



Public Works Committee

Thursday, December 21, 2023 at 6:00 pm

Notice of Meeting

320 N Main St. Falls City, OR 97344

Committee Members

Mike McConnell - Tony Meier - Jeff Propp - Gordon Hanson - Guy Mack - Cliff Lauder - Tracy young

1. Call to Order
2. Pledge of Allegiance
3. Motion to Adopt the Entire Agenda
4. Consent Agenda - Motion Action Approving Consent Agenda Items
 - a. November 16, 2023 Minutes

Attachments:

- **Minutes** (UAB11-16-23.pdf)

5. Public Comments
6. New Business
 - a. Dangerous Buildings

Attachments:

- **Staff Report** (2023.12.21_SR_Code_Enforcement_Priority_List.pdf)
- **Exhibit A** (Exhibit_A_Code_Enforcemnet_Complaints.pdf)
- **Exhibit B** (Exhibit_B_Abatement_of_Nuisance__Code_.pdf)
- **Exhibit C** (Exhibit_C_Dangerous_Building_Ordinance.pdf)
- **Exhibit D** (Exhibit_D_ORD._561-2023_Signed.pdf)

7. Old Business
8. Correspondence, Comments and Ex-Officio Reports
9. Committee Announcements
10. Adjourn

Contact: Jeremy Teal (jteal@fallscityoregon.gov 5037873631) | Agenda published on 12/19/2023 at 9:53 AM

City of Falls City
Public Works Committee Meeting
Thursday November 16, 2023 6:00PM
Meeting Location: 320 N. Main Street

Committee Members Present

Mike McConnell, Tony Meier, Tracy Young, Cliff Lauder, Guy Mack. Members absent Jeff Propp, Gordon Hanson, Tracy Young.

1) Call to Order

Chair McConnell called the meeting to order at 6:04 PM, took roll call.

2) Pledge of Allegiance

Chair McConnell led the Committee in the Pledge of Allegiance.

3) Motion to Adopt the entire Agenda

Member Meier moved and member Lauder seconded: **that we approve the entire agenda.** Motion carried 4-0-0. Ayes: Mike McConnell, Tony Meier, Cliff Lauder, Guy Mack.

4) Consent Agenda: Motion Action Approving Consent Agenda Items

Member Meier moved and member Mack seconded: **that we approve Consent Agenda Item, PWC Minutes October 19, 2023.** Motion carried 4-0-0. Ayes: Mike McConnell, Tony Meier, Cliff Lauder, Guy Mack.

5) Public Comment - None

6) New Business

A. 4 Way Stop Intersection

PWC read the Staff Report about speeding on Bridge and Chamberlain Streets and the proposal of making the intersection of S. Main, Parry, Bridge and Chamberlain a 4 way stop. After general discussion the committee's thoughts were that Bridge/Chamberlain are main traffic flow streets and that it is best not to break the flow with stop signs. The best solution would be enforcement of current traffic laws but this remains out of reach for the City. PWC is willing to revisit this issue, especially after the new Health/Resource buildings are in place on the old Mill Lot across from the Post Office.

7) Old Business - None

8) Correspondence, Comments and Ex-Officio Reports

9) Committee Announcements

10) Adjourn

Member Mack moved and member Lauder seconded: **that we adjourn.** Motion carried 4-0-0 Ayes. Mike McConnell, Tony Meier, Cliff Lauder, Guy Mack. Meeting adjourned at 6:21..

_____ Public Works Committee Chair McConnell

Attested: _____ Public Works Committee Member

STAFF REPORT

TO: PUBLIC WORKS COMMITTEE
FROM: CITY MANAGER, AJ FOSCOLI
SUBJECT: CODE ENFORCEMENT PRIORITY LIST
DATE: DECEMBER 21, 2023

SUMMARY

The city is looking at addressing the various code enforcement infractions by residents through official and unofficial means.

BACKGROUND

Since the city of Falls City does not currently have a police force, there are several residents and non-residents who ignore code requirements and ordinances. This happens in some parts of the city more than others. As the council is redoubling its efforts to address health and safety code infractions, staff would like the Public Works Committee to assist in categorizing, and prioritizing the complaint driven code infractions into 2 categories: 1. Voluntary Compliance Cases 2. Mandatory Compliance Cases. Given that the Public Works committee is made up of long-standing members of the community with personal relationships with most community members, staff would like assistance in approaching Category 1 (Voluntary Compliance Cases) property owners. Public Works members would approach the residents based on a priority list that the committee would create, ranked according to the most approachable to least approachable.

We expect that those conversations will be informal, and be educational in nature, letting the non-compliant resident know what they should or shouldn't do to come into compliance. If nothing comes of it, then those cases will be moved to the Category 2 Mandatory Compliance list.

This approach has been successful in the past, so we are hopeful that it can work again in the future until we have a Code Enforcement Officer who can deal with the Category 2 Mandatory Compliance list.

For reference, we are currently negotiating with an individual to become our Code Enforcement Officer and expect to have a better understanding of what the timeline might be for hiring this person in January.

FINANCIAL IMPLICATIONS

If enacted, the categorizing and prioritizing of non-compliance cases should not cost anything to the city. Addressing the Category 2 Mandatory Compliance list will be within the annual budget for a Code Enforcement Program (\$36,400)

ATTACHMENTS

Exhibit A Current Complaint Driven Non-Compliance Cases
Exhibit B Abatement of Nuisance Code
Exhibit C Dangerous Building Ordinance
Exhibit D ORD. 561-2023 Signed

CODE ENFORCEMENT INVESTIGATION REQUEST

VIOLATION INFORMATION On Violator(s)

Date: _____

Resident Name(s): TERRY HIRBECK

Property Owner: TERRY HIRBECK

Address of Violation(s) 149 SHELDON AVE

City: Falls City State: OR Zip: 97344

Nearest Cross Street: EAST AVE

Details of Complaint: (be specific): _____

BURNED GUT HOUSE
JUNK, GARBAGE, CARS, TRUCKS,
TRAILER

ARE THERE ANY KNOWN OR SUSPECTED HAZARDS AT THIS LOCATION?

(E: Dangerous or unstable residences, dogs, criminal activity, etc.)

YES NO UNKNOWN

If yes, identify hazard in detail: UNSTABLE RESIDENCE

CODE ENFORCEMENT INVESTIGATION REQUEST

VIOLATION INFORMATION On Violator(s)

Date: 12/5/2023

Resident Name(s): RICHARD HUBBARD

Property Owner: MARY HUBBARD

Address of Violation(s) Prospect St

City: Falls City State: OR Zip: 97344

Nearest Cross Street: ALDER (next to school playground)

Details of Complaint: (be specific): SCRAPPING CARS, Huge
GARBAGE pile, HAS BEEN TURNED INTO
STATE FOR SCRAPPING WITHOUT A LICENSE

ARE THERE ANY KNOWN OR SUSPECTED HAZARDS AT THIS LOCATION?

(E: Dangerous or unstable residences, dogs, criminal activity, etc.)

YES NO UNKNOWN

If yes, identify hazard in detail: DRUGS (meth)

CODE ENFORCEMENT INVESTIGATION REQUEST

VIOLATION INFORMATION

On
Violator(s)

Date: 12/5/2023

Resident Name(s): RANDY MOORE

Property Owner: RANDY MOORE

Address of Violation(s) ELLIS ST

City: FALLS CITY State: OR Zip: 97344

Nearest Cross Street: N. MAIN ST

Details of Complaint: (be specific): YARD FILLED WITH TRAILER, MOTORHOME CARS, TIRES STACKED ON SOUTH SIDE OF HOUSE 4 FT TALL STACK LENGTH OF HOUSE

ARE THERE ANY KNOWN OR SUSPECTED HAZARDS AT THIS LOCATION?

(E.g. Dangerous or unstable residences, dogs, criminal activity, etc.)

YES NO UNKNOWN

If yes, identify hazard in detail: DRUG MANUFACTURING, DOGS

CODE ENFORCEMENT INVESTIGATION REQUEST

VIOLATION INFORMATION On Violator(s)

Date: 12/5/23

Resident Name(s): ~~FRANCIS BROWN~~ YADD RANCORE

Property Owner: JOHN + NANCY HIBBS

Address of Violation(s) _____

City: Falls City State: OR Zip: 97344

Nearest Cross Street: W MAIN ST

Details of Complaint: (be specific): _____

BURN + HSE + PROPERTY ABOVE
HAS A HOLE IN IT LIVED IN GARBAGE
EVERYWHERE

ARE THERE ANY KNOWN OR SUSPECTED HAZARDS AT THIS LOCATION?

(E: Dangerous or unstable residences, dogs, criminal activity, etc.)

YES NO UNKNOWN

If yes, identify hazard in detail: BURN + OUT HOUSE UNSTABLE
RESIDENCE, MEAN DOG BITES

CODE ENFORCEMENT INVESTIGATION REQUEST

VIOLATION INFORMATION On Violator(s)

Date: 12/5/2023
 Resident Name(s): ~~TRACY YOUNG~~ Tom Peterson
 Property Owner: Tom Peterson
 Address of Violation(s) S MAIN ST
 City: FALL CITY State: OR Zip: _____
 Nearest Cross Street: ~~BAR~~ SHELDON AVE

Details of Complaint: (be specific): _____

HOIST AND CARS, IN FRONT
YARD BACK YARD FILLED WITH BOATS
AND OTHER VEHICLES

ARE THERE ANY KNOWN OR SUSPECTED HAZARDS AT THIS LOCATION?
(E.g. Dangerous or unstable residences, dogs, criminal activity, etc.)
 YES NO UNKNOWN

If yes, identify hazard in detail: _____

CODE ENFORCEMENT INVESTIGATION REQUEST

VIOLATION INFORMATION

On
Violator(s)

Date: 12/5/2023

Resident Name(s): ~~TERESA YOUNG~~ mika Fornier

Property Owner: ~~N MAIN~~ SHARON Houck

Address of Violation(s) N MAIN ST

City: Falls City State: OR Zip: 97344

Nearest Cross Street: ELLIS

Details of Complaint: (be specific): _____

CARS, TRAILERS, LOGS, ALSO
PARKS RIGS ON SIDE OF STREET
BLOCKING VIEWS

ARE THERE ANY KNOWN OR SUSPECTED HAZARDS AT THIS LOCATION?

(E: Dangerous or unstable residences, dogs, criminal activity, etc.)

YES NO UNKNOWN

If yes, identify hazard in detail: RENTER DOES NOT
HAS GUNS, DOG

ABATEMENT OF NUISANCES

§ 90.45 ABATEMENT NOTICE.

(A) *Posting.* Upon determination by the Council that a nuisance, as described in this or any other chapter exists, the Council shall forthwith cause a notice to be posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate such nuisance.

(B) *Notice to owner.* At the time of posting, the Authorized Representative shall cause a copy of such notice to be forwarded by registered or certified mail, postage prepaid, to the owner and/or person in charge of the property at the last-known address of such owner or other person. At a minimum, the city shall utilize the records of the County Assessor and the City Utility Department to determine the last known address.

(C) *Notice, contents.* The notice to abate shall contain:

(1) A description of the real property, by street address or otherwise, on that such nuisance exists;

(2) A direction to abate the nuisance within ten days from the date of the notice;

(3) A description of the nuisance;

(4) A statement that unless such nuisance is removed the city may abate the nuisance and the cost of abatement shall be a lien against the property; and

(5) A statement that the owner or other person in charge of the property may protest the abatement by giving notice to the Authorized Representative within ten days from the date of the notice.

(D) *Certificate of mailing and posting.* Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate stating the date and place of such mailing and posting.

(E) *Sufficiency of posted notice.* An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner as listed with the County Assessor's Office and the City Utility Department to the address of record shall not make the notice void and in such a case the posted notice shall be sufficient.

(Prior Code, § 90.01) (Ord. 06-512, passed 7-5-2006; Ord. 07-516, passed 7-2-2007; Ord. 08-519, passed 5-12-2008)

§ 90.46 ABATEMENT BY OWNER.

(A) Within ten days after the posting and mailing of the notice as provided in § 90.45, the owner or person in charge of the property shall remove the nuisance or show that no nuisance exists.

(B) The owner or person in charge protesting that no nuisance exists shall file with the City Recorder a written statement that shall specify the basis for so protesting.

(C) The statement shall be referred to the Council as a part of the Council's regular agenda at the next succeeding meeting. At the time set for consideration of the abatement, the owner or other person may appear and be heard by the Council and the Council shall thereupon determine whether or not a nuisance in fact exists and such determination shall be entered in the official minutes of the Council. Council determination shall be required only in those cases where a written statement has been filed as provided.

(D) If the Council determines that a nuisance does in fact exist, the owner or other person shall, within ten days after such Council determination, abate such nuisance.

(Prior Code, § 90.01) (Ord. 06-512, passed 7-5-2006; Ord. 07-516, passed 7-2-2007; Ord. 08-519, passed 5-12-2008)

§ 90.47 ABATEMENT BY CITY.

(A) If, within the time allowed, the owner or person in charge of the property has not abated the nuisance, the Council may cause the nuisance to be abated.

(B) The officer charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.

(C) The Authorized Representative shall keep an accurate record of the expense incurred by the city in abating the nuisance, and shall include therein a charge of 20% of the expense for administrative overhead.

(Prior Code, § 90.01) (Ord. 06-512, passed 7-5-2006; Ord. 07-516, passed 7-2-2007; Ord. 08-519, passed 5-12-2008)

§ 90.48 ASSESSMENT OF COSTS.

(A) *Notice.* The Authorized Representative, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:

(1) The total cost of abatement including the administrative overhead;

(2) The cost as indicated will be assessed to, and become a lien against, the property unless paid 30 days from the date of the notice; and

(3) If the owner or person in charge of the property objects to the cost of the abatement as indicated, the objector may file a notice of objection with the Authorized Representative not more than ten days from the date of the notice.

(B) *Objections to assessment.* Upon the expiration of ten days after the date of the notice, the Council in the regular course of business shall hear and determine the objections to the costs to be assessed.

(C) *City liens.* If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs, as stated or as determined by Council, shall be made by resolution and shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from that the nuisance was removed or abated.

(D) *Lien enforcement.* The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate allowed by law, or such lesser rate as the City Council may from time to time provide. Such interest shall commence to run from date of entry of the lien in the lien docket.

(E) *Assessment error.* An error in the name of the owner of the property as listed with the County Assessor's office and the city's Utility Department, shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

(F) *Recovery of public costs for on-site assessment and clean up of property declared public health nuisance.*

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(1) If, after service of notice of the declaration of public health nuisance, the property owner fails to arrange appropriate assessment and clean up, the Authorized Representative is authorized to

proceed in a prompt manner to initiate the on-site assessment and clean up.

(2) If the city is unable to locate the property owner within ten days of the declaration of public health nuisance, the city is authorized to proceed in a prompt manner to initiate the on-site assessment and clean up.

(3) The city may abate the nuisance by removing the hazardous structure or building, or otherwise, according to O.R.S. Chapter 105.

(4) If the city abates the public health nuisance, in addition to any other legal remedy, the city shall be entitled to recover all costs plus an additional 25% of the costs for administration. The city may recover costs by civil action against the person or persons who own the property.

(Prior Code, § 90.01) (Ord. 06-512, passed 7-5-2006; Ord. 07-516, passed 7-2-2007; Ord. 08-519, passed 5-12-2008)

§ 90.49 SUMMARY ABATEMENT.

(A) *General.* The procedures provided by this subchapter is not exclusive but is in addition to procedure provided by other ordinances. The Authorized Representative or such other persons as the City Council may designate, may proceed to abate a health or other nuisance that unmistakably exists and from that there is imminent threat or danger to human life or property.

(B) *Cost.* The cost of such summary abatement shall be assessed against the owner of the real property on that the nuisance exists shall be a lien against the real property and may be enforced and collected by the same procedures set forth in this subchapter for abatement.

(C) *Abatement notice of imminent threat.*

(1) Upon determination by the City Council that a nuisance resulting in an imminent threat to the public health, safety, or property of the residents of the city, as described in this or any other chapter of the city, exists, the Authorized Representative, or his or her designated representative, shall forthwith issue a citation to the property owner who, in the opinion of the Authorized Representative, are determined to be in violation of this chapter.

(2) At the time of issuing a citation as set forth above, the Authorized Representative shall contact the Mayor, and in his or her absence, the Council President, and discuss the issuance of any citation issued by the Authorized Agent, or the Council's designated representative, under this subchapter.

(3) The citation of nuisance resulting in an imminent threat to the public health, safety, or property of the residents of the city shall contain:

(a) Reference to the section of this chapter being violated and a description of the imminent threat;

(b) A description of the location upon that the violation occurred that may be a street address, a street name between intersecting streets, an approximate distance from a known point of reference, or otherwise, at or on that such imminent threat to the public health, safety, or property of the residents of the city exists;

(c) The month, day, year, and time of day of the citation;

(d) A direction to remove the imminent threat to the public health, safety, or property of the residents of the city within two hours from the time of issuance of the citation;

(e) A statement that unless such imminent threat to the public health, safety, or property of the residents of the city is removed within two hours after citation, the city will abate the nuisance and cost of abatement shall be a lien against the property;

(f) A statement that the person or person in charge may protest the citation and action by giving notice to the Authorized Representative within two hours from the time of citation; and

(g) An error in the name or address of the property owner, as listed with the County Assessor's office and the City Utility Department, shall not make the citation void, and in such a case, the citation shall be deemed sufficient.

(D) *Abatement by the owner of imminent threat.*

(1) Within two hours after citation, as provided in § 90.45(B), the property owner, as listed with the County Assessor's office and the City Utility Department, shall remove and abate the nuisance or protest that no nuisance exists.

(2) The property owner violating this chapter shall file with the Authorized Representative a written statement that shall specify the basis for contending that no nuisance exists.

(3) The statement shall be referred to the Authorized Representative during the first regular business day after receipt by the Authorized Representative, and the Authorized Representative shall advise the Mayor of such statement.

(4) (a) The Mayor shall refer the statement to the Council at a special Council meeting to be posted and held within three regular business days of filing of the statement with the Authorized Representative.

(b) At the time set for the consideration of the abatement, such person or person in charge may appear and be heard by the Council, and the Council shall, based upon the evidence presented, thereupon confirm whether a nuisance resulting in an imminent threat to the public health, safety, or property of the residents of the city in fact exists, and such confirmation shall be entered in the official minutes of the Council.

(5) Upon Council confirmation that a nuisance resulting in an imminent threat to the public health, safety, or property of the residents of the city in fact exist, the person or person in charge violating this chapter shall, within two hours after such Council confirmation or two hours after daylight of the next succeeding day, that ever is later, shall remove or abate such nuisance.

(E) *Abatement by the city of imminent threat.*

(1) If within the time fixed, as provided in this chapter, the property owner has not abated the nuisance resulting in an imminent threat to the public health, safety, or property of the residents of the city, the City Council shall cause the imminent threat, to be abated.

(2) The Authorized Representative shall maintain an accurate record of the expense incurred by the city in abating the imminent threat and shall include therein an overhead charge of 15% of the total cost for administration.

(3) The total cost, including the administrative overhead, shall thereupon be assessed to property of the person or person in charge as they may own in the city, whether or not said property shall be in the location of the violation of this chapter or not, in accordance with procedures set forth in § 90.48.

(4) If the person or person in charge does not own property in the city, the city shall file a civil action or suit to enforce the collection of the total cost, including the administrative overhead, as set forth in the resolution described in this section, in the appropriate court within the county.

(Prior Code, § 90.01) (Ord. 06-512, passed 7-5-2006; Ord. 07-516, passed 7-2-2007; Ord. 08-519, passed 5-12-2008)

§ 90.99 PENALTY.

(A) (1) Each day's violation of a provision of this chapter constitutes a separate offense.

(2) The abatement of a nuisance is not a penalty for violating this chapter but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.

(B) Violation of §§ 90.01 through 90.12 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. Upon the Municipal Court Judge's judgment, "final judgment," or the issuance of a "default judgment" for failure to request a hearing regarding an ordinance violation, additional fines may be assessed at a rate not to exceed \$1,000 per day for each day an ordinance violation continues. Documentation of a continuing violation may consist of photographic and supplemental reports. The Municipal Court Judge shall have discretion to revise upward or downward to fines based on such factors as noncompliance, partial compliance, or acceptance of a court ordered compliance agreement. A continuing offense and subsequent proposed fine "notice of intent to assess a penalty and opportunity for a hearing" may also result from failure to comply with a city ordinance following the receipt of an official warning letter.

(1) The penalties imposed by this division (B) are not exclusive, and are in addition to any other remedies available under city ordinance or state statute.

(2) The abatement of a nuisance in accordance with the procedure set forth in § 90.46 within ten days after being cited for violation of this chapter, as set forth in § 90.45, shall not constitute a penalty for a violation of this chapter, but may, based upon the determination by the court of jurisdiction, be in addition to any penalty imposed for the violation of the chapter.

(3) The abatement of a nuisance resulting in an imminent threat to the public health, safety, or property of the residents of the city in accordance with the procedure set forth in § 90.01(C) within two hours after being cited for violation of this chapter, as set forth in § 90.01(B), shall not constitute a penalty for a violation of this chapter, but may, based upon the determination by the court of jurisdiction, be in addition to any penalty imposed for the violation of the chapter.

(4) A "notice of intent to assess a penalty and opportunity for a hearing" may be issued to violators of city ordinance in lieu of a citation. Violators/respondents will be given 21 days in which to request a hearing. The Municipal Court will hear all cases in a timely manner. A "final judgment" will be issued detailing the court's ruling and will be mailed to the violator/respondent. Should the violator/respondent fail to request a hearing within 21 days, a "final judgment" will be issued as a "default final judgment."

(5) All penalties/fines resulting from a "final judgment" or a "default final judgment" will be due and payable to the city, together with interest at 9% per annum.

(6) (a) In accordance with O.R.S. 221.359, whenever any person is convicted in the Municipal Court of any offense defined and made punishable by any city charter or ordinance, such person shall have the same right to appeal to the circuit court as pertains to justice courts.

(b) The appeal shall be taken and perfected in the manner provided by law for taking appeals from justice courts, except that in appeals taken under O.R.S. 221.359, 221.360, 221.380, and 221.390.

(c) Any notice of appeal shall be served upon the City Attorney (all appeals shall be filed within 30 days of the issuance of a "final judgment" or "default final judgment").

(7) If unpaid, civil penalties will be recorded by the City Recorder in the municipal lien docket and filed with the County Clerk's office as a lien against property ten days after the statutory period.

(8) All liens shall be enforced in the same manner as liens for street improvements.

(9) An error in the name of the owner or person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

(Prior Code, § 90.01)

(C) Any person who violates any of the provisions of § 90.13 shall, upon conviction, be punished by a fine not to exceed \$100.

(Prior Code, § 93.99)

(D) (1) A violation of any provision of §§ 90.25 through 90.30 is a Class A infraction, punishable upon conviction by a fine of not more than \$500. Each and every day during that any provision of §§ 90.25 through 90.30 is violated shall constitute a separate offense.

(2) All subsequent violations of this chapter within 30 days after any conviction for a violation of §§ 90.25 through 90.30 is a Class A infraction, punishable upon conviction by a fine of not more than \$1,000. Each and every day during that any provision of §§ 90.25 through 90.30 is violated shall constitute a separate offense.

(3) The City Council, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with, or restrain by injunction the violation of, any provision of §§ 90.25 through 90.30.

(Ord. 285, passed 11-5-1962; Ord. 06-512, passed 7-5-2006; Ord. 07-516, passed 7-2-2007; Ord. 08-519, passed 5-12-2008; Ord. 556-2019, passed 2-14-2019)

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.

Exhibit D

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: 6 NAYES: 0 ABSTAIN: 0 ABSENT: 0



TJ Bailey, Mayor



Jeremy Teal, City Recorder