



Falls City Oregon City Council Meeting

Monday, August 7, 2023 at 6:00 pm

Meeting Location

320 N Main St • Falls City, OR 97344

How to Attend and/or Participate

1. In Person: 320 N Main St. Falls City, OR 97344
2. Call-in: a. 1 669 444 9171 b. Meeting ID: 878 7406 4319
You will be muted but may “raise your hand” to indicate you wish to comment.
3. Web Application: Zoom Webinar <https://us06web.zoom.us/j/87874064319>
You will be muted but may “raise your hand” to indicate you wish to comment during Public Comments.
4. Write-In: Using regular mail or email. a. info@fallscityoregon.gov; 299 Mill St. Falls City, OR 97344

The City of Falls City does not discriminate in providing access to its programs, services, and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 503.787.3631 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.

1. CALL TO ORDER & ROLL CALL

Mayor TJ Bailey, Council President Houghtaling, Councilor Nick Backus, Councilor Martha Jirovec, Councilor Tony Meier, Councilor Dennis Sickles, Councilor Lori Jean Sickles

2. PLEDGE OF ALLEGIANCE

3. ANNOUNCEMENTS, APPOINTMENTS, APPRECIATIONS, & PROCLAMATIONS

4. PUBLIC COMMENTS & LETTER COMMUNICATIONS

In order to encourage an environment of openness, courtesy and respect for differing points of view, please refrain from behavior that is disruptive to the meeting such as making loud noises, clapping, shouting, booing, or any other activity that disrupts the orderly conduct of the meeting. Abusive language will not be tolerated.

Please limit your commentary to 3 minutes or less.

5. CONSENT AGENDA

a. July 10, 2023 Minutes

Attachments:

- **Minutes** (2023.07.10_Council_Minutes.pdf)

6. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS

a. Mayor's Report

b. Councilor Comments

c. Park & Rec Committee Report

Attachments:

- **Minutes** (2023.07.19_Park_Minutes.pdf)

7. REPORTS FROM CITY MANAGER & STAFF

a. Falls City Fire Report

Attachments:

- **July Report** (FD_July_Calls.pdf)

b. Falls City Public Works Report

Attachments:

- **July Report** (July_PW_report_2023.pdf)

c. City Manager's Report

Attachments:

- **Manager Report** (2023.08.07_Monthly_Manager_s_Report.pdf)

d. Electric Vehicle Grant

Attachments:

- **Staff Report** (8.7.2023_SR_EV_Grant_Application.pdf)
- **Exhibit A** (8.7.2023_Exhibit_A_EV_Grant_Application.pdf)
- **Exhibit B** (8.7.2023_Exhibit_B_EV_Grant_Application.pdf)
- **Exhibit C** (EV_Grant_Exhibit_C_Oregon_Electric_Mobility_Grant_Application_1st_Page_for_CC_Mtg_.pdf)
- **Exhibit D** (EV_Grant_Exhibit_D_Falls_City_Letter_of_Support_for_EV_Grant_Application_2022_.pdf)

8. ORDINANCES

a. Ordinance 561-2023 - Dangerous Building

Attachments:

- **Staff Report** (8.7.2023_SR_Dangerous_Building_Ordinance.pdf)
- **Ordinance 561-2023** (8.7.2023_Dangerous_Building_Ordinance__561-2023.pdf)
- **Exhibit B** (8.7.2023_Dangerous_Building_Exhibit_B.pdf)

9. GOOD OF THE ORDER

10. ADJOURN

Posted for Public at the City Hall Bulletin Board, Community Center, & Falls City Website

Contact: Jeremy Teal, City Recorder (jteal@fallscityoregon.gov 503.787.3631) | Agenda published on 08/03/2023 at
11:47 AM

| FALLS CITY CITY COUNCIL | | MONDAY, JULY 10, 2023 |
|---|--|--|
| The Falls City City Council met in regular session on Monday, July 10, 2023 at 6:00 p.m. in the Community Center located at 320 N. Main Street | | |
| Council Members Present: Council President Amy Houghtaling, Councilor Nick Backus, Councilor Martha Jirovec, Councilor Tony Meier, Councilor Dennis Sickles and Councilor Lori Jean Sickles | | |
| Staff Present: City Manager AJ Foscoli, City Recorder Jeremy Teal | | |
| AGENDA | | ACTION |
| Announcements, Appointments, Appreciations & Proclamations | | There were none. |
| Public Comment | | <p>Mayor Bailey opened the Public Comments at 6:01 p.m.</p> <p>Kirk Bathke, 2208 Elmwood Dr, Dallas, gave a brief update on the Backroads Coffee Shop. He noted they were making forward progress and would hopefully be open soon. He stated the coffee shop was an investment in the community and family, and collaborative partnering throughout the whole project.</p> <p>Councilor Jirovec asked what the next steps would be. Mr. Bathke noted big round sign would go up after paint and framing inspection would be next week. He mentioned that electrical was on deck in 1-2 weeks, then insulation, drywall, and then site prep and driveway work.</p> <p>Mayor Bailey closed the Public Comments at 6:11 p.m.</p> |
| Public Hearing 2023 CDBG Block Grant from Business Oregon | | |
| <p>Mayor Bailey opened the public hearing at 6:12 p.m.</p> <p>Mayor Bailey closed the public hearing at 6:18 p.m.</p> | | <p>Mayor Bailey read the Public Notice in its entirety into the record, which will be attached to these minutes herein.</p> |
| Consent Agenda <ul style="list-style-type: none"> a) June 5, 2023 Minutes b) June 20, 2023 Minutes | | <p>It was moved by Council President Houghtaling to approve the Consent Agenda as presented. The motion was duly seconded by Councilor Backus and CARRIED with a vote of 6-0 with Councilors Backus, Jirovec, Meier, D Sickles, LJ</p> |

| | |
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| | Sickles and Council President Houghtaling voting YES. |
| <p>Reports or Comments from Mayor and Council Members</p> <p>a) Mayor's Report</p> <p>b) Councilor Comments</p> <p>c) Park Board Report</p> <p>d) Public Works Report</p> | <p>Mayor Bailey had no comments.</p> <p>Councilor LJ Sickles reported that the Summer Celebration was a huge success. She noted there were a lot of volunteers helping with all the activities throughout the event and the whole event was encouraging to the town.</p> <p>Councilor D Sickles reported that Dusty Rose Hansen asked about renovating the ballpark and starting a youth sports league. He mentioned that Mrs. Hansen would like to look for a grant to help with the field and possibly get some dirt from the wastewater project for the field. She also commented that she would like to head a committee for the field. Councilor D Sickles noted the field was a historical location where semi pro baseball was played. He asked Mr. Foscoli if dirt would be available from the wastewater project.</p> <p>There was a lengthy discussion regarding the signs at the park and the falls. It was decided to return the details regarding the signs to the Park Board and to bring the final versions to the Council for approval.</p> <p>Councilor D Sickles asked for recommendations to fix the chain link fence at the falls. Mayor Bailey mentioned he would email his OMA mayors email string and ask for advice. Mr. Martin noted the webinar spells it out clearly that signs are critical to warn people.</p> <p>Councilor D Sickles suggested contacting the city attorney since the insurance companies don't want to do anything.</p> <p>Councilor Meier mentioned the Safe Routes to School project wasn't needed any longer due to the grade school having their own gym.</p> |

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| | <p>Mr. Foscoli noted there would be an open house this Thursday to look at the new design that is within the budget.</p> <p>Councilor D Sickles stated traveling from the elementary to high school was not an issue anymore.</p> <p>Mr. Foscoli indicated the new designs would allow the City to reapply to ODOT and possibly receive \$250,000 for the project. Councilor D Sickles asked if the project was starting from scratch.</p> <p>Mr. Foscoli noted sidewalks were easier to build and the stairs and could be tied in to make it easier for city to afford. He mentioned the open house would from 4-6 pm at the Fire Hall.</p> |
| <p>Reports from City Manager & Staff</p> <p>a) Fire Report</p> <p>b) Public Works Reports</p> <p>c) City Manager's Report</p> | <p>Mayor Bailey indicated that fire season was upon Falls City and there should be no backyard burning.</p> <p>Councilor Meier asked if the fire chief had the authority to site anyone for burning. Mr. Foscoli stated he would confirm that.</p> <p>There were no comments.</p> <p>Mr. Foscoli gave his report regarding the wastewater project, LCB, Code enforcement interested in helping as Falls City liaison, towing, safe routes to school project, community center roof leak, and excessive domestic sewer pumping.</p> <p>Mr. Foscoli noted that all the dirt from the wastewater project would be used to build the berms for the lagoons.</p> <p>He reported the Strider pre-construction meeting went great and the project would be 300 construction days from start to finish. He mentioned the High school work wouldn't start until the football field is done. He reported the UV system would be decommissioned and the parking lot would be compromised for about 1 week. He stated the work is scheduled to take place July 24-August 3.</p> |

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| | <p>Mr. Foscoli commented that LCB handicap rails were painted, the numbers were up, and the cameras were installed. He advised the speed signs would be installed this week.</p> |
| <p>Good of the Order</p> | <p>Councilor Backus asked about the outcome of the electric car. Mr. Foscoli reported that the City did not get the grant from Pacific Power.</p> <p>Mayor Bailey stated the Volcanoes Baseball Stadium had invited Polk County and Falls City for a night at the stadium. He mentioned that August 5 would be the skate park pancake fundraiser during PRIDE weekend. He noted the pancake fundraiser would allow us to pay off the design and then start working on grants.</p> <p>Council President Houghtaling stated she knew the railing at the LCB was a liability but was that something Thrives could have done. She advised that the City staff was overburdened and priorities need to be set for each project.</p> <p>Councilor Jirovec stated she asked if Thrives could do it. Mr. Foscoli noted that anything Thrives can do at the LCB would be great.</p> <p>Council President Houghtaling mentioned that Falls City had a small city staff and they all wear multiple hats. She noted that every project should be brainstormed to see who can handle it.</p> <p>Councilor D Sickles noted he was looking for middle school volleyball coach.</p> <p>Councilor Jirovec asked about the dangerous building ordinance. Mr. Foscoli stated he was continuing to work with the city attorney.</p> <p>Councilor Jirovec asked if there were other ordinances that would possibly need help with to be revise. Mr. Foscoli mentioned he had an outline from Russ and possibly a code workshop in the future.</p> |

| | |
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| | <p>Councilor Jirovec asked if a new kitchen faucet for the community center sink could be purchased and possibly the dishwasher fixed too. Mayor Bailey reported there had been an uptick at the mill lot with campers, donuts, and theft. He asked the status of barricading the lot. Mr. Foscoli noted he had spoken with Weyerhauser and would setup a meeting to discuss possibilities with the lot.</p> |
| <p>Adjourn</p> | <p>There being no further business the meeting was adjourned at 7:35 p.m.</p> |
| <p>Read and approved this ____ day of _____ 2023.</p> <p>Mayor: _____</p> <p>ATTEST:</p> <p>City Recorder: _____</p> | |

Parks and Recreation Committee Meeting
July 19, 2023
Falls City, Oregon

The meeting was called to order by Dani Haviland in the Falls City Community Center on July 19, 2023, at 6:00 PM. In attendance were Dani Haviland, Dennis Sickles, Laura Britton, Chris Martin, Laura Evans and Georgie Dayton-Jackson. TJ Bailey arrived at the end of the meeting.

A quorum was present. Pledge of Allegiance was said.

Public Comment:

There were no comments.

Old business: Skate Park Update

Mr. Bailey was not in attendance for an update.

New business:

Signage for Falls Park:

It was discussed to have the artwork and the signs all similar for all the park signage.

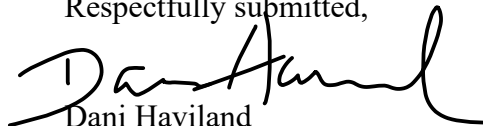
It was suggested having the school help with the design and using the jump off logo and the City of Falls City logo. It was also suggested that a highway sign be created for the falls.

d. PRIDE:

It was announced that PRIDE would be August 4-6 this year and vendors would August 4 & 5 behind City Hall. It was noted there would be a dance party at the Boondocks on August 4. There would be a PRIDE gathering at John & Keith's property beginning at 4 pm and end with a drag show at the Boondocks at 8 pm. It was mentioned Thrives would be in the Community Center all weekend and the Skate Park Pancake Feed would be on August 6 from 9 am to 12 pm in the Community Center.

Adjourned at 6:18 PM.

Respectfully submitted,


Dani Haviland

Call Volume for Falls City Volunteer Fire Dept. 2023 Calls (JANUARY-DECEMBER)

| 2023 MONTH | MEDICAL | PUBLIC ASSIST | MV A | STRUCTURE FIRE | GRASS BRUSH TREE FIRE | POWER LINE | SW CALLS FCFD RESPOND ON | SW ASSISTED FCFD CALLS | MO. TOTAL CALLS |
|--------------------------|-----------|---------------|----------|-----------------|-----------------------|------------|--------------------------|------------------------|-----------------|
| JAN | 6 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 8 |
| FEB | 6 | 0 | 1 SW | 0 | 2 | 0 | 0 | 1 med 1 mva | 9 |
| MAR | 7 | 0 | 0 | 2 | 0 | 0 | 0 | 1 fire | 9 |
| APR | 11 | 0 | 0 | 4 | 0 | 0 | 0 | 2 fire | 17 |
| MAY | 3 | 1 burn co | 0 | 1 RV | 0 | 0 | 1 car fire | 0 | 6 |
| JUNE | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 |
| JULY | 11 | 2 | 0 | 1 House 1 RV | 5 | 0 | 1 grass fire | 0 | 24 |
| AUG | | | | | | | | | |
| SEPT | | | | | | | | | |
| OCT | | | | | | | | | |
| NOV | | | | | | | | | |
| DEC | | | | | | | | | |
| YR TOTALS To Date | 33 | 2 | 1 | 7 | 2 | 1 | 1 | 5 | 49 |

Fire Department Report for August 2023 Council Meeting:

Calls have increased for the month of July. We have been busy. Also, we assisted Polk 1 with two grass fires and also Assisted Dallas with one grass fire.

Getting more grass fires during this time of year due to dry conditions and heat. Also people are still burning, lighting fires for debris burns. We received 4 burning complaints from neighbors. Fire Dept put out the fires and advised homeowners that all burning is closed until further notice. Maybe put a notice "NO burning" in city website?

We had one personnel attend a conflagration fire in Klamath Falls area in July.

FD personnel cleaned and designed area in front of Community Center and FD for the Fire danger alert sign. The sign will be up soon. This will tell the community the risk levels of fires, that you see at other fire stations and forestry offices. The sign was a gift from the State Fire Marshall's office that Sharon applied for.

Work is still on going for the new Brush Truck. No date yet on completion.

Thank you for all your support and hard work for our community!
Prepared by Sharon Volk Greve, Assistant Chief, Falls City Fire and EMS Cell: (503) 871-5140u



City of Falls City

299 Mill St • Falls City, Oregon • 97344
Ph. (503) 787-3631 • www.fallscityoregon.gov

Public Works Report July of 2023

Administration

Normal operations.

Water Division

Normal operations.

Sewer Division

Normal operations.

Streets Division

Normal operations.

Parks & Cemeteries Division

Normal operations.

Non-Sewer Wastewater Division (TMDL)

Normal operations.



City of Falls City
299 Mill Street
Falls City, OR 97344
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City Manager's Report August 7, 2023

Introduction

Though the summer feels like it has just started, in many ways we're already looking at our calendar and before we know it, all of the summer events will be behind us and we'll be preparing for the new school year which leads us into fall. We've been relatively lucky locally and overall regionally that no fires have diminished our air quality this year (knock on wood), and we hope that people will continue to abide by fire bans to keep everyone safe. Our fire brush truck has gone out on a conflagration recently and we hope that the service fees for it will go toward offsetting its investment.

Wastewater Project – We recently held our Groundbreaking ceremony at the lagoon site to commemorate the beginning of the physical portion of this project, given that the past 5 years or so have been focused on packaging the funding in order to execute on this much needed project. Though this was a very low-key affair, it was the culmination of many hours, days, weeks, month, and years of work toward this transformative goal for the city. We were happy that among the elected officials, we had some who have been on council throughout this process, and it must feel especially good for them to see it to fruition.

Strider Construction is aiming to bring their heavy machinery on site by mid-August to being the major excavation for the lagoons. Simultaneously, they will be deploying crews to work on the Falls City High School campus to put in lines at the lower parking lot that will tie in to the comprehensive system, bypassing the current, and soon to be decommissioned UV filtering system. The work at the campus should be relatively short (1 week at most) and will be finished before academic staff will be back to school.

Luckiamute Community Building – The dryer that has been installed in the basement of the LCB is in need of service, as its heating coil is not functioning properly. Since this is a recent purchase, it is fully within warranty and will be taken care of as soon as a service tech can be scheduled to come in.

Code Enforcement & Municipal Court – No update.

Towing Services – No update.

Note: If you have questions/concerns, please respond to me individually by email, phone, or in person. This way we avoid violating any public meetings laws with a "reply all" response, or multiple councilors discussing on the same thread.

Safe Routes to School Project – Based on a joint decision by the Safe Routes to School project’s contract engineers, ODOT and city staff, the city of Falls City has forfeited its Small Cities Allotment grants awarded in 2020 and 2021 to reapply in 2023 due to the higher SCA allotment that ODOT has deemed necessary due to COVID related increases in project costs. The **Town Hall / Open House** that was held on July 13 informed residents of the proposed changes and the feedback received about the modifications to the project were supportive of the change in scope for the project. City staff is confident that with ODOT’s support and guidance, the Safe Routes to School project will be in much better shape to be executed on in 2024’s construction season and help the city’s downtown streets be safer than ever.

Community Center Roof Leaks – The city of Falls City is intending to re-apply for the Pacific Power E-Mobility Grant in the hopes of being awarded funds to purchase an electric vehicle for Public Works use. Since last year, a new vehicle that is even more useful for PW’s various duties and responsibilities has been identified and the city is hopeful that it will be successful in its 2023 application. The city council’s support in 2022 and 2023 is welcomed and appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Josudi". The signature is written in a cursive, flowing style.

Clerk's Report

City Hall

- **PRIDE** August 4-6

Public Works

- **Speed signs** are installed
- **Speed test** have not gotten a confirmed date from County for the test
- **Rumble strips** frustratingly waiting on a primer that is needed

STAFF REPORT

TO: HONORABLE MAYOR, AND CITY COUNCIL
FROM: CITY MANAGER, AJ FOSCOLI
SUBJECT: EV GRANT APPLICATION
DATE: 8/7/2023

SUMMARY

Council Approval of Pacific Power Electric Mobility (EV) Grant.

BACKGROUND

The City Manager has brought up the proposal of including an electric vehicle to the city's fleet in order to take advantage of the fact that Falls City only has 19 miles of road and the city currently lacks a gas station, which necessitates all of the fleet vehicles to travel 20 miles round-trip just to refuel. Given that none of the city's current vehicles achieve a 20 mile-per-gallon fuel efficiency, and gas prices will most likely remain high for the foreseeable future, it makes sense to diversify the city's fleet with a zero emissions vehicle that can be fully "refueled" for less than the price of one gallon of gas.

The vehicle proposed by the city manager to become part of the fleet is the Arcimoto (Exhibit A & B) which is a fully battery electric vehicle with 100 miles of range.

FINANCIAL IMPLICATIONS

\$10,000 match for the Pacific Power Electric Mobility (EV) Grant application, to go toward a \$21,500 vehicle.

STAFF RECOMMENDATION

Staff recommends the City Council to apply for, receive and administer the Pacific Power Electric Mobility (EV) Grant.

PROPOSED MOTION

Recommend a motion to direct the City Manager to apply for, receive and administer the Pacific Power Electric Mobility (EV) Grant.

EXHIBIT

- A- ROI Flyer (Fuel comparison sheet)
- B- Arcimoto Flyer
- C- Pacific Power Electric Mobility (EV) Grant
- D- EV Grant Letter of Support

Exhibit A

Incentives and Rebates

Arcimoto vehicles qualify for a \$2,500 rebate for the Clean Vehicle Program, and depending on household income, an additional \$5,000 rebate for the Charge Ahead Rebate Program. For benefit qualifications, please see: <https://www.oregon.gov/deq/FilterDocs/zev-faq.pdf>

How long does it take to charge the FUV?

Using a Level 1 charging station or 110V outlet, the estimated time for a full charge from empty is at least 8 hours. Using a Level 2 charging station or 220V outlet, the estimated time is at least 4 hours. Charging at a high or low temperature will affect the charging time and charge retention.

What is the lifetime of the battery system?

We don't yet have the longitudinal data to make a definitive claim, but we are hopeful based on our pack design and data from the cell manufacturer that the li-ion batteries used in the FUV will last up to 8 years or more with normal vehicle usage, and still maintain more than 80% of their original charging capacity. Field testing and continuous improvements are ongoing, and we will provide more data as it is available.

What is the FUV manufacturer's warranty?

Arcimoto vehicles are covered by a standard 3-year/36,000-mile warranty. Warranty can be viewed the [here](#).

Approximate costs of operation for the Arcimoto:

It costs the city approximately **\$5.85** in fuel costs to make the 20-mile round-trip from City Hall to the closest gas station in Dallas (based on our vehicle's 15 mpg). The same round-trip in the Arcimoto would cost **\$.40** (calculations based on Pacific Power's current kWh rates).

The Arcimoto's 173.7 City MPGe (MPG equivalent for Electric Vehicle electricity consumption) can travel 14 times more efficiently.

Pacific Power Pricing. Base Energy Charge:

On-peak: about 12¢ per kilowatt-hour (kWh)

Off-peak: about 7¢ per kWh.

Based on On-peak charging, to "fill up" a 100 mile range vehicle (18.1 kWh Arcimoto), it would cost **\$2.17**.

Based on Off-peak charging, to "fill up" a 100 mile range vehicle (18.1 kWh Arcimoto), it would cost **\$1.27**.

Average cost to "fill up" is **\$1.72**.

The Fun Utility Vehicle



Application Form

Instructions

1. Review the eligibility information, evaluation criteria, technical requirements, and award recipient requirements before completing the Electric Mobility Application Form.
2. Complete this Application Form.
3. Compile all required Supporting Documentation from the Application Checklist to submit as attachments along with your Application Form. If your project includes the procurement of physical assets, such as EVs or charging infrastructure, complete the Supplemental Information Form to submit along with additional required Supporting Documentation.
4. Submit the Application Form as a Word document (.doc or .docx) or PDF file to plugin@pacificpower.net with “Electric Mobility Grant” in the subject line. You may compile attachments with your Supporting Documentation into a single PDF or attach as separate files.

| Applicant Information | |
|--|--|
| Name of Organization | |
| Pacific Power customer account number | |
| Organization website address | |
| Primary project contact information <i>Will be responsible for providing ongoing reporting for the project</i> | |
| Name | |
| Title | |
| Organization name | |
| Role in the project | |
| Phone number | |
| Email address | |
| Contractor/Installer contact information | |
| Name | |
| Title | |
| Phone number | |
| Email address | |
| Organization name | |



City of Falls City
299 Mill Street
Falls City, OR 97344
Ph 503.787.3631

OFFICE OF THE MAYOR
TJ BAILEY

August 8, 2022

**Oregon Electric Mobility Grant
City Council of Falls City Letter of Support**

On behalf of the City Council of the City of Falls City, please accept this letter of support for Falls City's application to the Oregon Electric Mobility Grant.

In its current state, the city's fleet is mostly comprised of Internal Combustion Engine vehicles which are both inefficient and polluting to the environment. Given that Falls City does not have a gas station within city limits, not only are the vehicles inefficient in their operation, but even more so in their refueling, which could be greatly mitigated with the addition of a zero-emission vehicle with high fuel mileage. The fact that our town only has 19 miles of roads, means that the Solo Electric Vehicle will be an excellent addition to our fleet for both metering and code enforcement. We sincerely hope that Pacific Power will support Falls City's push to improve its fleet to be more cost efficient and cleaner for its community.

Sincerely,

TJ Bailey

STAFF REPORT

TO: HONORABLE MAYOR, AND CITY COUNCIL
FROM: CITY MANAGER, AJ FOSCOLI
SUBJECT: DANGEROUS BUILDING ORDINANCE
DATE: 8/7/2023

SUMMARY

Council Approval of Dangerous Building definitions added to the Falls City Municipal Code's Nuisance Abatement.

BACKGROUND

The City Manager has brought up the issue of nuisance properties to the council's attention in the recent past. This action was precipitated by a conflagration that impacted not only the property in question, but multiple adjacent properties. The resulting conflagration debris was not dealt with in a timely manner and the Nuisance Abatement process was initiated to bring the property into compliance. Unfortunately, the damage from the conflagration was not limited to debris from an accessory structure, but to the main dwelling structure. Since Falls City Municipal Code does not spell out a mitigation process for dwellings that are "dangerous", with the assistance of our city attorney, a draft ordinance has been created to ensure that all buildings which can be defined as dangerous can be properly brought into compliance for the health and safety of all residents.

FINANCIAL IMPLICATIONS

Standard daily fines in line with other non-compliance issues will apply. Violations of §§ 90.01 through 90.99 shall be punishable upon conviction by a fine not to exceed \$500 for a non-continuing violation and a fine of not more than \$1,000 for a continuing offense.

STAFF RECOMMENDATION

Staff recommends the approval of ORDINANCE #561-2023.

PROPOSED MOTION

Recommend a motion to approve ORDINANCE #561-2023.

EXHIBIT

- A- ORDINANCE #561-2023
- B- 90.35 Definition of Dangerous Building

ORDINANCE #561-2023

AN ORDINANCE ADDING SECTIONS 90.35 AND 90.36 TO THE FALLS CITY MUNICIPAL CODE DEFINING DANGEROUS BUILDINGS, DECLARING THE SAME TO BE A NUISANCE, AND ALLOWING ENFORCEMENT UNDER THE CODE PROVISIONS RELATED TO ABATEMENT OF NUISANCES.

FINDINGS:

1. The Falls City City Council determined that the Falls City Municipal Code Ordinance does not provide sufficient specificity on the definition of a “Dangerous Building”.
2. The Falls City City Council directed staff to prepare draft amendments to the Falls City Municipal Code Ordinance to add a definition of a “Dangerous Building” to Municipal Code Section 90.45-90.99.
3. In order to protect the public health, safety, and welfare of the City of Falls City, the City Council finds and declare that dangerous buildings are a public nuisance and should be subject to abatement as provide in the municipal code.

NOW THEREFORE THE CITY OF FALLS CITY ORDAINS AS FOLLOWS:

Section 1: The City Council hereby adopts findings in support of this legislative amendment to the Falls City Municipal Code Ordinance, as set forth in the above recitals and attached as “Staff Report”

Section 2: The Falls City Municipal Code of Ordinances is hereby amended to add Sections 90.35 and 90.36 as set forth in the attached “Exhibit A” which is incorporated by reference.

Section 3: The provisions of Section 1 of this Ordinance shall be published as appropriate in the Falls City Code of Ordinances as soon as practicable.

Section 4: If any section or part of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

Section 5: This ordinance shall take effect 30 days after its adoption.

READ FIRST TIME by the Council of the City of Falls City this 7th day of August, 2023.

AYES: NAYES: ABSTAIN: ABSENT:

READ SECOND TIME AND ADOPTED by the Council of the City of Falls City this 11th day of September, 2023.

AYES: NAYES: ABSTAIN: ABSENT:

TJ Bailey, Mayor

Jeremy Teal, City Recorder

DANGEROUS BUILDINGS

90.35 Definition of Dangerous Building

The term “dangerous building” as used in this section, shall mean any of the following:

1. Any building or structure that is structurally unsafe or not provided with adequate egress, or that constitutes a fire hazard, or is otherwise dangerous to human life;
2. Any building or structure constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment;
3. 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.
4. Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
5. Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
6. Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one- and one-half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose, or location.
7. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose, or location.
8. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
9. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
10. Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
11. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
12. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
13. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

Exhibit A to Ordinance #561-2023

14. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
15. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals, or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
16. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location, or structure of buildings.
17. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
18. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
19. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Building Official to be a fire hazard.
20. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or inequity jurisprudence.
21. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

90.36 Dangerous Buildings Declared a Nuisance

Every building found by the council to be a dangerous building is declared to be a public nuisance and may be abated by the procedures specified in sections 90.45 to 90.99 or by a suit for abatement brought by the city.