread of contagious or infectious disease.
- 4) 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.
- 5) Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members that are supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified by the pertinent code.
- 6) Whenever any portion of a structure, including unfilled excavations, remains on a site for more than 30 days after the demolition or destruction of the structure.

##### **B. PERSON**

- 1) Every natural person, firm, partnership, association or corporation.

#### **SECTION 2. NUISANCE DECLARED.**

Every building found by the Council to be a dangerous structure is declared to be a public nuisance and may be abated by the procedures specified in this ordinance or by an action for abatement brought by the City.

**SECTION 3. INITIAL ACTION.**

When a city official determines that there is a dangerous structure, the official shall report it to the City Council. The Council shall, within a reasonable time, fix a time and place for a Public Hearing.

**SECTION 4. MAILED NOTICES.**

- A. The City Recorder shall notify the owner of the structure and, if not the same person, the owner of the property on which the structure is situated. The notice shall state:
  - 1) That a Public Hearing will be held concerning the nuisance character of the property; and
  - 2) The time, date and location of said Public Hearing.
- B. A copy of this notice shall be posted on the property.

**SECTION 5. PUBLISHED AND POSTED NOTICES.**

Ten-(10) days' notice of the Public 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.**

- A. At the Public Hearing, the owner or other persons interested in the dangerous structure shall have a right to be heard.
- B. The City Council may inspect the structure and may consider facts observed in determining if the structure is dangerous. The City Council may rely on the written opinion of any person designate by the City Council to inspect the structure to determine if it is dangerous.
- C. If the City Council determines that the structure is dangerous, the Council may, by Resolution:
  - 1) Order the structure to be abated; or
  - 2) Order the structure to be made safe and prescribe what must be done to make it safe.

**SECTION 7. COUNCIL ORDERS; NOTICE.**

Five days' notice of the Council's findings and any orders made by the City Council shall be given to the owner of the structure, the owner's agent or other person in control thereof. If the orders are not obeyed and the structure not made safe within the time specified by the order (being not less than five days), the City Council may order the structure demolished or made safe at the expense of the property on which it is situated.

**SECTION 8. ABATEMENT BY THE CITY.**

- A. If the City Council orders are not complied with, the Council may:
  - 1) specify the work to be done;
  - 2) file a statement with the City Recorder; and
  - 3) advertise for bids to have said work completed in the manner provided by ordinance for advertising for bids.

**SECTION 9. ASSESSMENT.**

- A. The City Council shall determine the probable cost of the work and asses the cost against the property upon which the structure is situated. The assessment shall be declared by resolution, and it shall be entered into the Docket of City Liens and become a lien against the property.
- B. The creation of the lien and the collection and enforcement of the cost shall be performed pursuant to applicable law.

**SECTION 10. SUMMARY ABATEMENT.**

The procedures of this ordinance may be waived if a structure is deemed by the Council to be unmistakably dangerous and imminently endangers life or property. In such an instance, the Chief of the enforcing fire district may, upon written determination of the City Council, summarily demolish the structure; or the City may take appropriate demolition action as the interests of public safety dictates.

**SECTION 11. ERRORS IN PROCEDURE.**

Failure to conform to the requirements of this ordinance that does not substantially affect a legal right of a person does not invalidate a proceeding under this ordinance.

**SECTION 12. REPEAL.**

This Ordinance repeals Ordinance 30 and any other Ordinance, Resolution, section, or subsection that may be in conflict herein.

**SECTION 13. PENALTY.**

A person who owns or is in possession or the custodian of a dangerous structure, and who allows the structure to remain dangerous for as long as ten (10) days after receipt of the notice specified in Section 7, may be fined not more than \$250. Each day following the 10<sup>th</sup> day after receipt of a notice, a violation continues shall be considered a separate offense.

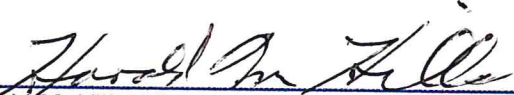
**Passed by the common council of the City of Detroit, Marion County, Oregon this 18<sup>th</sup> day of November 2003.**

First read into the record in full on October 14, 2003.

Second reading by title only on November 18, 2003.

Adopted by the Detroit City Council this 18<sup>th</sup> day of November 2003.

CITY OF DETROIT

By:   
Harold M. Hills, Mayor

Date: November 18, 2003


CITY OF DETROIT

Attest:

By:   
Sandra K. Furbish, City Recorder

Date: November 18, 2003

Approved as to form:

By:   
David A. Rhoten, City Attorney