ADMINISTRATIVE SERVICES COMMITTEE

Agenda

Wednesday, July 22, 2015
1:00 pm

Madison Avenue Meeting Room
500 SW Madison Avenue

Discussion/**Possible Action**	I.	Livability Code/Neighborhood Outreach Program (Attachment)
Information	II.	Other Business

Next Scheduled Meeting
Wednesday, August 5, 2015 at 1:00 pm
Madison Avenue Meeting Room, 500 SW Madison Avenue

Agenda
Budget Commission Annual Report
Economic Development Advisory Board Annual Report
Livability Code/Neighborhood Outreach Program

TO: Administrative Services Committee for meeting of July 22, 2015

FROM: Kent Weiss, Interim Community Development Director

THROUGH: Nancy Brewer, AIC City Manager

SUBJECT: Corvallis Livability Code

I. Action Requested

Community Development staff request that the Administrative Services Committee review the newly-drafted Corvallis Livability Code; provide direction for Code modifications; and once modified, provide a recommendation for City Council adoption.

II. Background

In May 2012 the Neighborhood Livability Work Group of the City/OSU Collaboration process began discussion of a property maintenance/livability code to address the maintenance of buildings in the OSU campus area neighborhoods and throughout the City as a whole. A recommendation from that Work Group to develop a complaint-based code compliance program based on the International Property Maintenance Code (IPMC) was forwarded for approval by the Collaboration Steering Committee in March 2013. The Steering Committee forwarded a recommendation for City Council approval, and in May 2013 the Council directed Community Development (CD) staff to begin developing a code based on the recommendations of the Work Group and Steering Committee.

Code development work began in August 2013 with the assistance of a stakeholder group, the Property Maintenance Code Advisory Group (PMCAG). The group's work continued through December 2013, resulting in a draft property maintenance code modeled on the IPMC. That draft code was considered by the Administrative Services Committee (ASC) beginning in February 2014. During the code review process the ASC directed staff to move away from adapting the model IPMC to create a Corvallis version, and to instead develop a "bottom-up" code designed to cover Corvallis-specific property maintenance and livability gaps that are not addressed by current City codes. During its final meeting on this topic on December 17, 2014, the ASC reviewed a code gap matrix and identified 21 gaps with direction for staff to begin drafting Livability Code language, with input from another stakeholder group, to address them. The matrix depicting each of the gaps considered and the ASC's direction to staff as to whether to continue with code language development is provided as **Attachment 1**.

In March 2015 the Livability Code Departmental Advisory Committee (LCDAC) was formed and began meeting with CD staff to review and provide feedback relative to draft code language as it was being developed by staff to address interior code gaps, exterior gaps, and gaps in code compliance administration. The LCDAC's work concluded on June 23, 2015. The final draft Code version that is the result of the LCDAC process is provided here as **Attachment 2**. A copy of the original draft and accumulated changes thereto to achieve the final draft, presented in a redline/strikeout format, is provided as **Attachment 3**.

In the three years staff and the various review bodies have worked to complete a maintenance/ livability code there have been six separate public processes that have considered the issue. Those six processes included a total of 37 public meetings. A summary of those processes and their and outcomes is included as **Attachment 4**.

III. Discussion

Since ASC last considered the topic of a Corvallis Livability Code in December 2014 the LCDAC met for the purpose of reviewing draft Code language as staff developed it in three phases, as described above. The LCDAC consisted of six stakeholder members representing rental property ownership/management (two members); the real estate industry (one member); neighborhood interests (one member); affordable housing/housing development interests (one member); and tenant/housing condition interests (one member). Then-Community Development Director Ken Gibb chaired the meetings. As background on the LCDAC process and the materials reviewed during its meetings, **Appendix A** includes the packets for each of the seven LCDAC meetings, and **Appendix B** presents the notes from each of those meetings.

LCDAC Process Discussion

Over the course of the Committee's seven meetings, one (the first) was organizational, five were focused on reviewing first draft Livability Code language, and the seventh provided an opportunity to review the modified draft Livability Code. All LCDAC members were present for all of the Committee's meetings.

As draft language was first brought forward to the LCDAC for review, staff also provided model code language examples from comparator jurisdictions that to some degree addressed the gaps being considered, and some of which included elements of prior or existing standards of the IPMC. In several cases that model language offered a solid starting point for local language. Modifications from the original draft were reflective of comments and suggestions provided by the LCDAC, as well as of staff implementation considerations as the comprehensive Code form came together.

Discussion was generally quite focused, with positions of support for and opposition to both specific standards and general Code intent expressed. Some Code elements drew considerable discussion: electrical systems; heating; exterior weather- and water-proofing; solid waste removal; and general Code administration. Others such as exterior lighting and fire safety were completed relatively quickly. There were also concerns expressed that some standards in the Code would be too prescriptive, but that others would not be prescriptive enough. In some cases, for example the inclusion of a requirement for heat in bathrooms, some members of the Committee felt the ASC should revisit its direction to staff for Code language development.

The final draft code included with this staff report (Attachment 2) was drafted to address the 21 gaps in existing code that were identified by ASC on December 17, 2014. In order to identify where in the final draft language each gap is covered, the original gap matrix (Attachment 1) has been expanded to include two new columns at the right side of the page, and is included as **Attachment 5**. The first new column titled "Gap Closure in Draft" cites the Livability Code section in which the gap is addressed. The second new column titled "Current Code Impact" notes where the City currently has some degree of code authority that would need to be repealed or would be affected by adoption of the Livability Code.

During meetings of the LCDAC there were several discussions regarding language that should be included in the Livability Code, and language that would be better placed in a set of operating guidelines. A portion of the draft operating guidelines, included as **Attachment 6**, provide examples of a set of working policies and procedures to guide City staff in the day-to-day administration of the Livability Code. In essence the Livability Code provides the "what" in terms of Code standards, and the operating guidelines provide the "how." The guidelines will be considered a living document, to be revised administratively on an ongoing basis as the Livability Code becomes operational and staff recognize needs for implementation and process adjustments. As noted in discussion with the LCDAC, staff plan to bring reports on the Livability Code to a City

Council subcommittee annually, and as those reports are provided, will also note where and why changes to the operating guidelines have been made.

Integration of Livability Code with the current Rental Housing Code

As discussed in meetings with the ASC during its 2014 review, the City's current Rental Housing Code, which comprises Chapter 9.02 of the Corvallis Municipal Code, will be subsumed into the Corvallis Livability Code, which will then become a replacement chapter 9.02. Some elements of the current Rental Housing Code, e.g., standards for hot water, weatherization and heat, were identified originally as areas in which code gaps existed, so they were modified and integrated into the Livability Code during the drafting process reviewed by the LCDAC. Other elements of the Rental Housing Code, e.g., compliance time frames for a lack of heat, water or hot water, requirements for smoke detectors, and fees had not been included for that review because they did not constitute gaps. Those elements, excluding the section on fees, have been added to the Livability post-LCDAC. The fees section will be shifted to Municipal Code Chapter 8.03, known as the "Fees Chapter."

The redline/strikeout version of the Livability Code included as Attachment 3 includes modified language in two colors. The modifications in the color red represent the Livability Code language last reviewed by the LCDAC up to and including during their meeting of June 23. Modifications in the color purple represent the Livability Code with changes made subsequent to that meeting either 1) in response to suggestions from Committee members provided on June 23; 2) to reflect existing Rental Housing Code language that will be carried over to the Livability Code (e.g., the 48-hour repair requirement for a lack of heat or lack of water/hot water); or 3) that have been identified by staff to improve readability and clarity of administration.

IV. Recommendation

Staff are prepared to make further modifications to, and then finalize, the Corvallis Livability Code as directed by the Administrative Services Committee. Staff request that once the current review process is complete, ASC:

1) Direct staff to format the code language for inclusion in the City's Municipal Code;

2) Ask the City Attorney to conduct a comprehensive review of the final draft;

3a) If there are no significant changes based on the City Attorney's review, direct staff to forward the Livability Code to the City Council with an ASC recommendation of adoption;

3b) If there are significant changes based on the City Attorney's review, direct staff to return to ASC to outline the changes prior to forwarding a recommendation for Council adoption.

Attachments:
1 – Code gap matrix with ASC direction provided 12/17/2014
2 – Draft Livability Code reflecting LCDAC process and staff consideration
3 – Redline/strikeout version of Livability Code reflecting starting/ending language
4 – Summary of Property Maintenance Code/Livability Code consideration process
5 – Code gap matrix expanded to tie Livability Code standards to specific gaps, and identify elements of existing City codes that will be modified or replaced once the Livability Code is adopted
6 – Draft/example Operating Guidelines for Livability Code administration

Appendices:
A – Compiled packets provided for all LCDAC meetings
B – Compiled notes from all LCDAC meetings

Comprehensive Recap of Livability Code Gaps for December 17, 2014 Administrative Services Committee Consideration

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Interior Lighting	Lack of adequate interior lighting of emergency exit paths may result in inability to exit safely in an emergency.	Adopt standards requiring maintenance of adequate interior lighting of exit discharge paths.	Renter-occupied residential properties	**Continue**
Interior Ventilation	Lack of requirements for maintenance of ventilation systems in bathrooms, kitchens or for clothes dryers may result in mold growth and surface degradation.	Adopt standards and performance criteria for the maintenance of interior ventilation systems.	Renter-occupied residential properties	**Continue**
Electrical Systems	Lack of requirement to replace electrical system components damaged by exposure to leaks or flooding may result in hazardous situation.	Adopt standards requiring replacement of electrical equipment and devices if exposed to water, with some exceptions.	Renter-occupied residential properties	**Continue**
	Lack of requirements for ground fault interrupt outlets in bathrooms, kitchens, etc. may result in hazardous situation.	Require installation of ground fault interrupt outlets in bathrooms, kitchens, etc.	Renter-occupied residential properties	**Continue**
Plumbing Systems	There is no performance standard for or definition of "hot water," which may prevent the production of a temperature adequate for bathing and cleaning.	Adopt a measurable temperature standard for water system performance.	Renter-occupied residential properties	**Continue**
Interior Sanitation	There are no clear standards for the maintenance of sanitary conditions in residential building interiors, which may present living situations that are unhealthy and/or unsafe.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Continue**
	Lack of standards requiring the maintenance or repair of bathroom and kitchen surfaces, making it difficult to keep them from becoming unsanitary, which may lead to unhealthy living situations.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Stop (get at in prior language if unsanitary)**
Heating	There is no requirement for heat in bathrooms which may make it difficult to maintain a comfortable and dry, mold-free environment.	Adopt standards for heat in bathrooms and other habitable areas not currently covered by the Rental Housing Code.	Renter-occupied residential properties	**Continue (focus on definition of habitable areas)**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Interior Security	There is no requirement for properly functioning door knobs/latches, and no standards for adequate door or window hardware, which may lead to inadequate occupant safety (ingress and egress).	Adopt maintenance requirements for doors and door hardware, including deadbolts, and for windows and window hardware to be maintained to a level sufficient to provide security and safe exiting for occupants.	Renter-occupied residential properties	**Continue**
Exterior Weather- and Waterproofing	There are no requirements for the prevention of air leakage under, through or around windows or doors, which may increase a resident's discomfort and/or costs for heating and cooling.	Adopt requirements for building envelopes and openings to be sound, in good repair and weather tight in order to prevent wind from entering a structure.	All structure and occupancy types	**Continue (rentals only)**
	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	**Continue**
Exterior Sanitation	There are no standards that prevent the accumulation of inadequately/improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	**Continue (1st focus on indoor furniture outdoors)**
Solid Waste Removal	There are no provisions to assign responsibility between landlords and tenants for the removal of solid waste from a property. This leads to complaints of over-accumulation of contained and uncontained solid waste.	Adopt assignments of responsibility between landlords and tenants for the provision of containers, containment and removal of solid waste from premises	Renter-occupied residential properties	**Continue**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Building and Accessory Structure Maintenance	There are no standards requiring general maintenance of buildings and accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.	Adopt requirements that primary and accessory structures be maintained sound and in good repair, and that exterior surfaces be maintained.	All structure and occupancy types	**Continue**
	There are no standards requiring maintenance of exterior decks, handrails and stairs in one- and two-family dwellings. This may lead to conditions that may soon deteriorate but that are not yet dangerous.	Adopt requirements that decks, stairs and handrails be maintained in a safe condition.	All structure and occupancy types	**Continue**
Exterior Lighting	There are no requirements for the maintenance of exterior lighting in areas such as parking lots or walkways in and around apartment buildings. This has generated concerns regarding personal safety and security.	Adopt standards for the maintenance of exterior lighting in the described circumstances.	Renter-occupied properties; consider including all non-owner occupied properties	**Continue**
Graffiti	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Adopt requirements for the prompt abatement of graffiti-defaced property as an obligation of the affected property owner.	All public and private property of all types	**Stop**
	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Consider the development of a collaborative abatement program with involvement of stakeholders, paint companies, and community volunteers.	All public and private property of all types	**Continue**
Fire Safety	There are no maintenance standards for door locks that are operable without keys or special knowledge from the egress side of a doorway. This may create situations in which occupants are unable to exit a building in an emergency. (Partially addressed in Interior Security section above.)	Adopt standards requiring door locks that are operable from the egress side without keys or special knowledge.	All structure and occupancy types	**Continue**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Fire Safety (continued)	There are no standards for the maintenance of emergency paths of travel and escape openings in one- and two-family dwellings. This may create situations in which occupants are unable to exit a building in an emergency.	Adopt standards requiring the maintenance of clear, unobstructed paths of travel and emergency escape openings for the purpose of safe ingress/egress.	All structure and occupancy types	**Continue**
	There are no standards for the maintenance or repair of fire-resistant surfaces (e.g., drywall) and assemblies (e.g. ceilings, walls between garages and living space). This may create hazardous situations if surfaces and assemblies are damaged and not returned to a fire-resistant state.	Adopt standards for the maintenance of fire-resistant surfaces and assemblies.	All structure and occupancy types	**Continue**
Occupancy Limits	There are no standards that specify how much space a dwelling unit must provide for eating, sleeping or living. This may lead to overcrowding of rooms, and in the overloading of dwelling units resulting in neighborhood impacts such as parking.	Adopt standards for minimum square footage allocation requirements to establish maximum occupancy loads in sleeping and living spaces within a dwelling unit.	Renter-occupied residential properties	**Stop**
General Maintenance (also discussed above)	There are no code provisions for the maintenance of structures. With no required maintenance the City is unable to address decline until the condition of a structure constitutes a dangerous building.	Adopt standards for the maintenance of structures to prevent decay that will constitute a dangerous building.	All structure and occupancy types	**Continue within context of areas discussed earlier**
Administration	There are inconsistencies between the three City codes that contain livability elements administered by the Housing and Neighborhood Services Division. This results in the application of different definitions, notices, compliance provisions, and penalties, leading to a process that is difficult for community members to understand, and that is relatively complex for City staff to administer.	Adopt a single code that pulls existing livability elements from the Corvallis Municipal Code, Rental Housing Code and Land Development Code; integrate additional code standards that result from the current consideration process into the resulting code document; adopt a single set of administrative provisions to guide the implementation of the resulting livability code.	N/A	**Continue**

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Chapter 1
Administration

9.02.1 Short Title. This Chapter shall be known and may be cited as the "Corvallis Livability Code" and may be referred to herein as "this code."

9.02.2 Scope. This code applies to all residential and nonresidential structures and all premises. This code establishes minimum requirements and standards for the protection of structures and premises from the elements, life safety and other hazards, and for their safe and sanitary maintenance; fixing the responsibility of owners and occupants; and, for administration, enforcement and penalties.

9.02.3 Intent. This code shall be construed to secure and ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises; to prevent deterioration of existing housing; to preserve and enhance the quality of life in residential neighborhoods; and, to prevent or reduce urban blight by establishing minimum property maintenance and livability standards. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance as required herein.

9.02.4 Application of Other Laws.

a. Nothing in this code shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Corvallis Municipal Code or the requirement to obtain all necessary permits and approvals.
b. Any repair, alteration, or addition to and change of occupancy in an existing building, or any change of use of residential property, shall be made in accordance with all applicable provisions of law, including, but not limited to the Corvallis Municipal Code, the Corvallis Building Code and the Corvallis Land Development Code.
c. Except as provided otherwise by federal, state or local law, if a provision of this code conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal authority having jurisdiction over residential property in the City of Corvallis, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this code. This code is intended to supplement rather than conflict with the habitability standards and the assignment of landlord and tenant responsibilities of the state of Oregon Residential Landlord and Tenant Act.
d. If a provision of this code conflicts with a provision of the adopted Corvallis Building Code, the provision of the Building Code shall apply to the exclusion of the conflicting provision of this code.

9.02.5 Severability. 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.

9.02.6 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.

9.02.7 Responsibility. The Director is hereby authorized to administer and enforce all of the provisions of this code. The authority of the Director to enforce the provisions of this code is independent of and in addition to the authority of other City officials to enforce the provisions of the City Code.

a. The Director may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration and enforcement of this code.
b. This code shall be liberally construed to the end that the Director shall not be required to personally perform the administrative or enforcement duties and functions for which she or he is held responsible under the terms and standards of this code.
c. Any acts done by any employee who is under the direct supervision and control of the Director and done pursuant to a delegation of authority given by the Director to said employee shall be deemed to be done by the Director as required by the terms and standards of this code.
d. The Director is authorized to designate an employee as deputy who shall exercise all the powers of the Director during the temporary absence or disability of the Director.

9.02.8 Authorization to Inspect. The Director is authorized to make inspection of property for the purposes of enforcing this code.

9.02.9 Coordination of Enforcement. Whenever inspections are deemed necessary by the Director and any other division or department, the Director 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 divisions and departments for the purpose of eliminating conflicting orders before any are issued.

9.02.10 Enforcing Compliance. To enforce any of the requirements of this code, the Director may gain compliance by:

a. Instituting an action before the Hearings Officer; or
b. Causing appropriate action to be instituted in a court of competent jurisdiction; or
c. Imposing criminal or civil penalties, or both; or
d. Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

9.02.11 Failure to Obey Order of Director.

a. It shall be unlawful for any person acting intentionally to refuse to obey an order by the Director acting in the discharge or apparent discharge of official duty.
b. It is no defense to a prosecution for a violation of this section that the Director lacked legal authority to issue the order, provided the Director was acting under color of official authority.

9.02.12 Maintenance Requirements; Generally.

a. No person shall maintain or permit to be maintained any structure or premises that does not comply with the requirements of this code.
b. An existing structure that does not comply with the provisions of this code shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.
c. All structures shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.
d. All systems, devices and safeguards required by this code or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants.

9.02.13 Historic Structures. The provisions of this code shall not be mandatory for an existing structure designated as a local or national historic resource when such structure is judged by the Director to be safe and its continued maintenance in historic condition to be in the public interest.

9.02.14 Modifications. Where there are extreme hardships involved in carrying out provisions of this code, the Director shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

9.02.15 Skilled Work Required. 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.

DERELICT STRUCTURES

9.02.16 Derelict Structures Prohibited. Derelict structures on any premises are hereby declared to be a public nuisance.

9.02.17 Order to Vacate Buildings or Structures.

a. If the Director finds a building or structure in violation of CLC 9.02.16, the Director may order that a placard be posted on the building or structure, ordering the building or structure vacated. The placard shall contain the information required in CLC 9.02.26.

b. Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order.

9.02.18 Prohibited Habitation. No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Director.

9.02.19 Removal of Placard Prohibited.

a. The Director shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.
b. No person shall deface or remove a placard without the approval of the Director.

9.02.20 Temporary Safeguards. Notwithstanding any other provisions of this code, whenever, as determined by the Director, a building or structure poses an imminent hazard or incipient hazard, the Director may order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and shall cause such other action to be taken that the Director deems necessary to meet such condition.

9.02.21 Abatement of Derelict Structure by Remediation. In addition to, and not in lieu of, the abatement remedies provided for in CLC 9.02.22 - CLC 9.02.33 and receivership authority in CLC 9.02.34, the Director may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

a. Upon receipt of such notice, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and shall, not less than fifteen days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant. Notice shall also be posted on or near the derelict structure. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.
b. At the hearing, the Director shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Director's determination, and the owner and occupants shall be afforded a like opportunity to rebut the determination. Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue. The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the State of Oregon.
c. The Hearings Officer shall order the conditions creating the derelict structure be remediated if the Director demonstrates, by a preponderance of the evidence, that the building structure is a derelict structure.
d. In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is in a condition unfit for human habitation, or

in a condition that is an incipient hazard, based on the number and extent of the following factors:

i. Dilapidation;
ii. Disrepair;
iii. Structural defects noted by the Building Official;
iv. Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;
v. Uncleanliness or infestations of pests;
vi. Condition of sanitary facilities;
vii. The presence of a public nuisance; and
viii. The history of unlawful activity in or around the building or structure.

PUBLIC NUISANCES

9.02.22 Public Nuisance Prohibited. In addition to the provision of CLC 9.02.16, no person shall cause, permit, or maintain a public nuisance on public or private property.

9.02.23 Public Nuisances. The following are specifically declared to be public nuisances: Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety, where such thing, condition, or act is or exists contrary to the provisions of this code.

9.02.24 Notice to Person Responsible. Whenever the Director has reasonable grounds to believe that a violation of CLC 9.02.22 has occurred, a notice and order shall be served on the owner(s) and occupant(s).

9.02.25 Abatement Procedures - Joint Responsibility. If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance.

9.02.26 Form of Notice. Such notice prescribed in CLC 9.02.24 and CLC 9.02.17(a) shall:

a. Be in writing;
b. Include a description of the premises sufficient for identification;
c. Include a statement of the reason or reasons why the notice is being issued;
d. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the premises into compliance with the provisions of this code;
    i. the compliance deadline shall be 48 hours for violations of CLC 9.02.60, CLC 9.02.61, CLC 9.02.65 or CLC 9.02.85;
e. Include a notice that the city may abate the nuisance pursuant to this code and that the person responsible shall be responsible for the costs of such abatement;
f. Include instructions for an appeal.

9.02.27 Effective Date of Notice. All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing if not personally served.

9.02.28 Method of Service.

a. Notices under this code shall be deemed to be properly served if a copy thereof is:
    i. Personally delivered to the owner(s) and occupant(s); or
    ii. Sent by first class mail to the owner(s) and occupant(s) at their last known address; or
    iii. Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address if they cannot be located.
b. Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of the owner(s) or occupant(s) shall not render the notice void and in such case the notice shall be sufficient.

9.02.29 Action by Responsible Party. Within the time specified for achieving compliance, as provided for under CLC 9.02.26(d), the responsible party or person in charge of the property on whom the notice has been served or posted shall remove the nuisance or shall request an appeal hearing in accordance with CLC 9.02.43 through CLC 9.02.49.

9.02.30 Recording a Violation. The city may record a notice of violation with the County Recorder. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be recorded if a notice of violation had been recorded against the property.

9.02.31 Abatement Procedures - by the City.

a. If, within time allowed under CLC 9.02.26(d), the violation has not been corrected, the Director may cause the violation to be corrected.
b. The Director shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a _____ percent charge for administrative overhead.
c. The Director or a person authorized by the Director may enter upon the property to abate the nuisance only upon obtaining consent of the person in possession or in charge of the property; or upon obtaining an administrative abatement warrant pursuant to CMC 1.15 or CLC 9.02.50 through CLC 9.02.53.

9.02.32 Abatement Procedures - Assessment of Costs.

a. After abatement by the city, the Director of Finance, by first class mail, shall forward to the owner(s) and occupant(s) a notice stating:
    i. The total cost of correction, including the administrative overhead; and,

ii. That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice.

b. If the costs and administrative overhead are not paid within thirty days of the billing date, the Director shall thereafter file with the Hearings Officer an itemized statement of costs and overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance.

c. Upon filing of such statement of costs and overhead pursuant to CLC 9.02.32(b), the City Recorder shall set the matter for prompt public hearing before the Hearings Officer, and cause notice thereof to be served via certified mail to the owner(s) and occupant(s), consistent with the procedures under CLC 9.02.21(a).

d. After the hearing, the Hearings Officer shall declare the correctness of such statement and declare the same to be a lien upon the property.

e. An error in the contents or service of any notice 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.

9.02.33 Abatement Procedures - Summary Abatement. The abatement procedure provided by this code is not exclusive but is in addition to procedures provided by other laws. The Director may summarily abate a situation involving a health, safety, or other nuisance which unmistakably exists and from which there is imminent danger to human life or to property.

9.02.34 Receivership Authority. In addition to, and not in lieu of any other provision in this code, when the Director finds residential property in violation of this code, and believes that the violation is a threat to the public's health, welfare and safety, and that the owner has not acted in a timely manner to correct the violation, the Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

9.02.35 Collections. Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims court or entered into the city's lien docket in the manner provided by _____, and a lien for the entire amount placed against the real property pursuant to _____.

PENALTIES

9.02.36 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or directive of the Director shall be subject to the provisions of CLC 9.02.37 through CLC 9.02.42.

9.02.37 Separate violations.

a. Each day's violation of a provision herein constitutes a separate offense.
b. The abatement of a nuisance or violation shall not constitute a penalty for violating this code but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance or violation.

9.02.38 Misdemeanors and Infractions. Any person who shall violate any of the provisions herein or fail to comply therewith or who shall violate or fail to comply with any order made hereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Hearings Officer, the Livability Code Board of Appeals or by a court of competent jurisdiction within the time fixed herein shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor or infraction, as specified under CLC 9.02.38(d)(i-iv).

a. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
b. Upon conviction of a misdemeanor offense, any person shall be liable for the fines and terms of imprisonment provided for under CMC 1.01.120(1-3).
c. Upon conviction of an infraction offense, any person shall be liable for the fines provided for under CMC 1.01.120(4-6) and CLC 9.02.38(d)(iv).
d. Violation of the provisions of this code shall be designated as follows:
    i. Violation of CLC 9.02.77 through CLC 9.02.80 Solid Waste is a **Class A misdemeanor**.
    ii. Violation of CLC 9.02.22 Public Nuisance is a **Class B misdemeanor**.
    iii. Violation of CLC 9.02.82 through CLC 9.02.85 Fire Safety provisions; CLC 9.02.11 Failure to Obey; or CLC 9.02.18 Prohibited Habitation is a **Class C misdemeanor**.
    iv. Violation of every provision of this code not otherwise designated herein is deemed an infraction punishable upon conviction by a fine of not more or less than:
        1. 1st offense shall be $250<>$100;
        2. 2nd offense for violation of same provision of this code within 24 month period shall be $500<>$250;
        3. 3rd offense for violation of same provision of this code within 24 month period shall be $500<>$500;
        4. 4 or more offenses for violation of same provision of this code within 24 month period shall constitute a **Class A misdemeanor**.
e. **Declaration of Infraction.** Notwithstanding CLC 9.02. 38 (d)(i-iv), any violation of the provisions of this code may be declared to be an infraction pursuant to the procedure provided in CMC Section 5.03.160.

9.02.39 Civil Penalties. In addition to and not in lieu of any other means of enforcement or any other penalty provided by law, any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or an order of the Director may incur a civil penalty in an amount as specified in CLC 9.2.42, plus administrative fee and any cost of service or recording costs.

a. **Purpose.** The purpose of a civil penalty is to provide an efficient, convenient, and practical system to enforce a violation of this code and to provide an opportunity for a prompt protest, hearing, and decision on the imposition of a civil penalty.
b. **Civil Penalty Against Agents.** Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, shall likewise be subject to a civil penalty.
c. **Procedure for Issuing Civil Penalty.** A civil penalty shall be imposed under this section by issuance of a notice of penalty. A civil penalty may be imposed for each day the violation continues or remains. The notice of penalty shall be provided in the manner as described in CLC 9.02.39(d).
d. **Notice of Civil Penalty.** If a civil penalty is imposed, the Director shall issue a Notice of Civil Penalty to the person responsible for the code violation.
    i. The Notice of Civil Penalty shall include:
        1. reference to the applicable code provision(s);
        2. a statement of the basis of the violation;
        3. a statement of the amount of the civil penalty;
        4. a statement of the party's right to protest the civil penalty to a Hearings Officer; and
        5. a statement that a delinquent civil penalty may become a lien on property.
    ii. The Notice of Civil Penalty shall be served on the person responsible for the code violation by:
        1. personal service; or,
        2. posted in a conspicuous place in, on or about the structure or premises affected by such notice; or,
        3. sent by US first class mail or US certified mail, return receipt requested, to the person's last known address;
            a. Failure of the recipient to sign for the certified mail shall not make the notice void.
            b. Notice served by mail shall be deemed received three days after the date mailed to an address within Oregon or seven days to an address outside of Oregon.
            c. Notice served by mail shall be concurrently posted in a conspicuous place in, on or about the structure or premises affected by such notice.
    iii. If the violation relates to real property and the person responsible for the violation is not the owner of the property, an informational copy of the Notice of Civil Penalty shall be sent to the owner of the property by first class mail, at the owner's address as reflected on the most recent tax rolls of the county assessor, at the same time as service on the person responsible.

9.02.40 Protest of Civil Penalty. A person issued a Notice of Civil Penalty may protest the existence of a violation or the circumstances involved in the presence of a violation that resulted in imposition of a civil penalty to a Hearings Officer. An appeal must be submitted to the City Recorder within seven days, plus three days for mailing, from the date of service of the Notice of Civil Penalty.

a. If after a hearing in which the Hearings Officer determines that a violation did or does exist, the Hearings Officer may reduce the original penalty imposed after considering reasonable mitigating factors as determined by the Hearings Officer.
    i. The civil penalty imposed by the Hearings Officer shall not be less than amount provide under CLC 9.02.42(a-b).
    ii. The Hearings Officer may not reduce the civil penalty by any amount if a violation has not been corrected and inspected by the city.

9.02.41 Collection of Civil Penalty. The civil penalty shall become final upon expiration of the time for filing a protest or, if a protest is filed and the Hearings Officer affirms the civil penalty, the civil penalty shall become final upon issuance of the Hearings Officer decision. The civil penalty shall be delinquent if not paid within 30 days from the date the civil penalty becomes final.

a. A late payment charge shall begin to accrue from the date of delinquency.
b. If the civil penalty is imposed on the owner of the property where the violation occurred, and is delinquent, the notice and late payment charge shall be entered in the docket of city liens pursuant to _____ and may be recorded in the Benton County deed records. When entered in the city lien docket, the notice shall constitute a lien upon the property in violation of the code.
c. The lien shall be enforced in the same manner as liens for_____. Failure to pay may result in foreclosure in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.
d. An error in the name of the owner shall not void the lien, nor shall a failure to receive the notice render the lien void, but it shall remain a valid lien against the property.

9.02.42 Amount of Civil Penalty. The Director is authorized to impose civil penalties in the amounts as follows, and the Hearings Officer may allow reductions consistent with CLC 9.02.40(a) and operational guidelines to the amounts as follows:

a. Violation of a provision of this code may be subject to a Civil Penalty no less than $50.00 and not exceeding $5,000.00 per offense, or in the case of a continuing offense, not more than $1,000.00 for each day of the offense;
b. In imposing a penalty authorized by this section, the Director shall consider:
    i. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
    ii. Any prior violations of statutes, rules, orders, and permits;
    iii. The gravity and magnitude of the violation;
    iv. Whether the violation was repeated or continuous;
    v. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;

vi. The violator's cooperativeness and efforts to correct the violation; and,
vii. Any relevant rule of this or other city code.

APPEALS

9.02.43 Appeals Generally. Any person upon whom a notice, order, interpretation or decision is served under this code shall have the right of appeal from the notice, order, interpretation or decision to the Board of Appeals.

9.02.44 Livability Code Board of Appeals.

a. In order to hear and decide appeals of notices, orders, decisions or determinations made by the Director relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to this code and who are not employees of the jurisdiction.
    i. The Housing & Neighborhood Services Division Manager shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board.
    ii. The Board of Appeals shall be appointed by the Mayor and shall meet as required to carry out its duties.
    iii. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Director.
    iv. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

9.02.45 Filing of Appeal. An appeal must be submitted to the Director within <u>seven</u> days, plus three days for mailing, from the date of the notice and order.

9.02.46 Appeal Fee. Any appeal submitted under this code shall include a $50.00 filing fee.

9.02.47 Scope of Appeal. Appeals may be filed regarding technical matters of notices, orders, interpretations and decisions made by the Director relative to this code.

9.02.48 Form of Appeal. An appeal must be in writing and include the following:

a. Name of person filing the appeal;
b. Copy of the notice and order;
c. Copy of the section of this code which is being appealed;
d. A complete explanation of the appeal;
e. What is requested of the Board of Appeals.

9.02.49 Appeal Procedure.

a. The Director shall confirm that the appeal meets the filing criteria as prescribed under CLC Sections 9.02.45 through 9.02.48.
b. If the filing criteria have not been met, the person filing the appeal will be so notified and the Board of Appeals will not be convened. The Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow the appellant to resubmit an appeal that has been deemed incomplete. Only one extension may be granted.
c. If the filing criteria are met, the Director shall schedule a meeting of the board within 30 days of the filing of the appeal. The hearing shall be held not later than 30 days after the filing of the appeal.

RIGHT OF ENTRY; ADMINISTRATIVE WARRANTS

9.02.50 Right of Entry. The Director may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this code, or whenever the Director has reasonable cause to believe that there exists in any structure or upon any property any condition which makes such property substandard as defined in any regulations of this code. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

a. *Occupied Property*. If any structure on the property is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant; or,
b. *Unoccupied Property*:
    i. If the property is unoccupied, the Director shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant.
    ii. If structures on the property are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant; or,
c. *Open, Unoccupied Property*. If any structure on the property is unoccupied and open:
    i. The Director shall notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons. If the property is not secured within fifteen (15) days from the date notice is sent, the Director may secure the property as provided in CLC 9.02.20.
d. If the Director believes that a hazardous condition exists, the Director may immediately secure the property as provided in CLC 9.02.20. Following the summary abatement, the Director shall notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative or abatement warrant.
e. The Director may seek approval for an administrative warrant without first requesting entry or making contact with an owner or occupant, if, at the time, facts or circumstances

reasonably show that the purpose of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

9.02.51 Grounds for Issuance of Administrative Warrants; Affidavit.

a. *Affidavit*. An administrative warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

b. *Cause*. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any provision of this code exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with the provisions of this code.

9.02.52 Procedure for Issuance of Administrative Warrant.

a. *Examination*. Before issuing an administrative warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

b. *Issuance*. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 8:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

c. *Police Assistance*. In issuing an administrative warrant on private property, including abatement warrants pursuant to CLC 9.02.31, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the Director or representative of the department inspecting the property in any way necessary to complete the inspection or abatement.

9.02.53 Execution of Administrative Warrants

a. *Occupied Property*. Except as provided in subsection (b) of this section, in executing an administrative warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in

the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

b. *Unoccupied Property*. In executing an administrative warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection (a) of this section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.

c. *Return*. An administrative warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within 10 business days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant, unless executed, is void.

Chapter 2
Definitions

9.02.54 Definitions. General.

a. Words stated in the present tense in this code include the future; the singular number includes the plural, and the plural includes the singular.
b. Where terms are not defined in this code and are defined in the Corvallis Land Development Code or the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes.
c. Terms not otherwise defined in this code or in the Corvallis Land Development Code or the state building, plumbing or mechanical codes shall have ordinarily accepted meanings.
d. Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this code, they shall be construed as though they were followed by the words "or any part thereof."

9.02.55 Unless the context otherwise specifically requires, for purposes of this code, the following terms and phrases mean:

a. **Abandoned Structure**. A vacant structure that is an attractive nuisance.
b. **Abatement of a nuisance.** The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.
c. **Accessible Means of Egress**. This term shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way.
d. **Accessory Structure**. Any structure not intended for human occupancy. Accessory structures may or may not be attached to a primary structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways.
e. **Agent.** A person authorized by another to act in his/her behalf.
f. **Approved**. Meets the standards set forth by the municipal code, the community development code, the building code, or other standards referenced in those codes, or is approved by the Director.
g. **Ashes**. The residue of the combustion of solid fuels.
h. **Attic**. The unfinished, non-habitable part of a structure between the roof and the ceiling immediately below.
i. **Attractive Nuisance**. Buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.

j. **Basement**. That portion of a building or structure which is partly or completely below grade.
k. **Bathroom**. A room containing plumbing fixtures including a bathtub or shower.
l. **Bedroom.** Any room or space used or intended to be used for sleeping purposes.
m. **Boarded**. The securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings, following the standards of Appendix A of this code, that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.
n. **Building**. Any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.
o. **Building Code**. The specialty codes adopted and as may be amended by the City of Corvallis, as provided in CMC Chapter 9.01.
p. **Building Official**. The administrator of the Development Services Division of the Community Development Department, or the administrator's designee.
q. **Bulk Solid Waste**. Discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.
r. **Deterioration**. A lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.
s. **Derelict structure**. A building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:
    i. Is unoccupied and unsecured;
    ii. Is partially constructed;
    iii. Is an abandoned structure or attractive nuisance;
    iv. Is in condition of deterioration;
    v. Has an infestation of pests;
    vi. Has doors or windows boarded over, or;
    vii. Other condition that in the opinion of the Director is detrimental to public health, safety or welfare.
t. **Dilapidation**. Being in a state of partial ruin, decay or disrepair.
u. **Director**. The Community Development Director charged by the City Manager with the implementation and enforcement of this code, or that department head's designee.
v. **Dwelling**. Any structure containing one or more dwelling unit.
w. **Dwelling Unit**. A single unit within a dwelling providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
x. **Exit**. A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.

y. **Exterior Property**. The areas of a property which are outside the exterior walls and roof of a building. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, yards, gardens, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

z. **Extermination**. The control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Director.

aa. **Hazardous Solid Waste**. Any solid waste which, in the opinion of the Director, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.

bb. **Habitable**. Suitable for human habitation.

cc. **Habitable space**. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

dd. **Hazardous Thicket**. Blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous.

ee. **Hearings Officer**. The person or persons appointed by the City Manager to serve in that capacity and to pass on matters stipulated for quasi-judicial review under this code.

ff. **Human habitation**. The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

gg. **Imminent Hazard**. Any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.

hh. **Incipient Hazard**. Any condition that can become an imminent hazard if further deterioration is allowed to occur.

ii. **Indoor Fixture**. Any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.

jj. **Indoor Furnishing/Furniture**. Any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.

kk. **Infestation**. The presence of pests in large numbers that are harmful or bothersome within or adjacent to a building or structure or upon a premises.

ll. **Junk**. Articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this code the term “junk” includes, but is not limited to:

i. any derelict motor vehicle, trailer, or boat, i.e., any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; or,
ii. neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or,
iii. wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; or,
iv. machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; or,
v. any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; or,
vi. any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; or,
vii. any bulk solid waste; and,
viii. solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

mm. **Landlord**. The owner or lessor of a dwelling unit, a building, or a premises, including a person authorized by the owner or lessor to manage the premises or to enter into a rental agreement.

nn. **Legally occupied**. The use of premises for a purpose authorized by law, including the building code and zone code. For the purposes of this code, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this code, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.

oo. **Let for occupancy** or **Let**. To permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

pp. **Maintained compost**. A small portion of a property set aside for the purpose of methodically encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer or amendment for the soil on the property. Maintained compost shows clear indicators that the organic materials placed there are being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition does not constitute maintained compost.

qq. **Means of Egress/Doors**: A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. Includes any doors that are present at the exit access, along the path of exit, and at the exit discharge.

rr. **Multi-Family Dwelling**. A building or structure within which are comprised three or more dwelling units.

ss. **Must**. Mandatory

tt. **Naturescape.** Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

uu. **Noxious Vegetation**. Weeds more than ten inches in height; grass more than ten inches in height; rank or dead vegetation; poison oak, poison hemlock, poison ivy; hazardous thickets; or other rank, noxious, and dangerous vegetation that is a health hazard; a fire hazard; or a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of the public right-of-way hazardous. This definition shall not include agriculture crops, endangered riparian grasses that have not come to seed and wet land grasses that are neither a fire nor a traffic hazard.

vv. **Occupancy**. The purpose for which a building, structure or premises is used or intended to be used.

ww. **Occupant**. Any person, including an owner, tenant or operator, using a building or any part of a building for its lawful, intended use or having possession of a space within a building or structure or possession of a premises.

xx. **Owner**. The person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto.

yy. **Partially Constructed**. An occupied or vacant structure, or portion thereof, has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.

zz. **Person**. An individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.

aaa. **Pests**. Animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.

bbb. **Premises**. A lot or parcel of land, including any buildings or structures thereon.

ccc. **Rank Vegetation**. Any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

ddd. **Receptacle**. A trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

eee. **Recycling**. The process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

fff. **Remediation**. The elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

ggg. **Repair**. The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

hhh. **Residential property**. Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multifamily structures and mixed-use structures which have one or more dwelling units. Hotels used exclusively for transient occupancy are excluded from this definition of residential property.

iii. **Rubbish**. Worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.

jjj. **Shall**. Mandatory.

kkk..

lll. **Solid Waste**. This term shall have the same meaning as provided under CMC 4.01.010.

mmm. **Structure**. That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

nnn. **Temporary**. A period up to 6 months in any 12 month period.

ooo. **Unfit for Human Habitation**. A building or structure that, as found by the Director, is unfit for human habitation due to; unsanitary conditions, infestation, accumulation of filth or contamination, lack of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

ppp. **Unoccupied**. Not legally occupied.

qqq. **Unsecured.** Any structure in which doors, windows, or apertures are open or able to be opened from the outside so as to allow access by unauthorized persons; unlocked or otherwise open to entry.

rrr. **Ventilation**. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

sss. **Watertight**. As secure as possible against the entry of rain, melt water and storm water.

ttt. **Waste Tire**. A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

uuu. **Weather tight**. As secure as possible against the entry of wind, rain, melt water, storm water and natural elements.

vvv. **Workmanlike**. Executed in a skilled manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

Chapter 3
Interior Structure Conditions

9.02.56 Lighting of Accessible Means of Egress.

a. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space, other than in 1-2 family dwellings, shall, at all times:
    i. provide minimum illumination of 1 footcandle (11 lux) at floors, landings and stairs for all common areas and spaces in all residential occupancies, with responsibility to maintain functioning bulbs; and,
    ii. for all other Accessible Means of Egress within dwelling units, shall provide the means for minimum illumination of either 3 footcandles (33 lux) at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart.

b. Every Landlord who rents, leases or lets one or more dwelling unit or sleeping unit of any 1-2 family structure shall provide the means for minimum illumination of either:
    i. 3 footcandles (33 lux) at floors, landings and stairs; or,
    ii. shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart, for all Accessible Means of Egress.

9.02.57 Ventilation.

a. Every dwelling, including basements, and attics shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

b. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to maintain legally existing ventilation systems in compliance with these requirements:
    i. Except where another approved ventilation device is provided, the total openable window area in every bathroom and toilet room or compartment shall be equal to at least one-fortieth (2.5%) of the area of the room.
        1. The glazed areas of a window in such spaces need not be openable where an approved mechanical ventilation system is provided that is functional and capable of producing 0.35 air changes per hour in the room.
    ii. In kitchens, a local exhaust ventilation system shall be maintained to remove the contaminating agent at the source.
    iii. Clothes dryer exhaust systems shall be independent of all other systems, shall be exhausted outside the structure and shall be installed in accordance with manufacturer's instructions.

iv. Mechanical clothes drying appliances and exhaust systems shall be properly installed, connected, and maintained in a safe condition and good working order. Exhaust hoses must be free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards.

9.02.58 Equipment Exposed to Water.

a. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall replace electrical equipment or portions of electrical systems that have been exposed to water.
b. For purposes of this section, "exposed to water" shall include but is not limited to: submersion due to flooding; inundation due to fire fighting activities; drenching by stormwater; intrusion of moisture; or plumbing system failures.
c. Exception: Electrical equipment or portions of electrical systems that are exposed to water shall be allowed to be repaired where an inspection and testing report from the equipment manufacturer, approved manufacturer's representative, or a state of Oregon Licensed Supervising Electrician indicates that the electrical equipment or electrical system has not sustained damage that requires replacement and may be repaired, safely reenergized, and placed back into service.

9.02.59 Circuit Protection. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each building and dwelling unit in accordance with these standards:

a. Every kitchen and other interior location with a water containment or supply fixture in its area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter.
b. Every bathroom shall contain at least one receptacle. Any new or replacement bathroom receptacle outlet shall have ground fault circuit interrupter protection.
c. All receptacle outlets shall have the appropriate faceplate cover for the location.

9.02.60 Plumbing. Plumbing systems shall be installed and maintained in a safe and sanitary condition and shall be free of defects, leaks and obstructions. Plumbing components shall be of materials allowed or approved by the Plumbing Code.

9.02.61 Hot Water. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each dwelling unit in accordance with these standards:

a. All sinks, lavatory basins, bathtubs and showers within a dwelling unit shall be supplied with both hot and cold running water facilities which are installed in an approved manner, properly maintained, properly connected and have a water pressure of at least fifteen psi.
b. Water heating facilities shall be supplied for each dwelling unit. Water heating facilities within a dwelling unit shall be capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit for at least 10 minutes at each hot water outlet.

i. **Exceptions**:

1. at a bidet the temperature shall not exceed 110 degrees Fahrenheit; and,
2. at a shower or tub-shower combination equipped with a scald and thermal shock protection valve the temperature shall be at least 115 degrees Fahrenheit but shall not exceed 120 degrees Fahrenheit.

9.02.62 Interior Sanitation. The interior of every structure that is rented leased or let for residential occupancy shall be maintained in good repair, in a clean and sanitary condition, free from any accumulation of rubbish, garbage or solid wastes. For purposes of this section, the term "clean and sanitary" shall mean free from and any material or condition that:

a. Provides a breeding place for insects, rodents or vermin; or
b. Produces dangerous or offensive gases or odors; or
c. Blocks exits, hallways, corridors or Accessible Means of Egress; or
d. Provides a surface, exposed or concealed, which is conducive for the growth of mold or mildew.

9.02.63 Occupants shall keep that part of the dwelling unit which they occupy or control in a clean and sanitary condition.

9.02.64 Every Landlord of any dwelling who rents, leases or lets a dwelling unit within any such space shall:

a. Maintain the common halls, stairways, utility rooms and areas, and similar public areas of the dwelling in a clean and sanitary condition; and,
b. Pursuant to CLC 9.02.62(d) of this code but not withstanding the requirement under CLC 9.02.63 of this code that the occupants shall keep such spaces in a clean and sanitary condition, provide and maintain all interior surfaces in good repair, including windows and doors, as follows: Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered; cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected; walls, floors, ceilings, cabinets and interior doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch; and,
c. Pursuant to CLC 9.02.62(d) of this code but not withstanding the requirement under CLC 9.02.63 of this code that the occupants shall keep such spaces in a clean and sanitary condition, be responsible to ensure that every toilet compartment, bathroom, and kitchen floor surface of every dwelling unit is constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

9.02.65 Heat in Bathrooms and Non-Habitable Rooms. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain every dwelling unit with permanent heating facilities capable of maintaining a year-round room temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms.

a. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
b. No portable, unvented or open flame fuel burning devices may be used to meet the heat requirements of this code.
c. All heating devices or appliances shall be of an approved type.
d. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms.

9.02.66 Window and Door Security. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain all exterior doors, windows or hatchways for every dwelling unit with devices designed to provide security for the occupants and property within.

a. Every entrance door to a dwelling unit shall be provided with a door knob and a deadbolt lock, and keys for same, designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.
    i. Deadbolt locks shall have a minimum lock throw of not less than 1 inch (25 mm) and shall be installed according to the manufacturer's specifications.
    ii. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door to discourage unwanted entry.
    iii. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

9.02.67 Operable windows located in whole or in part within 10 feet above ground level or a walking surface below that provide access to a dwelling unit shall be equipped with a window sash locking device.

9.02.68 Basement hatchways that provide access to a dwelling unit shall be equipped with devices that secure the unit from unauthorized entry.

Chapter 4
Exterior Structure and Premises Conditions

WEATHERPROOFING AND WATERPROOFING

9.02.69 It is the responsibility of the owner of every property to maintain every building and structure on the property in a manner that complies with the following requirements:

9.02.70 Roofs and Drainage. All roofs, flashing, vent stacks and boots, and chimneys shall have no defects which might admit rain or melt water. Roof drainage shall be adequate to prevent rain or melt water from causing dampness in the walls, attic or interior portion of the building and shall channel rain or melt water in an approved manner to an approved point of disposal. Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair. Roof drains, gutters and downspouts of a building or structure shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration.

9.02.71 Exterior Walls and Exposed Surfaces. Every exterior wall and weather-exposed exterior surface or attachment of a building or structure shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or melt water or dampness to the interior portions of the walls or the occupied spaces of the building or structure.

a. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition.
b. Every Landlord of a structure, building or premises who rents, leases or lets a dwelling or dwelling unit for residential occupancy within any such space shall maintain in a weathertight condition all siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights.
c. Every owner of any structure, building or premises that is not for rent, lease or to be let for residential occupancy, shall maintain in a watertight condition all siding and masonry and joints, including those between the building envelope and the perimeter of windows, doors and skylights.
d. Exterior metal surfaces shall be protected from rust and corrosion. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

9.02.72 Windows and Doors. Every window, sash, door and door frame of a building shall be kept in sound condition and in good repair. Every exterior door, skylight, and window shall comply with the following:

a. Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition.
b. Every exterior door, when closed, shall fit reasonably well within its frame.
c. Every exterior door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, to also substantially exclude wind from entering a building.
d. Every window sash shall be maintained in sound condition and good repair; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building when the window components are placed in a closed position within the frame and jamb.
e. Every window frame and casing shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building.

9.02.73 Glazing. Every window sash of a building exterior envelope shall be fully supplied with glass window panes or an approved substitute without open cracks and holes. All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.

9.02.74 Basement hatchways. Every basement hatchway shall be maintained to prevent as completely as possible the entrance of rodents, rain or melt water and surface drainage water.

9.02.75 Temporary Measures. The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or roofing, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building or Public Nuisance notice.

9.02.76 Exterior Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner of every property shall maintain the structures, premises and all common areas of the exterior property in compliance with these requirements. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. The exterior property and premises and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

a. **Holes, tanks, and child traps.** Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.

b. **Unsecured structures.** Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any unsecured structure so as to prevent access by unauthorized persons through such openings. No requirement imposed under this section shall constitute relief from or an exemption to compliance with the provisions of CLC 9.02.72 through CLC 9.02.74 for weathertight and watertight standards.

c. **Rat harborage.** Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.

d. **Emergency access routes.** All brush, vines, overgrowth and other entangling or rank vegetation located within 10 feet of a structure or within 10 feet of a property line, which is likely to obstruct or impede the necessary passage of fire or other emergency personnel, shall be removed and kept clear.

e. **Thickets that conceal hazards.** Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:
    i. Concealing trash and debris; or
    ii. Creating rat harborage; or
    iii. Creating harborage for people involved in criminal or prohibited activity or for products used for criminal activity.

f. **Trash and debris.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:
    i. All garbage, offal, dead animals, animal and human waste, and waste materials ;
    ii. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;
    iii. All dead bushes, dead trees, and stumps with the exception of such material which:
        1. Is being maintained as part of a naturescaped property;
        2. Does not result in a nuisance as otherwise defined in this code; and
        3. Is located on a property which is otherwise substantially in compliance with this code;
    iv. All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property per the provisions in CMC Section 2.19.150;
    v. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this code; and

vi. Accumulations of clothing and any other items not designed for outdoor storage.

g. **Storage of non-trash items.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

i. Accumulations of wood pallets.

ii. Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester, per the provisions in CMC Chapter 5.05, Dutch Elm Disease.

iii. Accumulations of vehicle parts or tires except for storage of non-waste, serviceable parts or tires that are reasonably expected to be used on a vehicle and are stored in a manner to protect their utility and prevent deterioration.

iv. All construction materials except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.

v. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.

vi. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.

vii. All recycling materials except for reasonable accumulations that are stored in a well-maintained manner.

viii. All other non-trash items which:

1. Are of a type or quantity inconsistent with normal and usual use; or
2. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

SOLID WASTE REMOVAL.

9.02.77 All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of solid waste. Approved receptacles for solid waste shall be provided and utilized for the containment and disposal of solid waste in accordance with the provisions of CMC Chapter 4.01; bulk solid waste shall be disposed of within a week of discard, in accordance with franchise utility services, or approved alternative.

9.02.78 Every occupant of a structure or premises shall dispose of solid waste by placing all such material in an approved solid waste disposal facility or approved receptacles.

9.02.79 The Landlord of any multi-family dwelling shall:

a. Provide, in a location accessible to all dwelling units, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively for more than individual dwelling units, into which all solid waste from the dwelling unit may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid waste from occurring; and,
b. Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

9.02.80 The Landlord of any 1 and2 family dwelling, except as otherwise provided by written agreement between the landlord and the tenant, shall:

a. Provide, in a location accessible to each dwelling unit, <u>adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provide individually for each dwelling unit or cumulative for more than individual dwelling units , into which solid waste from the dwelling unit(s) may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid from occurring; and,</u>
b. Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

BUILDING AND ACCESSORY STRUCTURES.

9.02.81 General Maintenance. It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

a. **General.** The exterior of a building or structure shall be maintained in good repair and structurally sound so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.

b. **Foundations and Structural Members.** Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration. All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects, rodents or pests.
    i. All supporting structural members in every building and structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

c. **Exterior Walls and Exposed Surfaces.** Every exterior wall of a building and all weather-exposed exterior surface or attachment of a building shall be free of holes, breaks, loose or rotting boards or timbers.

d. Every section of exterior brick, stone, masonry or other veneer applied to a building shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

e. **Chimneys.** Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of a structure shall be permanently sealed using approved materials.

f. **Roofs.** All building roofs shall be structurally sound.

g. **Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration.

h. **Accessory Structures.** Every accessory structure, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

i. **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.

j. **Decks, Stairs and Handrails; Maintenance**. It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:

    i. Every exterior stairway, deck, porch and balcony and attachment to stairways, decks, porches and balconies shall be:

        1. Maintained so as to be safe to use and capable of supporting the loads to which it is subjected;
        2. Kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, rotten, deteriorated or loose.

ii. Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good repair, and capable of supporting the loads to which it is subjected.

1. Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.

k. **Exterior Lighting**. Exterior site lighting required by the land development code or the building code at the time of development shall be maintained or, if removed, shall be replaced.

Chapter 5
Fire Safety

9.02.82 Means of Egress Door Locks. All means of egress doors shall be readily openable from the side from which egress is to be made without the use of a key or any special knowledge or effort.

9.02.83 Unobstructed Path of Travel. Every accessible means of egress, fire escape or stairway, stair platform, corridor or passageway which may be one of the regular accessible means of egress or means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

9.02.84 Fire-Resistive Assembly; Maintenance. Where required by the code in effect at the time of construction, the fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. The surfaces of all other interior walls, floors and ceilings shall be free of holes larger than four inches in diameter.

9.02.85 Smoke Detectors. Every dwelling unit shall be equipped with an approved and properly functioning smoke alarm or smoke detector installed and maintained in accordance with the State Building Code, ORS 479.270, 479.275, and 479.285, and applicable rules of the State Fire Marshal.

Chapter 1
Administration

9.02.1 Short Title. ~~CMC Sections _____ through Sections _____~~This Chapter shall be known and may be cited as the "Corvallis Livability Code" and may be referred to herein as "this code."

9.02.2 Scope. This code applies to all residential and nonresidential structures and all premises. This code establishes minimum requirements and standards for the protection of structures and premises from the elements, life safety and other hazards, and for their safe and sanitary maintenance; fixing the responsibility of owners and occupants; and, for administration, enforcement and penalties.

9.02.3 Intent. This code shall be construed to secure and ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises; to prevent deterioration of existing housing~~;~~, to preserve and enhance the quality of life in residential neighborhoods~~;~~, and, to prevent or reduce urban blight by establishing minimum property maintenance and livability standards. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance as required herein.

9.02.4 Application of Other Laws.

a. Nothing in this ~~chapter~~code shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Corvallis Municipal Code or the requirement to obtain all necessary permits and approvals.
b. Any repair, alteration, or addition to and change of occupancy in an existing building, or any change of use of residential property, shall be made in accordance with all applicable provisions of law, including, but not limited to the Corvallis Municipal Code, the Corvallis Building Code and the Corvallis Land Development Code.
c. Except as provided otherwise by federal, state or local law, if a provision of this code conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal authority having jurisdiction over residential property in the City of Corvallis, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this code. This code is intended to supplement rather than conflict with the habitability standards and the assignment of landlord and tenant responsibilities of the state of Oregon Residential Landlord and Tenant Act.
d. If a provision of this code conflicts with a provision of the adopted Corvallis Building Code, the provision of the Building Code shall apply to the exclusion of the conflicting provision of this code.

9.02.5 Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ~~chapter~~code shall be declared invalid for any reason whatsoever, such decision shall not affect the

remaining portions of this ~~chapter~~code which shall continue in full force and effect, and to this end the provisions of this ~~chapter~~code are hereby declared to be severable.

9.02.6 Saving Clause. This ~~chapter~~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.

9.02.7 Responsibility. The Director is hereby authorized to administer and enforce all of the provisions of this code. The authority of the Director to enforce the provisions of this code is independent of and in addition to the authority of other City officials to enforce the provisions of ~~any other Code of~~ the City Code.

a. The Director may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration and enforcement of this ~~chapter~~code.

b. ~~The Director is authorized to designate an employee as deputy who shall exercise all the powers of the Director during the temporary absence or disability of the Director.~~This code shall be liberally construed to the end that the Director shall not be required to personally perform the administrative or enforcement duties and functions for which she or he is held responsible under the terms and standards of this code.

~~a.~~c. Any acts done by any employee who is under the direct supervision and control of the Director and done pursuant to a delegation of authority given by the Director to said employee shall be deemed to be done by the Director as required by the terms and standards of this code.

d. The Director is authorized to designate an employee as deputy who shall exercise all the powers of the Director during the temporary absence or disability of the Director.

~~b. Where conditions or prohibitions under this chapter are regulated by the Building Code, the Building Official shall be responsible for making such determination and taking appropriate action as provided therein.~~

~~9.02.8~~ **Authorization to Inspect.** The Director is authorized to make inspection of property for the purposes of enforcing this code. ~~Wherever possible, inspections made by the personnel of the Housing & Neighborhood Services Division shall be coordinated with the personnel of the Development Services Division or Fire Department in order to avoid the issuance of multiple or conflicting orders.~~

9.02.8

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9.02.9 Coordination of Enforcement. Whenever inspections are deemed necessary by the Director and any other division or department, the Director 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 divisions and departments for the purpose of eliminating conflicting orders before any are issued.

9.02.10 Enforcing Compliance. To enforce any of the requirements of this code, the Director may gain compliance by:

a. Instituting an action before the Hearings Officer; or
b. Causing appropriate action to be instituted in a court of competent jurisdiction; or
~~c.~~ Imposing criminal or civil penalties, or both; or
c.
d. Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

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9.02.11 Failure to Obey Order of Director.

a. It shall be unlawful for any person acting intentionally to refuse to obey an order by the Director acting in the discharge or apparent discharge of official duty.
b. It is no defense to a prosecution for a violation of this section that the Director lacked legal authority to issue the order, provided the Director was acting under color of official authority.

9.02.12 Maintenance Requirements; Generally.

a. No person shall maintain or permit to be maintained any structure or premises that does not comply with the requirements of this code.
b. An existing structure that does not comply with the provisions of this code ~~and that does not comply with the standards of the applicable building code then in effect at the time of construction or subsequent alteration or repair~~ shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.

Comment [staff1]: Addressed under CLC 9.02.4

~~b.~~c. All structures shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.
~~c.~~d. All systems, devices and safeguards required by this code or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants.
~~d.a. An existing structure that does not comply with the provisions of this code and that does not comply with the standards of the applicable building code then in effect at the time of construction or subsequent alteration or repair shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.~~

9.02.13 Historic Structures. The provisions of this code shall not be mandatory for an existing structure designated as a local or national historic resource when such structure is judged by the ~~code official~~Director to be safe and its continued maintenance in historic condition to be in the public interest.

9.02.14 Modifications. Where there are extreme hardships involved in carrying out provisions of this ~~chapter~~code, the Director shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

9.02.15 Skilled Work Required. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this ~~chapter~~code shall be executed and installed in a ~~skilled manner~~workmanlike manner.

DERELICT STRUCTURES

9.02.16 Derelict Structures Prohibited. Derelict structures on any premises are hereby declared to be a public nuisance.

9.02.17 Order to Vacate Buildings or Structures.

a. If the Director finds a building or structure in violation of CLC 9.02.16~~4~~, the Director may order that a placard be posted on the building or structure, ordering the building or structure vacated. The placard shall contain the information required in CLC 9.02.26~~3~~.
b. Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order.

9.02.18 Prohibited Habitation. No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Director.

9.02.19 Removal of Placard Prohibited.

a. The Director shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.
b. No person shall deface or remove a placard without the approval of the Director.

9.02.20 Temporary Safeguards. Notwithstanding any other provisions of this code, whenever, as determined by the Director, a building or structure poses an imminent hazard or incipient hazard, the Director may order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and shall cause such other action to be taken that the Director deems necessary to meet such condition.

9.02.21 Abatement of Derelict Structure by Remediation. In addition to, and not in lieu of, the abatement remedies provided for in CLC 9.02.22~~0~~ - CLC 9.02.33 ~~34~~1 and receivership authority in CLC 9.02.~~33~~34, the Director may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

a. Upon receipt of such notice, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and shall, not less than fifteen days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant. Notice shall also be posted on or near the derelict structure~~ and copies delivered to the affected neighborhood association~~. Failure of the owner or occupant to receive such notice shall not

render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.

b. At the hearing, the Director shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Director's determination, and the owner and occupants shall be afforded a like opportunity to rebut the determination. Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue. The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the State of Oregon.

c. The Hearings Officer shall order the conditions creating the derelict structure be remediated if the Director demonstrates, by a preponderance of the evidence, that the building structure is a derelict structure.

d. In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is in a condition unfit for human habitation, or in a condition that is an incipient hazard, based on the number and extent of the following factors:

    i. Dilapidation;
    ii. Disrepair;
    iii. Structural defects noted by the Building Official;
    iv. Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;
    v. Uncleanliness or infestations of pests;
    vi. Condition of sanitary facilities;
    vii. The presence of a public nuisance; and
    viii. The history of unlawful activity in or around the building or structure.

PUBLIC NUISANCES

9.02.22 Public Nuisance Prohibited. In addition to the provision of CLC 9.02.164, no person shall cause, permit, or maintain a public nuisance on public or private property.

9.02.23 Public Nuisances. The following are specifically declared to be public nuisances: Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety, where such thing, condition, or act is or exists contrary to the provisions of this code.

9.02.24 Notice to Person Responsible. Whenever the Director has reasonable grounds to believe that a violation of CLC 9.02.220 has occurred, a notice and order shall be served on the owner(s) and occupant(s).

9.02.25 Abatement Procedures - Joint Responsibility. If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance.

~~9.02.24~~9.02.26 **Form of Notice.** Such notice prescribed in CLC 9.02.~~25~~24~~2~~ and CLC 9.02.17~~5~~(a) shall:

a. Be in writing;
b. Include a description of the premises sufficient for identification;
c. Include a statement of the reason or reasons why the notice is being issued;
d. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the premises into compliance with the provisions of this ~~chapter~~code;~~.~~
   ~~d.~~i. the compliance deadline shall be 48 hours for violations of CLC 9.02.60, CLC 9.02.61, CLC 9.02.65 or CLC 9.02.85;
e. Include a notice that the city may abate the nuisance pursuant to this ~~chapter~~code and that the person responsible shall be responsible for the costs of such abatement;~~.~~
f. Include instructions for an appeal.

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~~9.02.25~~9.02.27 **Effective Date of Notice.** All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing if not personally served.

~~9.02.26~~9.02.28 **Method of Service.**

a. Notices under this ~~chapter~~code shall be deemed to be properly served if a copy thereof is:
   i. Personally delivered to the owner(s) and occupant(s); or
   ii. Sent by first class mail to the owner(s) and occupant(s) at their last known address; or
   iii. Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address if they cannot be located.
b. Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of the owner(s) or occupant(s) shall not render the notice void and in such case the notice shall be sufficient.

9.02.29 Action by Responsible Party. Within the time specified for achieving compliance, as provided for under CLC 9.02.26(d), the responsible party or person in charge of the property on whom the notice has been served or posted shall remove the nuisance or shall request an appeal hearing in accordance with CLC 9.02.43 through CLC 9.02.49.

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~~9.02.27~~9.02.30 **Recording a Violation.** The city may record a notice of violation with the County Recorder. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be recorded if a notice of violation had been recorded against the property.

~~**9.02.28 Abatement Procedures - Joint Responsibility.** If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance.~~

Comment [ccw2]: Moved to follow Notice to Person Responsible.

~~9.02.29~~9.02.31 **Abatement Procedures - by the City.**

a. If, within time allowed under CLC 9.02.26~~3~~(d), the violation has not been corrected, the Director may cause the violation to be corrected.
b. The Director shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a _____ percent charge for administrative overhead.
c. The Director or a person authorized by the Director may enter upon the property to abate the nuisance only upon obtaining consent of the ~~owner and occupant~~person in possession or in charge of the property; or upon obtaining an administrative abatement warrant pursuant to CMC 1.15 or CLC 9.02.~~49~~50 through CLC 9.02.~~52~~53~~4~~.

~~9.02.30~~9.02.32 **Abatement Procedures - Assessment of Costs.**

a. After abatement by the city, the Director of Finance, by first class mail, shall forward to the owner(s) and occupant(s) a notice stating:
    i. The total cost of correction, including the administrative overhead; and,
    ii. That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice.
b. If the costs and administrative overhead are not paid within thirty days of the billing date, the Director shall thereafter file with the Hearings Officer an itemized statement of costs and overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance.
c. Upon filing of such statement of costs and overhead pursuant to CLC 9.02.32(b), the City Recorder shall set the matter for prompt public hearing before the Hearings Officer, and cause notice thereof to be served via certified mail to the owner(s) and occupant(s), consistent with the procedures under CLC 9.02.21(a).
d. After the hearing, the Hearings Officer shall declare the correctness of such statement and declare the same to be a lien upon the property.
e. An error in the contents or service of any notice 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.

~~9.02.31~~9.02.33 **Abatement Procedures - Summary Abatement.** The abatement procedure provided by this ~~chapter~~code is not exclusive but is in addition to procedures provided by other laws. The Director may summarily abate a situation involving a health, safety, or other nuisance which unmistakably exists and from which there is imminent danger to human life or to property.

~~9.02.32~~9.02.34 **Receivership Authority.** In addition to, and not in lieu of any other provision in this ~~chapter~~code, when the Director finds residential property in violation of this ~~chapter~~code, and believes that the violation is a threat to the public's health, welfare and safety, and that the owner has not acted in a timely manner to correct the violation~~s~~, the Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

~~9.02.33~~9.02.35 **Collections.** Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims court or entered into the city's lien docket in the manner provided by _____, and a lien for the entire amount placed against the real property pursuant to _____.

PENALTIES

~~9.02.34~~9.02.36 **Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or directive of the ~~code official~~Director shall be subject to the provisions of CLC 9.02.~~36~~37~~2(a)~~ through CLC 9.02.~~41~~42~~32(c)~~.

~~9.02.35~~9.02.37 **Separate violations.**

a. Each day's violation of a provision herein constitutes a separate offense.
b. The abatement of a nuisance or violation shall not constitute a penalty for violating this code but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance or violation.

~~9.02.36~~9.02.38 **Misdemeanors and Infractions.** Any person who shall violate any of the provisions herein or fail to comply therewith or who shall violate or fail to comply with any order made ~~there under~~hereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Hearings Officer, the Livability Code Board of Appeals or by a court of competent jurisdiction within the time fixed herein shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor or infraction, as specified under CLC 9.02.~~32(b)(ii).37~~38(d)(i-iv).

a. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
b. Upon conviction of a misdemeanor offense, any person shall be liable for the fines and terms of imprisonment provided for under CMC ~~5.03.160.040~~1.01.120(1-3).
c. Upon conviction of an infraction offense, any person shall be liable for the fines ~~and terms of imprisonment~~ provided for under CMC 1.01.120(4-6) and CLC 9.02.~~30(ii)(4)7~~38(d)(iv).
d. Violation of the provisions of this code shall be ~~as classified under CMC 5.03.160.030 and shall be~~ designated as follows:
    i. Violation of CLC 9.02.~~____~~.77 through CLC 9.02.~~____~~.80 Solid Waste is a **Class A misdemeanor**~~($2,500 and 1 year imprisonment)~~.

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ii. Violation of CLC 9.02.22~~0~~ Public Nuisance is a **Class B misdemeanor** ~~($1,000 and 6 months imprisonment)~~.

iii. Violation of CLC 9.02.~~___~~.82 through CLC 9.02.~~___~~.85 Fire Safety provisions; CLC 9.02.11~~0~~ Failure to Obey; ~~and~~ or CLC 9.02.18~~6~~ Prohibited Habitation is a **Class C misdemeanor** ~~($500 and 30 days imprisonment)~~.

iv. Violation of every provision of this code not otherwise ~~provided for~~designated herein is deemed an infraction punishable upon conviction by a fine of not more or less than:

1. 1st offense shall be $250<>$100;
2. 2nd offense for violation of same provision of this code within 24 month period shall be $500<>$250;
3. 3rd offense for violation of same provision of this code within 24 month period shall be $500<>$500;
4. 4 or more offenses for violation of same provision of this code within 24 month period shall constitute a **Class A misdemeanor** ~~($2,500 and 1 year imprisonment)~~.

e. **Declaration of I~~i~~nfraction.** Notwithstanding CLC 9.02. ~~32(a)(b)(ii)(1-3),~~38 ~~7~~(d)(i-iv), any violation of the provisions of this code may be declared to be an infraction pursuant to the procedure provided in CMC Section 5.03.160.

~~9.02.37~~9.02.39 **Civil Penalties.** In addition to and not in lieu of any other means of enforcement or any other penalty provided by law, any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or ~~directive~~ an order of the ~~code official~~Director may incur a civil penalty in an amount as specified in CLC 9.2.~~41~~42~~32(c)(vii)~~, plus administrative fee and any cost of service or recording costs.

a. **Purpose.** The purpose of a civil penalty is to provide an efficient, convenient, and practical system to enforce a violation of this code and to provide an opportunity for a prompt protest, hearing, and decision on the imposition of a civil penalty.

b. **Civil Penalty A~~a~~gainst Agents.** Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, shall likewise be subject to a civil penalty.

c. **Procedure for I~~i~~ssuing C~~c~~ivil P~~p~~enalty.** A civil penalty shall be imposed under this section by issuance of a notice of penalty. A civil penalty may be imposed for each day the violation continues or remains. The notice of penalty shall be provided in the manner as described in CLC 9.02.~~38~~39(d)~~2 (c)(iv)~~.

d. **Notice of Civil Penalty.** If a civil penalty is imposed, the ~~code official~~Director shall issue a Notice of Civil Penalty to the person responsible for the code violation.

i. The Notice of Civil Penalty shall include:

1. reference to the applicable code provision(s);
2. a statement of the basis of the violation;
3. a statement of the amount of the civil penalty;

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4. a statement of the party's right to protest the civil penalty to a Hearings Officer; and
5. a statement that a delinquent civil penalty may become a lien on property.

ii. The Notice of Civil Penalty shall be served on the person responsible for the code violation by:
1. personal service; or,
2. posted in a conspicuous place in, on or about the structure or premises affected by such notice; or,
3. sent by US first class mail or US certified mail, return receipt requested, to the person's last known address;
   a. Failure of the recipient to sign for the certified mail shall not make the notice void.
   b. Notice served by mail shall be deemed received three days after the date mailed to an address within Oregon or seven days to an address outside of Oregon.
   c. Notice served by mail shall be concurrently posted in a conspicuous place in, on or about the structure or premises affected by such notice.

iii. If the violation relates to real property and the person responsible for the violation is not the owner of the property, an informational copy of the Notice of Civil Penalty shall be sent to the owner of the property by first class mail, at the owner's address as reflected on the most recent tax rolls of the county assessor, at the same time as service on the person responsible.

~~9.02.38~~9.02.40 **Protest of Civil Penalty.** A person issued a Notice of Civil Penalty may protest the existence of a violation or the circumstances involved in the presence of a violation that resulted in imposition of a civil penalty to a Hearings Officer ~~pursuant to CLC 9.02.~~. An appeal must be submitted to the City Recorder within seven days, plus three days for mailing, from the date of service of the Notice of Civil Penalty.

a. If after a hearing in which the Hearings Officer determines that a violation did or does exist, the Hearings Officer may reduce the original penalty imposed after considering reasonable mitigating factors as determined by the Hearings Officer.
   i. The civil penalty imposed by the Hearings Officer shall not be less than amount provide under CLC 9.02.~~41~~42(a-b)~~)~~.
   ii. The Hearings Officer may not reduce the civil penalty by any amount if a violation has not been corrected and inspected by the city.

~~9.02.39~~9.02.41 **Collection of Civil Penalty.** The civil penalty shall become final upon expiration of the time for filing a protest or, if a protest is filed and the Hearings Officer affirms the civil penalty, the civil penalty shall become final upon issuance of the Hearings Officer decision. The civil penalty shall be delinquent if not paid within 30 days from the date the civil penalty becomes final.

a. A late payment charge shall begin to accrue from the date of delinquency.
b. If the civil penalty is imposed on the owner of the property where the violation occurred, and is delinquent, the notice and late payment charge shall be entered in the docket of city liens pursuant to _____ and may be recorded in the Benton County deed records. When entered in the city lien docket, the notice shall constitute a lien upon the property in violation of the code.
c. The lien shall be enforced in the same manner as liens for_____. Failure to pay may result in foreclosure in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.
d. An error in the name of the owner shall not void the lien, nor shall a failure to receive the notice render the lien void, but it shall remain a valid lien against the property.

9.02.409.02.42 **Amount of Civil Penalty.** The code officialDirector is authorized to impose civil penalties in the amounts as follows, and the Hearings Officer may allow reductions consistent with CLC 9.02.3940(a). and operational guidelines to the amounts as follows (penalty imposed/reduction by Hearings Officer to not less than):

a. Violation of a provision of this code may be subject to a Civil Penalty no less than $50.00 and not exceeding $5,000.00 per offense, or in the case of a continuing offense, not more than $1,000.00 for each day of the offense;
b. In imposing a penalty authorized by this section, the code officialDirector shall consider:
    i. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
    ii. Any prior violations of statutes, rules, orders, and permits;
    iii. The gravity and magnitude of the violation;
    iv. Whether the violation was repeated or continuous;
    v. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
    vi. The violator's cooperativeness and efforts to correct the violation; and,
    vii. Any relevant rule of this or other cCity code.

APPEALS

9.02.419.02.43 **Appeals Generally.** Any person upon whom a notice, order, interpretation or decision is served under this code shall have the right of appeal from the notice, order, interpretation or decision to the Board of Appeals. Any person who is issued an order from the Director or any person who is subject to a civil penalty, pursuant to this Chapter may appeal the decision to the Livability Code Board of Appeals.

9.02.429.02.44 **Livability Code Board of Appeals.**

a. In order to hear and decide appeals of notices, orders, decisions or determinations made by the Director relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience

and training to pass on matters pertaining to this code and who are not employees of the jurisdiction.

i. The Housing & Neighborhood Services Division Manager shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board.
ii. The Board of Appeals shall be appointed by the Mayor and shall meet as required to carry out its duties.
iii. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Director.
iv. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

~~9.02.43~~9.02.45 **Filing of Appeal.** ~~Any person upon whom a notice, order, interpretation or decision is served under this code shall have the right of appeal from the notice, order, interpretation or decision to the Board of Appeals.~~ An appeal must be submitted to the Director within seven days, plus three days for mailing, from the date of the notice and order.

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~~9.02.44~~9.02.46 **Appeal Fee.** Any appeal submitted under this ~~chapter~~code shall include a $50.00 filing fee.

~~9.02.45~~9.02.47 **Scope of Appeal.** Appeals may be filed regarding technical matters of notices, orders, interpretations and decisions made by the Director relative to this code.

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~~9.02.46~~9.02.48 **Form of Appeal.** An appeal must be in writing and include the following:

a. Name of person filing the appeal;~~.~~
b. Copy of the notice and order;~~.~~
c. Copy of the section of this code which is being appealed;~~.~~
d. A complete explanation of the appeal;~~.~~
e. What is requested of the Board of Appeals.

~~9.02.47~~9.02.49 **Appeal Procedure.**

a. The Director shall confirm that the appeal meets the filing criteria as prescribed under CLC Sections 9.02.~~44~~45 through 9.02.~~47~~48.~~.~~
b. If the filing criteria have not been met, the person filing the appeal will be so notified and the Board of Appeals will not be convened. The Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow the appellant to resubmit an appeal that has been deemed incomplete. Only one extension may be granted.
c. If the filing criteria ~~is~~ are met, the Director shall schedule a meeting of the board within 30 days of the filing of the appeal. The hearing shall be held not later than 30 days after the filing of the appeal.

RIGHT OF ENTRY; ADMINISTRATIVE WARRANTS

~~9.02.48~~9.02.50 **Right of Entry.** The Director may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this code, or whenever the Director has reasonable cause to believe that there exists in any structure or upon any property any condition which makes such property substandard as defined in any regulations of this code. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

a. *Occupied Property*. If any structure on the property is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an ~~inspection~~administrative warrant; or,

b. *Unoccupied Property*:

   i. If the property is unoccupied, the Director shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an ~~inspection~~administrative warrant.

   ii. If structures on the property are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an ~~inspection~~administrative warrant; or,

c. *Open, Unoccupied Property*. If any structure on the property is unoccupied and open:

   i. The Director shall notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons. If the property is not secured within fifteen (15) days from the date notice is sent, the Director may secure the property as provided in CLC 9.02.20~~18~~.

d. If the Director believes that a hazardous condition exists, the Director may immediately secure the property as provided in CLC 9.02.20~~18~~. Following the summary abatement, the Director shall notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an ~~inspection~~administrative or abatement warrant.

e. The Director may seek approval for an ~~inspection~~administrative warrant without first requesting entry or making contact with an owner or occupant, if, at the time, facts or circumstances reasonably show that the purpose of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

~~9.02.49~~9.02.51 **Grounds for Issuance of ~~Inspection~~Administrative Warrants; Affidavit.**

a. *Affidavit*. An ~~inspection~~administrative warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In

addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an ~~inspection~~administrative warrant.

b. *Cause*. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any ~~Livability Code regulation~~provision of this code exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with ~~Livability Code regulations~~the provisions of this code.

~~9.02.50~~9.02.52 Procedure for Issuance of ~~Inspection~~Administrative Warrant.

a. *Examination*. Before issuing an ~~inspection~~administrative warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

b. *Issuance*. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 8:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

c. *Police Assistance*. In issuing an ~~inspection~~administrative warrant on private property, including abatement warrants pursuant to CLC 9.02.~~30~~31~~28~~, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the Director or representative of the department inspecting the property in any way necessary to complete the inspection or abatement.

~~9.02.51~~9.02.53 Execution of ~~Inspection~~Administrative Warrants

a. *Occupied Property*. Except as provided in subsection (b) of this section, in executing an ~~inspection~~administrative warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

b. *Unoccupied Property*. In executing an ~~inspection~~administrative warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection (a) of this section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time

reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.

c. *Return*. An ~~inspection~~administrative warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within 10 business days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant, unless executed, is void.

Chapter 2
Definitions

~~9.02.52~~9.02.54 **Definitions.** General.

a. Words stated in the present tense in this code include the future; the singular number includes the plural, and the plural includes the singular.
b. Where terms are not defined in this code and are defined in the Corvallis Land Development Code or the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes.
c. Terms not otherwise defined in this code or in the Corvallis Land Development Code or the state building, plumbing or mechanical codes shall have ordinarily accepted meanings.
d. Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this code, they shall be construed as though they were followed by the words "or any part thereof."

~~9.02.53~~9.02.55 Unless the context otherwise specifically requires, for purposes of this code, the following terms and phrases mean:

a. **Abandoned Structure**. A vacant structure that is an attractive nuisance.
b. **Abatement of a nuisance.** The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.
c. **Accessible Means of Egress**. This term shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way.
d. **Accessory Structure**. Any structure not intended for human occupancy. Accessory structures may or may not be attached to a primary structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways.
e. **Agent.** A person authorized by another to act in his/her behalf.
f. **Approved**. Meets the standards set forth by the municipal code, the community development code, the building code, or other standards referenced in those codes, or is approved by the ~~code official~~Director.
g. **Ashes**. The residue of the combustion of solid fuels.
h. **Attic**. The unfinished, non-habitable part of a structure between the roof and the ceiling immediately below.
i. **Attractive Nuisance**. Buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.

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j. **Basement**. That portion of a building or structure which is partly or completely below grade.
k. **Bathroom**. A room containing plumbing fixtures including a bathtub or shower.
l. **Bedroom.** Any room or space used or intended to be used for sleeping purposes.
m. **Boarded**. The securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings, following the standards of Appendix A of this code, that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.
n. **Building**. Any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.
o. **Building Code**. The specialty codes adopted and as may be amended by the City of Corvallis, as provided in CMC Chapter 9.01.
p. **Building Official**. The administrator of the Development Services Division of the Community Development Department, or the administrator's designee.
q. **Bulk Solid Waste**. Discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.
~~r. **Code Official**. The Code Compliance Supervisor, Code Compliance Specialist, Housing & Neighborhood Services Division Manager, or other person authorized by the Community Development Director to enforce the provisions of this code.~~
~~s.~~r. **Deterioration**. A lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.
~~t.~~s. **Derelict structure**. A building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:
    i. Is unoccupied and unsecured;
    ii. Is partially constructed;
    iii. Is an abandoned structure or attractive nuisance;
    iv. Is in condition of deterioration;
    v. Has an infestation of pests;
    vi. Has doors or windows boarded over, or;
    vii. Other condition that in the opinion of the Director is detrimental to public health, safety or welfare.
t. **Dilapidation**. Being in a state of partial ruin, decay or disrepair.
u. **Director**. The Community Development Director charged by the City Manager with the implementation and enforcement of this code, or that department head's designee.
v. **Dwelling**. Any structure containing one or more dwelling unit.
w. **Dwelling Unit**. A single unit within a dwelling providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. ~~As used in this code, dwelling unit includes, as the context requires,~~

~~single family dwellings, duplexes, triplexes, condominiums, residential trailers, mobile homes, manufactured homes, multi-family dwellings, and single units therein.~~

x. **Exit**. A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.

y. **Exterior Property**. The areas of a property which are outside the exterior walls and roof of a building. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, yards, gardens, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

z. **Extermination**. The control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Director.

aa. **Hazardous Solid Waste**. Any solid waste which, in the opinion of the Director, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.

bb. **Habitable**. Suitable for human habitation.

cc. **Habitable space**. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

dd. **Hazardous Thicket**. Blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous.

ee. **Hearings Officer**. The person or persons appointed by the City Manager to serve in that capacity and to pass on matters stipulated for quasi-judicial review under this code.

ff. **Human habitation**. The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

gg. **Imminent Hazard**. Any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.

hh. **Incipient Hazard**. Any condition that can become an imminent hazard if further deterioration is allowed to occur.

ii. **Indoor Fixture**. Any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.

jj. **Indoor Furnishing/Furniture**. Any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.

kk. **Infestation**. The presence of pests in large numbers that are harmful or bothersome within or adjacent to a building or structure or upon a premises.

ll. **Junk**. Articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this code the term "junk" includes, but is not limited to:

i. any derelict motor vehicle, trailer, or boat, i.e., any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; or,
ii. neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or,
iii. wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; or,
iv. machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; or,
v. any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; or,
vi. any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; or,
vii. any bulk solid waste; and,
viii. solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

mm. **Landlord**. The owner or lessor of a dwelling unit, a building, or a premises, including a person authorized by the owner or lessor to manage the premises or to enter into a rental agreement.

nn. **Legally occupied**. The use of premises for a purpose authorized by law, including the building code and zone code. For the purposes of this code, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this code, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.

oo. **Let for occupancy** or **Let**. To permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

pp. **Maintained compost**. A small portion of a property set aside for the purpose of methodically encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer or amendment for the soil on the property. Maintained compost shows clear indicators that the organic materials placed there are being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition does not constitute maintained compost.

qq. **Means of Egress/Doors**: A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. Includes any doors that are present at the exit access, along the path of exit, and at the exit discharge.

~~pp.~~rr. **Multi-Family Dwelling**. A building or structure within which are comprised three or more dwelling units.

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~~qq.~~ss. **Must**. Mandatory

~~rr.~~tt. **Naturescape.** Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

~~ss.~~uu. **Noxious Vegetation**. Weeds more than ten inches in height; grass more than ten inches in height; rank or dead vegetation; poison oak, poison hemlock, poison ivy; hazardous thickets; or other rank, noxious, and dangerous vegetation that is a health hazard; a fire hazard; or a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of the public right-of-way hazardous. This definition shall not include agriculture crops, endangered riparian grasses that have not come to seed and wet land grasses that are neither a fire nor a traffic hazard.

~~tt.~~vv. **Occupancy**. The purpose for which a building, structure or premises is used or intended to be used.

~~uu.~~ww. **Occupant**. Any person, including an owner, tenant or operator, using a building or any part of a building for its lawful, intended use or having possession of a space within a building or structure or possession of a premises.

~~vv.~~xx. **Owner**. The person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto.

~~ww.~~yy. **Partially Constructed**. An occupied or vacant structure, or portion thereof, has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.

~~xx.~~zz. **Person**. An individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.

~~yy.~~aaa. **Pests**. Animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.

~~zz.~~bbb. **Premises**. A lot or parcel of land, including any buildings or structures thereon.

~~aaa.~~ccc. **Rank Vegetation**. Any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

~~bbb.~~ddd. **Receptacle**. A trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid

waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

~~ccc.~~eee. **Recycling**. The process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

~~ddd.~~fff. **Remediation**. The elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

~~eee.~~ggg. **Repair**. The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

~~fff.~~hhh. **Residential property**. Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multifamily structures and mixed-use structures which have one or more dwelling units. Hotels used exclusively for transient occupancy are excluded from this definition of residential property.

~~ggg.~~iii. **Rubbish**. Worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.

~~hhh.~~jjj. **Shall**. Mandatory.

~~iii.~~kkk. ~~**Skilled Manner**. Executed in a proper manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.~~

~~jjj.~~lll. **Solid Waste**. This term shall have the same meaning as provided under CMC 4.01.010.

~~kkk.~~mmm. **Structure**. That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

~~lll.~~nnn. **Temporary**. A period up to 6 months in any 12 month period.

~~mmm.~~ooo. **Unfit for Human Habitation**. A building or structure that, as found by the Director, is unfit for human habitation due to; unsanitary conditions, infestation, accumulation of filth or contamination, lack of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

~~nnn.~~ppp. **Unoccupied**. Not legally occupied.

~~ooo.~~qqq. **Unsecured.** Any structure in which doors, windows, or apertures are open or able to be opened from the outside so as to allow access by unauthorized persons; unlocked or otherwise open to entry.

~~ppp.~~rrr. **Ventilation**. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

~~qqq.~~sss. **Watertight**. As secure as possible against the entry of rain, melt water and storm water.

~~rrr.~~ttt. **Waste Tire**. A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

uuu. **Weather tight**. As secure as possible against the entry of wind, rain, melt water, storm water and natural elements.

~~sss.~~vvv. **Workmanlike**. Executed in a skilled manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

Chapter 3
Interior Structure Conditions

~~9.02.54~~9.02.56 **Lighting of Accessible Means of Egress**.

a. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space, other than in 1-2 family dwellings, shall, at all times:
   i. provide minimum illumination of 1 footcandle (11 lux) at floors, landings and stairs for all common areas and spaces in all residential occupancies, with responsibility to maintain functioning bulbs; and,
   ii. for all other Accessible Means of Egress within dwelling units, shall provide the means for minimum illumination of either 3 footcandles (33 lux) at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart.
b. Every Landlord who rents, leases or lets one or more dwelling unit or sleeping unit of any 1-2 family structure shall provide the means for minimum illumination of either:
   i. 3 footcandles (33 lux) at floors, landings and stairs; or,
   ii. shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart, for all Accessible Means of Egress.

~~9.02.55~~9.02.57 **Ventilation**.

a. Every dwelling, including basements, and attics ~~and crawl spaces~~ shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.
b. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to maintain legally existing ventilation systems in compliance with these requirements:
   i. Except where another approved ventilation device is provided, the total openable window area in every bathroom and toilet room or compartment shall be equal to at least one-fortieth (2.5%) of the area of the room.
      1. The glazed areas of a window in such spaces need not be openable where an approved mechanical ventilation system is provided that is functional and capable of producing 0.35 air changes per hour in the room.
   ii. In kitchens ~~and other spaces where injurious, toxic, irritating or noxious fumes, gases, dusts, vapors or mists are generated~~, a local exhaust ventilation system shall be maintained to remove the contaminating agent at the source.

iii. Clothes dryer exhaust systems shall be independent of all other systems, shall be exhausted outside the structure and shall be installed in accordance with manufacturer's instructions.

iv. Mechanical clothes drying appliances and exhaust systems shall be properly installed, connected, and maintained in a safe condition and good working order. Exhaust hoses must be free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards.

~~9.02.56~~9.02.58 **Equipment Exposed to Water**.

a. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall replace electrical equipment or portions of electrical systems ~~in accordance with the provisions of the Oregon Electrical Specialty Code any electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment~~ that have been exposed to water.

b. For purposes of this section, "exposed to water" shall include but is not limited to: submersion due to flooding; inundation due to fire fighting activities; drenching by stormwater; intrusion of moisture; or plumbing system failures.

~~i.~~ Exception: Electrical equipment or portions of electrical systems that are exposed to water shall be allowed to be repaired where an inspection and testing report from the equipment manufacturer, approved manufacturer's representative, or a state of Oregon Licensed Supervising Electrician indicates that the electrical equipment or electrical system has not sustained damage that requires replacement and may be repaired, safely reenergized, and placed back into service.~~The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:~~

~~1. Enclosed switches, rated a maximum of 600 volts or less;~~
~~2. Busway, rated a maximum of 600 volts;~~
~~3. Panelboards, rated a maximum of 600 volts;~~
~~4. Switchboards, rated a maximum of 600 volts;~~
~~5. Fire pump controllers, rated a maximum of 600 volts;~~
~~6. Manual and magnetic motor controllers;~~
~~7. Motor control centers;~~
~~8. Alternating current high-voltage circuit breakers;~~
~~9. Low-voltage power circuit breakers;~~
~~10. Protective relays, meters and current transformers;~~
~~11. Low- and medium-voltage switchgear;~~
~~12. Liquid-filled transformers;~~
~~13. Cast-resin transformers;~~

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~~14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;~~

~~15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;~~

~~16. Luminaires that are listed as submersible;~~

~~17. Motors;~~

~~18. Electronic control, signaling and communication equipment.~~

~~b. For purposes of this Section, the term "exposed to water" shall include but is not limited to submersion due to flooding; or inundation due to fire suppression operations and fire fighting activities; and drenching by stormwater, intrusion of the elements or plumbing failures; etc.~~

c.

~~9.02.57~~9.02.59 **Circuit Protection**. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each building and dwelling unit in accordance with these standards:

a. Every ~~laundry~~ kitchen and other interior location with a water containment or supply fixture in its area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter.

b. Every bathroom shall contain at least one receptacle. Any new or replacement bathroom receptacle outlet shall have ground fault circuit interrupter protection.

c. All receptacle outlets shall have the appropriate faceplate cover for the location.

9.02.60 Plumbing. Plumbing systems shall be installed and maintained in a safe and sanitary condition and shall be free of defects, leaks and obstructions. Plumbing components shall be of materials allowed or approved by the Plumbing Code.

~~9.02.58~~9.02.61 **Hot Water**. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each ~~building and~~ dwelling unit in accordance with these standards:

a. All sinks, lavatory basins, bathtubs and showers within a dwelling unit shall be supplied with both hot and cold running water facilities which are installed in an approved manner, properly maintained, properly connected and have a water pressure of at least fifteen psi.

b. Water heating facilities shall be supplied for each dwelling unit. Water heating facilities within a dwelling unit shall be capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit for at least 10 minutes at each hot water outlet.

i. **Exceptions**:

1. at a bidet the temperature shall not exceed 110 degrees Fahrenheit; and,

~~b.~~**2.** at a shower or tub-shower combination equipped with a scald and thermal shock protection valve the temperature shall be at least 115 degrees Fahrenheit but shall not exceed 120 degrees Fahrenheit.

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~~9.02.59~~9.02.62 **Interior Sanitation**. The interior of every structure that is rented leased or let for residential occupancy shall be maintained in good repair, in a clean and sanitary condition, free from any accumulation of rubbish, garbage or solid wastes. For purposes of this section, the term "clean and sanitary" shall mean free from and any material or condition that:

a. Provides a breeding place for insects, rodents or vermin; or
b. Produces dangerous or offensive gases or odors; or
c. Blocks exits, hallways, corridors or Accessible Means of Egress; or
d. Provides a surface, exposed or concealed, which is conducive for the growth of mold or mildew.

~~9.02.60~~9.02.63 Occupants shall keep that part of the ~~structure~~ dwelling unit which they occupy or control in a clean and sanitary condition.

~~9.02.61~~9.02.64 Every Landlord of any ~~structure, building or premises~~ dwelling who rents, leases or lets a dwelling unit within any such space shall:

a. Maintain the ~~shared~~ common halls, stairways, utility rooms and areas, and similar public areas of the ~~structure~~ dwelling in a clean and sanitary condition; and,
b. Pursuant to ~~Section (a)(4)~~CLC 9.02.62(d) of this code but not withstanding the requirement under ~~Section (b)~~CLC 9.02.63 of this code that the occupants shall keep such spaces in a clean and sanitary condition, provide and maintain all interior surfaces in good repair, including windows and doors, as follows: Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered; c~~C~~racked or loose plaster, decayed wood and other defective surface conditions shall be corrected; w~~W~~alls, floors, ceilings, cabinets and interior doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch; and,
c. Pursuant to ~~Section (a)(4)~~CLC 9.02.62(d) of this code but not withstanding the requirement under ~~Section (b)~~CLC 9.02.63 of this code that the occupants shall keep such spaces in a clean and sanitary condition, be ~~Be~~ responsible to ensure that every toilet compartment, bathroom, and kitchen floor surface of every dwelling unit is constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

~~9.02.62~~9.02.65 **Heat in Bathrooms and Non-Habitable Rooms**. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain every dwelling unit with permanent heating facilities capable of maintaining a year-round room temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms~~, and all kitchens~~.

a. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
b. No portable, unvented or open flame fuel burning devices may be used to meet the heat requirements of this code.

c. All heating devices or appliances shall be of an approved type.
d. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms~~, and all kitchens~~.

~~9.02.63~~9.02.66 **Window and Door Security**. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain all exterior doors, windows or hatchways for every dwelling unit with devices designed to provide security for the occupants and property within.

a. Every entrance door to a dwelling unit shall be provided with a door knob and a deadbolt lock, and keys for same, designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.
    i. Deadbolt locks shall have a minimum lock throw of not less than 1 inch (25 mm) and shall be installed according to the manufacturer's specifications.
    ii. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door to discourage unwanted entry.
    iii. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

~~9.02.64~~9.02.67 Operable windows located in whole or in part within 10 feet above ground level or a walking surface below that provide access to a dwelling unit shall be equipped with a window sash locking device.

~~9.02.65~~9.02.68 Basement hatchways that provide access to a dwelling unit shall be equipped with devices that secure the unit from unauthorized entry.

Chapter 4
Exterior Structure and Premises Conditions

WEATHERPROOFING AND WATERPROOFING

~~9.02.66~~9.02.69 It is the responsibility of the owner of every property to maintain every building and structure on the property in a manner that complies with the following requirements:

Comment [ccw3]: When Staff encounter owners who express concern about lack of financial or physical means to comply, Staff will endeavor to connect them with assistance resources as available via the HNS or NGO social services +programs.

~~9.02.67~~9.02.70 **Roofs and Drainage**. All roofs, flashing, vent stacks and boots, and chimneys shall ~~be structurally sound, tight, and~~ have no defects which might admit rain or melt water. Roof drainage shall be adequate to prevent ~~rainwater~~ rain or melt water from causing dampness in the walls, attic or interior portion of the building and shall channel ~~rainwater~~ rain or melt water in an approved manner to an approved point of disposal. Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair. Roof drains, gutters and downspouts of a building or structure shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration.

~~9.02.68~~9.02.71 **Exterior Walls and Exposed Surfaces.** Every exterior wall and weather-exposed exterior surface or attachment of a building or structure shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or melt water or dampness to the interior portions of the walls or the occupied spaces of the building or structure.

a. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. ~~Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.~~

Comment [ccw4]: The specifics of how Staff will respond to such conditions as these will be addressed an operating guidelines.

b. Every Landlord of a structure, building or premises who rents, leases or lets a dwelling or dwelling unit for residential occupancy within any such space shall maintain in a weathertight condition all ~~All~~ siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights ~~shall be maintained weathertight~~.

c. Every owner of any structure, building or premises that is not for rent, lease or to be let for residential occupancy, shall maintain in a watertight condition all siding and masonry and joints, including those between the building envelope and the perimeter of windows, doors and skylights.

d. Exterior metal surfaces shall be protected from rust and corrosion. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

~~9.02.69~~9.02.72 **Windows and Doors.** Every window, sash, door and door frame of a building shall be kept in sound condition and in good repair ~~and weathertight~~. Every exterior door, skylight, and window shall comply with the following:

a. Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition.
b. Every exterior door, when closed, shall fit reasonably well within its frame ~~and be weathertight~~.
c. Every exterior door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, to also substantially exclude wind from entering a building.
d. Every window sash shall be maintained in sound condition and good repair; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building when the window components are placed in a closed position within the frame and jamb ~~fit weathertight within its frame~~.
e. Every window frame and casing shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind ~~and rain~~ from entering a building.

~~9.02.70~~9.02.73 **Glazing.** Every window sash of a building exterior envelope shall be fully supplied with glass window panes or an approved substitute without open cracks and holes. All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.

~~9.02.71~~9.02.74 **Basement hatchways.** Every basement hatchway shall be maintained to prevent as completely as possible the entrance of rodents, rain or melt water and surface drainage water.

~~9.02.72~~9.02.75 **Temporary Measures.** The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or ~~a door~~ roofing, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building or Public Nuisance notice.

~~**EXTERIOR SANITATION.**~~

~~9.02.73~~9.02.76 **Exterior Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner of every property shall maintain the structures, premises and all common areas of the exterior property in compliance with these requirements. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary

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condition. The exterior property and premises and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

~~9.02.74~~a. **Holes, tanks, and child traps.** Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.

~~9.02.75~~b. **Unsecured structures.** Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any unsecured structure so as to prevent access by unauthorized persons through such openings. No requirement imposed under this section shall constitute relief from or an exemption to compliance with the provisions of ~~TBD~~ CLC 9.02.72 through CLC 9.02.74 for weathertight and watertight standards.

~~9.02.76~~c. **Rat harborage.** Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.

~~9.02.77~~d. **Emergency access routes.** ~~Remove and keep removed all~~All brush, vines, overgrowth and other entangling or rank vegetation located within 10 feet of a structure or within 10 feet of a property line, which is likely to obstruct or impede the necessary passage of fire or other emergency personnel, shall be removed and kept clear.

~~9.02.78~~e. **Thickets that conceal hazards.** Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:

~~a.~~i. Concealing trash and debris; or

~~b.~~ii. Creating rat harborage; or

~~c.~~iii. Creating harborage for people involved in criminal or prohibited activity or for products used for criminal activity.

~~9.02.79~~f. **Trash and debris.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

~~a.~~i. All garbage, offal, dead animals, animal and human waste, and waste materials ~~(All garbage shall be stored as specified in CMC Section 4.01.050)~~;

~~b.~~ii. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;

~~c.~~iii. All dead bushes, dead trees, and stumps with the exception of such material which:

~~i.~~1. Is being maintained as part of a naturescaped property;

~~ii.~~2. Does not result in a nuisance as otherwise defined in this ~~chapter~~code; and

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~~iii.~~3. Is located on a property which is otherwise substantially in compliance with this ~~chapter~~code;

~~d.~~iv. All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property per the provisions in CMC Section 2.19.150;

~~e.~~v. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this ~~chapter~~code; and

~~f.~~vi. Accumulations of clothing and any other items not designed for outdoor storage.

~~9.02.80~~g. **Storage of non-trash items.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

~~a.~~i. Accumulations of wood pallets.

~~b.~~ii. Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester, per the provisions in CMC Chapter 5.05, Dutch Elm Disease.

~~c.~~iii. Accumulations of vehicle parts or tires except for storage of non-waste, serviceable parts or tires that are reasonably expected to be used on a vehicle and are stored in a manner to protect their utility and prevent deterioration.

~~d.~~iv. All construction materials except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.

~~e.~~v. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.

~~f.~~vi. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.

~~g.~~vii. All recycling materials except for reasonable accumulations ~~(amounts consistent with a policy of regular removal and CMC Section 4.1.070)~~ that are stored in a well-maintained manner.

~~h.~~viii. All other non-trash items which:

~~i.~~1. Are of a type or quantity inconsistent with normal and usual use; or

~~ii.~~2. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

SOLID WASTE REMOVAL.

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~~9.02.81~~9.02.77 All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of solid waste. Approved receptacles for solid waste shall be provided and utilized for the containment and disposal of solid waste in accordance with the provisions of CMC Chapter 4.01; bulk solid waste shall be disposed of within a week of discard, in accordance with franchise utility services, or approved alternative.

~~9.02.82~~9.02.78 Every occupant of a structure or premises shall dispose of solid waste by placing all such material in an approved solid waste disposal facility or approved receptacles.

~~9.02.83~~9.02.79 The Landlord of any multi-family dwelling shall:

a. Provide, in a location accessible to all dwelling units, ~~at least one thirty-two gallon~~ adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively ~~for each dwelling unit or at least one receptacle with a cumulative capacity that allows for thirty-two gallons per~~ for more than individual dwelling units, into which all solid waste from the dwelling unit may be emptied for storage between days of collection. ~~Notwithstanding the minimum capacity and number of receptacles herein established,~~ Receptacles must be of sufficient capacity to prevent the overflow of solid waste from occurring; and,
b. Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

~~9.02.84~~9.02.80 The Landlord of any 1 and2 family dwelling, except as otherwise provided by written agreement between the landlord and the tenant, shall:

a. Provide, in a location accessible to each dwelling unit, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provide individually for each dwelling unit or cumulative for more than individual dwelling units , ~~at least one thirty-two gallon receptacle for each dwelling unit or at least one receptacle with a cumulative capacity that allows for thirty-two gallons per dwelling unit~~ into which solid waste from the dwelling unit(s) may be emptied for storage between days of collection. ~~Notwithstanding the minimum capacity and number of receptacles herein established,~~ Receptacles must be of sufficient capacity to prevent the overflow of solid from occurring; and,
b. Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

BUILDING AND ACCESSORY STRUCTURES.

~~9.02.85~~9.02.81 **General Maintenance**. It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

~~9.02.86~~ **General.** The exterior of a building or structure shall be maintained in good repair and structurally sound so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.

a.

~~9.02.87 **Required Maintenance**. All systems, devices and safeguards required by this Chapter or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants.~~

~~9.02.88 **Skilled Work Required**. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a skilled manner.~~

~~9.02.89~~b. **Foundations and Structural Members.** Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration. All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects, rodents or pests.

~~a.~~i. All supporting structural members in every building and structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

c. **Exterior Walls and Exposed Surfaces.** Every exterior wall of a building and all weather-exposed exterior surface or attachment of a building shall be free of holes, breaks, loose or rotting boards or timbers.

~~9.02.90 :~~

~~a. free of holes, breaks, loose or rotting boards or timbers; and,~~

~~b. maintained in a watertight condition; and,~~

~~i. with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building; and,~~

~~c. properly surface coated where required to prevent deterioration.~~

~~9.02.91~~d. Every section of exterior brick, stone, masonry or other veneer applied to a building shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

~~9.02.92~~e. **Chimneys.** Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably

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plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of a structure shall be permanently sealed using approved materials.

~~9.02.93~~f. **Roofs.** All building roofs shall be structurally sound ~~and weathertight watertight~~.

~~9.02.94~~g. **Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration. ~~When any building or structure is found to be missing a decorative feature, the City Manager or designeeDirector may require the missing decorative feature to be replaced with a similar material of similar size, shape, color and texture.~~

~~9.02.95~~h. **Accessory Structures.** Every accessory structure, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

~~9.02.96~~i. **Vacant ~~S~~structures and ~~L~~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.

~~9.02.97~~ **Decks, Stairs and Handrails; Maintenance**. It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:

j.

~~9.02.98~~i. Every exterior stairway, deck, porch and balcony and attachment to stairways, decks, porches and balconies shall be:

~~a.~~1. Maintained so as to be safe to use and capable of supporting the loads to which it is subjected;

~~b.~~ Kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, rotten, deteriorated or loose.

2.

~~9.02.99~~ii. Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good repair, and capable of supporting the loads to which it is subjected.

~~a.~~1. Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.~~;~~

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~~b. Where not otherwise required by original building codes, exterior stairs of more than three risers which are designed and intended to be used as part of the regular access to a building or structure shall have handrails. When required to be installed under this section, handrails shall be constructed so that they meet the applicable building code requirements in effect at the time this work is being performed;~~

~~c. Where not otherwise required by original building codes, porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guardrails. When required to be installed under this section, guardrails shall be constructed so that they meet the applicable building code requirements in effect at the time this work is being performed.~~

~~**9.02.100**~~ **Exterior Lighting**. ~~It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:~~

~~a. All exterior sidewalks, walkways, stairways, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.~~

~~b.~~k. Exterior site lighting required by the land development code or the building code at the time of development shall be maintained or, if removed, shall be replaced.

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Chapter 5
Fire Safety

~~9.02.101~~9.02.82 Means of **Egress Door Locks.** All means of egress doors shall be readily openable from the side from which egress is to be made without the use of a key or any special knowledge or effort.

~~9.02.102~~9.02.83 **Unobstructed Path of Travel**. Every accessible means of egress, fire escape or stairway, stair platform, corridor or passageway which may be one of the regular accessible means of egress or means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

9.02.84 **Fire-Resistive Assembly; Maintenance**. Where required by the code in effect at the time of construction, the fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. The surfaces of all other interior walls, floors and ceilings shall be free of holes larger than four inches in diameter.

~~9.02.103~~9.02.85 **Smoke Detectors**. Every dwelling unit shall be equipped with an approved and properly functioning smoke alarm or smoke detector installed and maintained in accordance with the State Building Code, ORS 479.270, 479.275, and 479.285, and applicable rules of the State Fire Marshal.

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Overview and Timeline: Development of Corvallis Property Maintenance/Livability Code

City of Corvallis Community Development Department *Prepared July 7, 2015*

Body: OSU/City Collaboration Project Neighborhood Livability Work Group

Purpose: Review livability issues and problems, and make recommendations for policy and programmatic responses

Membership: Ten members with representation from OSU (students/staff), neighborhood groups, rental property managers, renters, realtors, the general community and the City organization

Timeframe: May 2012 – March 2013, 22 meetings total with ten focused on a property maintenance code

Outcome: Initial direction suggested development of an inspection-based code modeled on the International Property Maintenance Code; also suggested a rental licensing requirement, with fees on rental units adequate to support a more robust program. Final recommendation, forwarded to the Collaboration Steering Committee, was to:

- Implement a Property Maintenance Code that applies to all properties
- Create, through subsequent political process, an equitable funding structure that gives consideration to demands on the complaint-response system
- Provide staffing commensurate with the requirements of the code
- Utilize culturally and linguistically appropriate education and outreach strategies to engage community stakeholders to better understand and reduce barriers to complaints
- Utilize a progressive enforcement strategy in the complaint-based process for codes related to habitability and livability
- Support collaborative efforts to seek additional information and input from diverse stakeholders to develop additional programs and policies to address concerns raised
- Review options for additional policies or programs needed to address housing conditions (e.g., a rental licensing program with mandatory inspections, a performance-based inspection model, an enhanced inspection model that focuses on problem areas and/or landlords, self-monitoring by property managers) within two years of implementation of the Property Maintenance Code

Next Action: March 2013 - Collaboration Steering Committee recommends that City Council move forward with Property Maintenance Code/program development as recommended by the Livability Work Group.

Next Action: May 2013 – City Council accepts Steering Committee recommendation to create a Property Maintenance Code and program; directs staff to work with stakeholder group to develop initial code package for eventual review by a City Council subcommittee.

Body: Property Maintenance Code Advisory Group
Purpose: Provide City staff with stakeholder perspectives and feedback regarding the scope and content of the Property Maintenance Code; PMC implementation protocols; PMC delivery characteristics including staffing and program budgets; and education and outreach efforts for property owners/managers, tenants and neighborhoods.
Membership: Seven members with representation from ASOSU, community/neighborhood groups, rental property owners/managers, renters
Timeframe: August 2013 – December 2013, seven meetings
Outcome: Move forward with a PMC modeled on the International Property Maintenance Code as discussed by the Livability Work Group, with both interior and exterior standards to be applicable to residential rental properties, and exterior standards to be applicable to all other property/structure types.

Body: Administrative Services Committee
Timeframe: February 2014 – December 2014, 11 meetings
Outcome: Rather than developing a local code based on the model International Property Maintenance Code, move forward with development of a single, local Livability Code to fill gaps among the City's current codes (Land Development Code, Municipal Code, and Rental Housing Code). (Action matrix attached.) Develop specific Code language with input and feedback from a stakeholder group representing landlords, tenants, realtors and neighborhoods.

Body: Livability Code Departmental Advisory Committee
Purpose: Act as an ad-hoc volunteer committee of representatives of the community's rental property owners and managers, realtors, neighborhoods, renters, and affordable housing developers/owners to assist staff of the City's Community Development Department with the creation of Corvallis Livability Code language. The LCDAC's role in this work was to act as advisors to staff in Livability Code language development.
Membership: Six members with representation from community/neighborhood groups, rental property owners/managers, affordable housing owners/developers, and realtors.
Timeframe: March 2015 – June 2015, seven meetings
Outcome: Final draft Livability Code language developed for consideration by the Administrative Services Committee beginning on July 22.

Total Number of Concept/Language Review Processes to date: 6
Total Number of Meetings on Concept/Language to date: 37

Livability Code Gaps Identified December 17, 2014 by ASC for Code Language Development –Two Columns at Right Added July 2015

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation	Gap Closure in Draft	Current Code Impact
Interior Lighting	Lack of adequate interior lighting of emergency exit paths may result in inability to exit safely in an emergency.	Adopt standards requiring maintenance of adequate interior lighting of exit discharge paths.	Renter-occupied residential properties	**Continue**	CLC 9.02.56	–
Interior Ventilation	Lack of requirements for maintenance of ventilation systems in bathrooms, kitchens or for clothes dryers may result in mold growth and surface degradation.	Adopt standards and performance criteria for the maintenance of interior ventilation systems.	Renter-occupied residential properties	**Continue**	CLC 9.02.57	–
Electrical Systems	Lack of requirement to replace electrical system components damaged by exposure to leaks or flooding may result in hazardous situation.	Adopt standards requiring replacement of electrical equipment and devices if exposed to water, with some exceptions.	Renter-occupied residential properties	**Continue**	CLC 9.02.58	–
	Lack of requirements for ground fault interrupt outlets in bathrooms, kitchens, etc. may result in hazardous situation.	Require installation of ground fault interrupt outlets in bathrooms, kitchens, etc.	Renter-occupied residential properties	**Continue**	CLC 9.02.59	–
Plumbing Systems	There is no performance standard for or definition of "hot water," which may prevent the production of a temperature adequate for bathing and cleaning.	Adopt a measurable temperature standard for water system performance.	Renter-occupied residential properties	**Continue**	CLC 9.02.61	–
Interior Sanitation	There are no clear standards for the maintenance of sanitary conditions in residential building interiors, which may present living situations that are unhealthy and/or unsafe.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Continue**	CLC 9.02.62 - 64	–
	Lack of standards requiring the maintenance or repair of bathroom and kitchen surfaces, making it difficult to keep them from becoming unsanitary, which may lead to unhealthy living situations.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Stop (get at in prior language if unsanitary)**	–	–
Heating	There is no requirement for heat in bathrooms which may make it difficult to maintain a comfortable and dry, mold-free environment.	Adopt standards for heat in bathrooms and other habitable areas not currently covered by the Rental Housing Code.	Renter-occupied residential properties	**Continue (focus on definition of habitable areas)**	CLC 9.02.65	CMC 9.02.090(3)

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation	Gap Closure in Draft	Current Code Impact
Interior Security	There is no requirement for properly functioning door knobs/latches, and no standards for adequate door or window hardware, which may lead to inadequate occupant safety (ingress and egress).	Adopt maintenance requirements for doors and door hardware, including deadbolts, and for windows and window hardware to be maintained to a level sufficient to provide security and safe exiting for occupants.	Renter-occupied residential properties	**Continue**	CLC 9.02.66 - 68	CMC 9.02.090(6)
Exterior Weather- and Waterproofing	There are no requirements for the prevention of air leakage under, through or around windows or doors, which may increase a resident's discomfort and/or costs for heating and cooling.	Adopt requirements for building envelopes and openings to be sound, in good repair and weather tight in order to prevent wind from entering a structure.	All structure and occupancy types	**Continue (rentals only)**	CLC 9.02.71(b & c) CLC 9.02.72(c-e)	–
	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	**Continue**	CLC 9.02.69 - 75	CMC 9.02.090(4)
Exterior Sanitation	There are no standards that prevent the accumulation of inadequately/improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	**Continue (1st focus on indoor furniture outdoors)**	CLC 9.02.76(a-g) CLC 9.02.76(g)(vi) Indoor Furniture	–
Solid Waste Removal	There are no provisions to assign responsibility between landlords and tenants for the removal of solid waste from a property. This leads to complaints of over-accumulation of contained and uncontained solid waste.	Adopt assignments of responsibility between landlords and tenants for the provision of containers, containment and removal of solid waste from premises	Renter-occupied residential properties	**Continue**	CLC 9.02.77 - 80	CMC 4.01.030 CMC 4.01.050 CMC 4.01.070

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation	Gap Closure in Draft	Current Code Impact
Building and Accessory Structure Maintenance	There are no standards requiring general maintenance of buildings and accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.	Adopt requirements that primary and accessory structures be maintained sound and in good repair, and that exterior surfaces be maintained.	All structure and occupancy types	**Continue**	CLC 9.02.81(a-h)	–
	There are no standards requiring maintenance of exterior decks, handrails and stairs in one- and two-family dwellings. This may lead to conditions that may soon deteriorate but that are not yet dangerous.	Adopt requirements that decks, stairs and handrails be maintained in a safe condition.	All structure and occupancy types	**Continue**	CLC 9.02.81(j)	–
Exterior Lighting	There are no requirements for the maintenance of exterior lighting in areas such as parking lots or walkways in and around apartment buildings. This has generated concerns regarding personal safety and security.	Adopt standards for the maintenance of exterior lighting in the described circumstances.	Renter-occupied properties; consider including all non-owner occupied properties	**Continue**	CLC 9.02.81(k)	–
Graffiti	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Adopt requirements for the prompt abatement of graffiti-defaced property as an obligation of the affected property owner.	All public and private property of all types	**Stop**	–	–
	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Consider the development of a collaborative abatement program with involvement of stakeholders, paint companies, and community volunteers.	All public and private property of all types	**Continue**	–	–
Fire Safety	There are no maintenance standards for door locks that are operable without keys or special knowledge from the egress side of a doorway. This may create situations in which occupants are unable to exit a building in an emergency. (Partially addressed in Interior Security section above.)	Adopt standards requiring door locks that are operable from the egress side without keys or special knowledge.	All structure and occupancy types	**Continue**	CLC 9.02.82 CLC 9.02.66(a)	–

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation	Gap Closure in Draft	Current Code Impact
Fire Safety (continued)	There are no standards for the maintenance of emergency paths of travel and escape openings in one- and two-family dwellings. This may create situations in which occupants are unable to exit a building in an emergency.	Adopt standards requiring the maintenance of clear, unobstructed paths of travel and emergency escape openings for the purpose of safe ingress/egress.	All structure and occupancy types	**Continue**	CLC 9.02.83 CLC 9.02.56 CLC 9.02.76(d) CLC 9.02.76(g)(viii)(2)	–
	There are no standards for the maintenance or repair of fire-resistant surfaces (e.g., drywall) and assemblies (e.g. ceilings, walls between garages and living space). This may create hazardous situations if surfaces and assemblies are damaged and not returned to a fire-resistant state.	Adopt standards for the maintenance of fire-resistant surfaces and assemblies.	All structure and occupancy types	**Continue**	CLC 9.02.84	–
Occupancy Limits	There are no standards that specify how much space a dwelling unit must provide for eating, sleeping or living. This may lead to overcrowding of rooms, and in the overloading of dwelling units resulting in neighborhood impacts such as parking.	Adopt standards for minimum square footage allocation requirements to establish maximum occupancy loads in sleeping and living spaces within a dwelling unit.	Renter-occupied residential properties	**Stop**	–	–
General Maintenance (also discussed above)	There are no code provisions for the maintenance of structures. With no required maintenance the City is unable to address decline until the condition of a structure constitutes a dangerous building.	Adopt standards for the maintenance of structures to prevent decay that will constitute a dangerous building.	All structure and occupancy types	**Continue within context of areas discussed earlier**	–	–
Administration	There are inconsistencies between the three City codes that contain livability elements administered by the Housing and Neighborhood Services Division. This results in the application of different definitions, notices, compliance provisions, and penalties, leading to a process that is difficult for community members to understand, and that is relatively complex for City staff to administer.	Adopt a single code that pulls existing livability elements from the Corvallis Municipal Code, Rental Housing Code and Land Development Code; integrate additional code standards that result from the current consideration process into the resulting code document; adopt a single set of administrative provisions to guide the implementation of the resulting livability code.	N/A	**Continue**	CLC 9.02.1 - 53	CMC 9.02

Examples
Operational Guidelines & Compliance Processes
Housing & Neighborhood Services Division
Corvallis Livability Code

The following guidelines are established for clarifying HNS Staff interpretation of processes, terms and phrases that are utilized within the Corvallis Livability Code (CLC). These are operating guidelines. The intention is to provide guidance for the equitable, prudent, and consistent application of Staff discretion in the face of a wide range of situations and circumstances. Some of the clarifications are made by providing an explanation of a codified definition or code specific term, which are also operating guidelines intended for the same purpose.

Administration

1. **Section 9.02.7 Director:** The CLC prescribes the responsibility for implementation and enforcement of the CLC to the position of the Director. The term 'Director' is defined within the CLC. The term is utilized within the code to designate the obligation or opportunity for the performance of an administrative action to occur in the routine enforcement or interpretation of the code. As defined and when read in conjunction with CLC Section 9.02.7, the term establishes specific assignment of those responsibilities to the position of the Community Development Director. However, both the definition and the provisions of CLC Section 9.02.7 stipulate that the Director may appoint staff for the express purpose of administering and enforcing the code and that a designee may be appointed to exercise all the powers of the Director, with respect to the CLC.
2. **Extension from Abatement Deadline; General:** The responsible party may request an extension of the deadline for resolution of the full abatement requirements:
    a. The request must be submitted to HNS in writing;
    b. The request must be received by HNS prior to expiration of the established deadline;
    c. The request must explain the extenuating circumstances and be supported by relevant documentation;
    d. The request must include the name and phone number of the contractor(s) who is engaged in or who is under agreement for performing the abatement work.

    Staff may extend the deadline for up to seven calendar days from the date of the established deadline if the reason for the lack of completion of the required abatement is due to repairs being in-progress; or, is due to unavoidable difficulty coordinating schedules with appropriate trade professionals. Staff will make direct contact with the contractor(s) to confirm reports of progress or that work is pending.

3. **Section 9.02.14 Extreme Hardship**: As provided for under CLC Section 9.02.14, an owner or occupant may make application to the Director for a modification or variance of the provisions of the code when adherence to the code provisions would result in an extreme hardship. The process contemplates circumstances that are more severe than just a financial impact. Similarly, this is not a process for seeking an extension, a stay or an appeal of an abatement order as those matters are addressed under separate processes. Requests for a modification or variance of a code provision are only applicable in situations when the strict application of the code standard is unachievable but the deficient condition might be mitigated through other means.

    Applications for a modification or variance of the provisions of the code must:
    a. Be submitted to the Director in writing;
    b. Be received by the Director prior to expiration of the established deadline;
    c. Clearly and fully explain the specific circumstances of the extreme hardship;

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d. Be supported by relevant documentation such as statements or reports from qualified professionals, where applicable;
e. Clearly and fully explain how the deficient condition could be mitigated by other means while still meeting the spirit and intent of the law;
f. Demonstrate explicitly how the public health, safety and welfare would be assured under a modification or variance of the code.

In recognition that requirements to achieve code compliance may affect unanticipated financial hardship on property owners, Staff will provide to all property owners, concurrent with service of a Notice of Violation for any condition requiring repair or alteration of a structure, published information explaining existing rehabilitation assistance loan programs.

Scope of Investigations

1. Livability Code compliance responses will be complaint driven. Complainants must identify themselves, but may request to remain confidential. Anonymous complaints will not be accepted.

2. The scope of any site investigation shall be limited to the specific subject matter of the complaint, as it was filed; however, life and safety concerns observed in the course of investigation shall be documented by Staff and promptly reported to the Supervisor.

3. If, in the course of Staff conducting a site investigation, the party who filed the complaint under investigation requests expansion of the scope of the investigation to include additional elements that do fall under the Program purview, such party shall complete and sign the "Request to Expand Scope of Investigation" section on the Field Investigation Checklist, CC-FORM-2;
   - Before proceeding under a field expanded scope, Staff shall confirm the authority of the requesting party to provide consent to access the specific location;
   - Staff may decline to proceed with a request for field expanded scope.

4. If, in the course of Staff conducting a site investigation, the party who filed the complaint under investigation requests expansion of the scope of the investigation to include additional elements that do not fall under the Program purview, Staff will direct the party to the pertinent resource(s), if available.

On-site Investigation

1. Site visits: Prior to staff visiting a property for the purpose of performing an investigation into a livability code issue filed by a tenant-complainant that pertains to elements of the structure or amenities of a dwelling, staff shall:
   - determine that the reported issue is covered by the City's livability code;
   - attempt to inquire of a tenant-complainant if they have communicated the concern to their landlord, and, if the tenant-complainant has not, recommend that they do so following a prepared script.

2. Staff shall obtain and document consent to enter upon private property in accordance with CC-POL-2 & CC-POL-3, utilizing CC-FORM-1

3. Staff shall obtain or seek to obtain photographs of the relevant matter under investigation in accordance with CC-POL-1

4. Under no circumstances will staff be on-site without the presence of a tenant-complainant, or such party's agent.

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5. For routine complaint matters, the inspection shall occur during normal business hours.

6. Staff shall not enter a private dwelling unit if only a minor person is present.

Compliance Actions

1. Preference is for Staff to provide a written correction notice in the field for confirmed violations at Single Family and Duplex structure properties when any documented offense is attributable to an occupant as the responsible party, and the occupant is accessible.
   - Correction notices shall include:
     - Address of subject matter location;
     - Name, if known, of responsible party or of person with whom the correction notice is left;
     - Applicable code citation by section number;
     - Brief explanation of the conditions of violation;
     - Statement of specific corrective action;
     - Deadline for compliance, consistent with CC-POL-9; and
     - Name of Staff providing correction notice.
2. Staff shall provide a Notice of Violation to responsible party for all confirmed violations at all properties that are other than Single Family and Duplex structure properties, and in situations involving a landlord or property owner as the responsible party pertaining to any building occupancy or property use type .
   a. Exception: In the event that the property owner, Landlord, or person responsible for the property is present at the location at the time of the staff inspection and confirmation of a violation, staff will provide a correction notice, as described above, to such person(s).
3. Staff shall provide a Notice of Violation to responsible party for all confirmed violations at all properties, regardless of type or use, when noncompliance with a field issued correction notice is confirmed.
4. A Notice of Violation shall be processed in accordance with CLC 9.02.26 and CC-PRO-3, utilizing applicable CC-FORM.
5. Notwithstanding a deadline established under a field issued correction notice, a deadline for compliance with an initial Notice of Violation shall be established consistent with CC-POL-9 and CLC 9.02.26(d)(i).
6. Upon confirmation of noncompliance with a Notice of Violation:
   - Staff shall prepare a Final Notice of Violation and Civil Money Penalty to responsible party;
   - Staff shall submit a report, including the Case Record documentation and the prepared Final Notice of Violation and Civil Money Penalty, to Supervisor for review;
   - A Final Notice of Violation shall be processed in accordance with CC-PRO-3, utilizing applicable CC-FORM;
   - Final Notice of Violation will:
     - State that the prior deadline has elapsed
     - State that the matter may be referred to the CAO for prosecution after 10 business days, unless otherwise provided for per CLC.
   - Notice of Civil Money Penalty established consistent with CC-POL-11 shall be provided concurrent with Final Notice of Violation.
   - Supervisor shall review Staff report and either sign-off approval or provide written direction for alternative Staff follow-up.

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7. When staff issue a correction notice under Items #2, 3 & 6 of this section and if a property manager or a neighborhood association has an email address on file with HNS Housing Program, staff will send to the listed email account, for either or both entity, a link to the electronic archive containing the copy of the Notice of Violation.

8. Staff may issue a citation for infraction or misdemeanor offenses at any time after confirmation of an offense of the code;
   - Staff shall submit a report, including the Case Record documentation and the prepared Final Notice of Violation and Civil Money Penalty, to Supervisor for review;
   - Supervisor shall review Staff report and case documentation, shall engage in any additional research or investigation at discretion, and shall submit a cover memo report to Manager recommending proceeding with or tabling the matter;
   - Manager shall provide Supervisor direction in writing whether to proceed or to table the matter;
   - If issuance of citation is directed, Supervisor shall coordinate with CAO and CPD.

9. Staff may seek assistance of CAO for initiation of legal proceedings at any time after confirmation of an offense of the code.
   - Staff shall submit a report, including the Case Record documentation and the prepared Final Notice of Violation and Civil Money Penalty, to Supervisor for review;
   - Supervisor shall review Staff report and case documentation, shall engage in any additional research or investigation at discretion, and shall submit a cover memo report to Manager recommending proceeding with or tabling the matter;
   - Manager shall provide Supervisor direction in writing whether to proceed or to table the matter
   - If proceeding with matter is directed, Supervisor shall coordinate with Senior Staff, City Manager, Manager and CAO for further action.

<u>Interior Conditions</u>

1. **Measuring Light Levels:** Light levels may be measured in Footcandles or in Lux and may be reported concurrently or interchangeably.
   - **i. 1 Lux = 0.0929 FC**
   - **ii. 1 FC = 10.76 Lux**

   Staff will confirm the amount of light present at any given location by use of a standard light level meter (light meter) with one light sensitive cell that measures the incident light. Staff will make a reading by exposing the light meter sensor to the desired environment at the location, and will log the reading displayed. All readings will be recorded by notation specifically describing the location at which the reading was made, the distances from walls, corners, floors, and any unusual horizontal or vertical projections. For readings that report a deficient light level, per code standards, staff will make three additional readings within three feet of the location with 90 degree body rotations around an axis using the bearing of the initial reading as '0' for each reading.

2. **The Means:** This term applies to level of requirement imposed on the Landlord regarding illumination in structures containing dwelling units and in dwelling units. The standard pertains to illumination of Accessible Means of Egress, which, in the context of this term, are located within dwelling units (illumination of common areas is addressed under separate standard). In evaluating conformance with the standard, Staff shall evaluate situations to determine if the Landlord has provided components of the electrical system sufficient for an

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occupant to obtain the minimum levels of illumination. A variety of installations and configurations could provide *the means* for adequate lighting under the standard, including switch controlled light fixtures and, in some rooms and spaces, switch controlled outlets. It is understood that permanently installed light fixtures will be provided in hallways, stairways, toilet rooms or compartments, kitchens, bathrooms, laundry rooms, and boiler rooms and furnace rooms; however, it is assumed that occupants will provide lamps or other portable fixtures to meet their artificial lighting needs when natural lighting does not exist in other rooms or spaces.

3. **Reasonably Free from Dampness**: This term applies to maintaining humidity and moisture conditions at levels that are not conducive to decay, mold growth, or deterioration of a structure. The locations contemplated for which staff might need to evaluate compliance with the standard include structures containing dwelling units, their basements and attics. In evaluating the conditions within each of the locations, Staff will observe surfaces of structural members, floor, wall and ceiling coverings, fixtures, appliances and furniture for the presence of *active* mold, mildew or deterioration. Sensory indications that will facilitate such observations are odors; visual manifestations that might involve colors, textures or patterns; and tactile indications of slick or crumbling surfaces. Although significant effort might be required to access specific locations or surfaces, such as behind or beneath furniture or appliances and in attics, Staff will neither engage in, nor require, destructive measures to expose any enclosed or concealed space.

4. **Peeling, chipping, flaking or abraded paint:** Pertains to the Landlord's responsibilities to maintain interior surfaces, including windows and doors, of any dwelling unit let that is rented, leased or let for occupancy. Such deficiencies shall be abated (repaired, removed or covered).

5. **Approved:** This term appears in context where measures other than those specified in a code or standard may be considered in lieu of or as alternatives to the specified standard. Whenever this term is used, it intends that only the enforcing authority can accept a specific installation or component as complying with the code. In circumstances where such installations or components are encountered by Staff or proposed by any Landlord, Staff will take the matter under advisement prior to reaching a determination. Staff may rely on past practice; may consider the expertise of others, including certified specialty inspectors or plans examiners; and, may consider reports provided via a Landlord from private contractors licensed to perform work in the particular discipline or reports from architects or engineers licensed in the state of Oregon, if provided by a Landlord. Staff shall submit a summary of their evaluation, including a recommendation for acceptance or rejection of approval, to the Code Compliance Supervisor. The Code Compliance Supervisor shall review the Staff report and prepare a cover letter noting formal recommendation for acceptance or rejection of approval, which along with the Staff report shall be submitted to the HNS Division Manager for final determination

6. **Capable *of* Producing 0.35 Air Changes per Hour:** This term applies to the provision of mechanical ventilation. The standard pertains to every bathroom and toilet room or compartment. In evaluating conformance to the standard, Staff shall first determine if the mechanical device is functioning properly. If the device does not appear to function properly, Staff shall require the Landlord to replace the mechanical device, in accordance with Oregon Mechanical Specialty Code, or to obtain and submit a performance evaluation confirming conformance with the standard, prepared by a Mechanical Contractor licensed in the state of Oregon. Indications that the device might not function properly could include sounds of grating or failing components; sounds or visible indications of slow revolution of exhaust fan or of obstructed exhaust ducting or discharge; excessive heat generation to touch on the device; and, odor of or visible indication of burnt electrical or mechanical components.

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If the mechanical device appears to function properly, Staff shall refer to the manufacturer's specifications for the mechanical device, where available, to confirm the cubic feet per minute (*cfm*) of ventilation rated for the device. A calculation of the Air Changes per Hour will be calculated from the formula:

n = 60 q / V where
n = air changes per hour (1/h)
q = fresh air flow through the room (Cubic Feet per Minute, cfm)
V = volume of the room (Cubic Feet)

7. **Exposed or Concealed:** This term applies to surfaces that are required to be free from material or conditions that are conducive to the growth of mold or mildew. The standard pertains to maintenance of a clean and sanitary condition within the interior of every structure containing a rented or leased dwelling unit. In this context, the term is understood to mean those surfaces within the dwelling unit that are accessible for observation without resort to destructive measures or the deconstruction of floor, wall and ceiling assemblies, affixed cabinets or installed plumbing fixtures. *Exposed* is understood to mean any surface that is accessible to observation without requiring alteration or manipulation of the circumstances encountered on the part of the observer. *Concealed* is understood to mean a surface that is obstructed from observation, such as due to doors (cabinet, closet and room), furnishings, appurtenances, or the personal possessions of the occupants, but for which the surface would otherwise be *exposed* for observation. In evaluating the interior of a dwelling under this term, Staff may engage in, or obtain assistance for, such efforts as opening cabinet and cupboard doors and drawers to observe the surfaces that are concealed within those compartments; opening closets and removing stored possessions; moving furniture; and, removing thumb screws or hasps from utility hatches or compartments and from mounted light fixtures and ventilation grilles intended for user maintenance access. Staff shall not engage in destructive measures or resort to the utilization of tools, other than their hands, in order to *expose* any *concealed* surface, nor shall they require others to implement such practices.

8. **Substantially Impervious to Water**: This term applies to floor surfaces in every toilet compartment, bathroom and kitchen. The standard pertains to maintenance of a clean and sanitary condition of floors in the listed locations, a condition which is clarified within the relevant Section to mean, in part, free from any material or condition that provides a surface conducive to the growth of mold or mildew. The presence of moisture within materials or on their surfaces is a prerequisite for conditions which are conducive for the growth of mold or mildew. Therefore, the intent of the standard is interpreted to specify a surface that provides a barrier to the passage of water and one that is itself nonabsorbent. In the context of this standard, *impervious* is understood to mean not allowing passage into or through, and *substantially* is understood to mean a state of being largely, but not wholly, that which is specified. The term is taken to mean that the floor surface does not absorb or allow water to pass through it, as nearly as can be determined.

   In evaluating conformance of a floor surface to this standard, Staff will observe for indications that there is no discernible passage of water into or through the particular flooring material. Sensory indications that will facilitate such observations are: visible water staining of the floor material; visible heaving or expansion of substrate, particularly at junctures of floor material to fixtures or walls; tactile indications of saturation; and odors of mildew and mold when the growth of such organisms is not otherwise visible. In the absence of such sensory indications, conformance to the standard will be demonstrated if a particular floor material surface does not absorb, or allow to pass through it, a drop of water (1-2ml) within 10 minutes under ambient room conditions. Under no circumstance shall Staff damage or destroy the floor surface or floor

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materials, or probe the floor surface with any tool other than their own fingers. Moisture meters will not be utilized by Staff for the purposes of confirming compliance or noncompliance with the standard.

Exterior Conditions

1. **Exterior Walls & Exposed Surfaces**: There are several aspects to be evaluated by staff in formulating a determination of any necessary abatement scope and the time allowed when the required protective coating of weather-resistant preservative on the exterior surfaces of a structure is less than substantially impervious to the adverse affects of weather. Notice of required corrective action shall be provided to the responsible party, either as a field inspection report or a notice of violation, stipulating the scope and the deadline for abatement. The responsible party may request an extension of the deadline for resolution of the full abatement requirements, as specifically described within these guidelines.

   With respect to formulating a scope of abatement, staff will consider: (1)the degree of surface treatment degradation that has occurred such as number and size of delaminations, including depth of penetration into the substrate and the total affected area; (2) the relative aspect of exposure (south facing, under an eave or porch awning, rake or fascia board, bottom course, etc); (3) the sequencing of associated improvements or alterations; and, (4) the applicability or exhaustion of the use of temporary measures, consistent with CLC Section 9.02.73.

   With respect to establishing timeframes for achieving abatement as scoped, staff will consider: (1) the time of year; (2) the scope of abatement; (3) the sequencing of associated improvements or alterations; and, (4) the extent of any adverse impacts already incurred. In general, deficiencies under the CLC Sec. 9.02.69(a & d) provisions that are confirmed in wet weather conditions will be directed to achieve abatement with accommodation for time that provides continuation into dry weather sufficient to allow achievement of drying, surface preparation and treatment application. It is anticipated that minor deficiencies confirmed during dry weather conditions will be directed to achieve abatement within the period of the dry weather season, unless specifically coordinated with the responsible party.

Outreach and Education

As the Livability Code is finalized and adopted by the Corvallis City Council a program of community education and outreach will be implemented by the Housing and Neighborhood Services Division. Areas of focus will include:

- Physical standards and maintenance requirements of the Livability Code;
- Options for filing complaints;
- Housing and Neighborhood Services Division approach to seeking code compliance;
- Penalty provisions and imposition guidelines.

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CITY OF CORVALLIS
LIVABILITY CODE DEPARTMENTAL ADVISORY COMMITTEE
ORGANIZATIONAL MEETING AGENDA

3:00 p.m.
Tuesday, March 10, 2015

Madison Avenue Meeting Room
500 SW Madison Avenue

I. Call to order

II. Review and discuss Committee charge and meeting protocols

III. Set future meeting dates

IV. Other business

V. Adjourn

MEMORANDUM

March 3, 2015

TO: Livability Code Departmental Advisory Committee

FROM: Ken Gibb, Community Development Director

RE: Role and Work of the Advisory Committee

Welcome, and thank you all for agreeing to assist the City in our development of livability code language to address gaps among the City's current codes for building interiors and exteriors, as well as in code administration. Your work will help staff consider alternatives to achieve the language development direction provided to us by the Administrative Services Committee (ASC).

In the attached March 10, 2015 meeting packet you will find two documents: an Advisory Committee charge and meeting protocols overview, and a copy of a matrix that details the code gap areas for which the ASC has directed staff, with the assistance of the Advisory Committee, to develop language.

You will see on the charge/protocols attachment that we will need to schedule four additional days and times for the meetings that will complete your work. Please bring your calendars on March 10 so that we can find times that will work for as many of you as possible. Our goal is to hold all of your meetings in the Madison Avenue Meeting Room, but given the heavy use of the room we may need to seek other locations.

We will plan to discuss your charge and meeting protocols in more detail when we meet next week. Again, thanks to all of you for agreeing to invest your time, experience and expertise in this process.

Livability Code Departmental Advisory Committee Charge and Meeting Protocols
March 10, 2015

The City's Administrative Services Committee (ASC) has directed staff to form a Livability Code Departmental Advisory Committee (LCDAC) to act as an ad-hoc volunteer committee of representatives of the community's rental property owners and managers, realtors, neighborhoods, renters, and affordable housing owners. The LCDAC will be assisting staff of the City's Community Development Department with the creation of Corvallis Livability Code language. The LCDAC's role in this work will be to act as advisors to staff as we develop and review draft livability code language.

The duration of the LCDAC's service is intended to be limited, with the expectation that the group will meet approximately five times during March and April. Community Development Department staff will chair the Committee and develop meeting materials and agendas. Staff of the department's Development Services Division and Housing and Neighborhood Services Division will act as resources/topic experts on issues of livability code content to facilitate the Committee's work.

Meetings of the LCDAC will be publicly noticed and open to all, and will be conducted in a work session structure. To focus the Committee's work on completing its charge in five meetings, meetings will not include time for public comment. Staff will make every effort to provide meeting materials 7-10 days in advance of each substantive meeting (the second through fifth) so that members have an opportunity to discuss the materials with the interests they represent. Upcoming meeting packets, as well as packets and minutes of the Administrative Services Committee meetings that brought the code language consideration process to its current point, will be placed in the City's archives in advance of meetings. The link to these materials is http://archive.corvallisoregon.gov/Browse.aspx?dbid=0&startid=535403; past materials will be available through this link beginning March 5.

Once completed, the code language that results from the Livability Code Departmental Advisory Committee's language development and review process will be considered by the Administrative Services Committee during late April or May, in advance of a recommendation to the full City Council. As in the past, the Administrative Services Committee meetings to consider the livability code language will provide opportunities for public comment.

Advisory Committee Membership

Members of the LCDAC with the interests they represent include:

- Jerry Duerksen, property manager
- Karen Levy Keon, tenant interests
- Carl Carpenter, rental property owner
- Jim Moorefield, affordable housing property developer/manager
- Holly Sears, real estate industry
- Trish Daniels, neighborhood resident

Advisory Committee Meeting Schedule and Topics

Meeting Number	*Meeting Topics*	*Meeting Dates*
1	Background, Advisory Committee protocols	March 10
2	Initial review of code language to address interior gaps	TBD
3	Second review of interior gaps language; initial review of exterior gaps language	TBD
4	Second review of exterior gaps language; initial review of administration gaps language	TBD
5	Final review of all livability code gap language	TBD

Comprehensive Recap of Livability Code Gaps for December 17, 2014 Administrative Services Committee Consideration

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Interior Lighting	Lack of adequate interior lighting of emergency exit paths may result in inability to exit safely in an emergency.	Adopt standards requiring maintenance of adequate interior lighting of exit discharge paths.	Renter-occupied residential properties	**Continue**
Interior Ventilation	Lack of requirements for maintenance of ventilation systems in bathrooms, kitchens or for clothes dryers may result in mold growth and surface degradation.	Adopt standards and performance criteria for the maintenance of interior ventilation systems.	Renter-occupied residential properties	**Continue**
Electrical Systems	Lack of requirement to replace electrical system components damaged by exposure to leaks or flooding may result in hazardous situation.	Adopt standards requiring replacement of electrical equipment and devices if exposed to water, with some exceptions.	Renter-occupied residential properties	**Continue**
	Lack of requirements for ground fault interrupt outlets in bathrooms, kitchens, etc. may result in hazardous situation.	Require installation of ground fault interrupt outlets in bathrooms, kitchens, etc.	Renter-occupied residential properties	**Continue**
Plumbing Systems	There is no performance standard for or definition of "hot water," which may prevent the production of a temperature adequate for bathing and cleaning.	Adopt a measurable temperature standard for water system performance.	Renter-occupied residential properties	**Continue**
Interior Sanitation	There are no clear standards for the maintenance of sanitary conditions in residential building interiors, which may present living situations that are unhealthy and/or unsafe.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Continue**
	Lack of standards requiring the maintenance or repair of bathroom and kitchen surfaces, making it difficult to keep them from becoming unsanitary, which may lead to unhealthy living situations.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Stop (get at in prior language if unsanitary)**
Heating	There is no requirement for heat in bathrooms which may make it difficult to maintain a comfortable and dry, mold-free environment.	Adopt standards for heat in bathrooms and other habitable areas not currently covered by the Rental Housing Code.	Renter-occupied residential properties	**Continue (focus on definition of habitable areas)**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Interior Security	There is no requirement for properly functioning door knobs/latches, and no standards for adequate door or window hardware, which may lead to inadequate occupant safety (ingress and egress).	Adopt maintenance requirements for doors and door hardware, including deadbolts, and for windows and window hardware to be maintained to a level sufficient to provide security and safe exiting for occupants.	Renter-occupied residential properties	**Continue**
Exterior Weather- and Waterproofing	There are no requirements for the prevention of air leakage under, through or around windows or doors, which may increase a resident's discomfort and/or costs for heating and cooling.	Adopt requirements for building envelopes and openings to be sound, in good repair and weather tight in order to prevent wind from entering a structure.	All structure and occupancy types	**Continue (rentals only)**
	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	**Continue**
Exterior Sanitation	There are no standards that prevent the accumulation of inadequately/improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	**Continue (1st focus on indoor furniture outdoors)**
Solid Waste Removal	There are no provisions to assign responsibility between landlords and tenants for the removal of solid waste from a property. This leads to complaints of over-accumulation of contained and uncontained solid waste.	Adopt assignments of responsibility between landlords and tenants for the provision of containers, containment and removal of solid waste from premises	Renter-occupied residential properties	**Continue**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Building and Accessory Structure Maintenance	There are no standards requiring general maintenance of buildings and accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.	Adopt requirements that primary and accessory structures be maintained sound and in good repair, and that exterior surfaces be maintained.	All structure and occupancy types	**Continue**
	There are no standards requiring maintenance of exterior decks, handrails and stairs in one- and two-family dwellings. This may lead to conditions that may soon deteriorate but that are not yet dangerous.	Adopt requirements that decks, stairs and handrails be maintained in a safe condition.	All structure and occupancy types	**Continue**
Exterior Lighting	There are no requirements for the maintenance of exterior lighting in areas such as parking lots or walkways in and around apartment buildings. This has generated concerns regarding personal safety and security.	Adopt standards for the maintenance of exterior lighting in the described circumstances.	Renter-occupied properties; consider including all non-owner occupied properties	**Continue**
Graffiti	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Adopt requirements for the prompt abatement of graffiti-defaced property as an obligation of the affected property owner.	All public and private property of all types	**Stop**
	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Consider the development of a collaborative abatement program with involvement of stakeholders, paint companies, and community volunteers.	All public and private property of all types	**Continue**
Fire Safety	There are no maintenance standards for door locks that are operable without keys or special knowledge from the egress side of a doorway. This may create situations in which occupants are unable to exit a building in an emergency. (Partially addressed in Interior Security section above.)	Adopt standards requiring door locks that are operable from the egress side without keys or special knowledge.	All structure and occupancy types	**Continue**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Fire Safety (continued)	There are no standards for the maintenance of emergency paths of travel and escape openings in one- and two-family dwellings. This may create situations in which occupants are unable to exit a building in an emergency.	Adopt standards requiring the maintenance of clear, unobstructed paths of travel and emergency escape openings for the purpose of safe ingress/egress.	All structure and occupancy types	**Continue**
	There are no standards for the maintenance or repair of fire-resistant surfaces (e.g., drywall) and assemblies (e.g. ceilings, walls between garages and living space). This may create hazardous situations if surfaces and assemblies are damaged and not returned to a fire-resistant state.	Adopt standards for the maintenance of fire-resistant surfaces and assemblies.	All structure and occupancy types	**Continue**
Occupancy Limits	There are no standards that specify how much space a dwelling unit must provide for eating, sleeping or living. This may lead to overcrowding of rooms, and in the overloading of dwelling units resulting in neighborhood impacts such as parking.	Adopt standards for minimum square footage allocation requirements to establish maximum occupancy loads in sleeping and living spaces within a dwelling unit.	Renter-occupied residential properties	**Stop**
General Maintenance (also discussed above)	There are no code provisions for the maintenance of structures. With no required maintenance the City is unable to address decline until the condition of a structure constitutes a dangerous building.	Adopt standards for the maintenance of structures to prevent decay that will constitute a dangerous building.	All structure and occupancy types	**Continue within context of areas discussed earlier**
Administration	There are inconsistencies between the three City codes that contain livability elements administered by the Housing and Neighborhood Services Division. This results in the application of different definitions, notices, compliance provisions, and penalties, leading to a process that is difficult for community members to understand, and that is relatively complex for City staff to administer.	Adopt a single code that pulls existing livability elements from the Corvallis Municipal Code, Rental Housing Code and Land Development Code; integrate additional code standards that result from the current consideration process into the resulting code document; adopt a single set of administrative provisions to guide the implementation of the resulting livability code.	N/A	**Continue**

CITY OF CORVALLIS
LIVABILITY CODE DEPARTMENTAL ADVISORY COMMITTEE
MEETING AGENDA

10:00 a.m.
Wednesday, March 25, 2015

Madison Avenue Meeting Room
500 SW Madison Avenue

I. Call to order

II. Review of March 10, 2015 meeting notes (to follow)

III. First Committee review and discussion of livability code language: interior code gaps

IV. Review of upcoming meeting schedule:
   a. Tuesday, April 7 at 10:00 a.m.
   b. Thursday, April 23 at 10:00 a.m.
   c. Monday, May 11 at 9:00 a.m.
   d. All meetings are scheduled to occur in the Madison Avenue Meeting Room.

V. Other business

VI. Adjourn

MEMORANDUM

March 13, 2015

TO: Livability Code Departmental Advisory Committee

FROM: Community Development Staff

RE: Comparative Livability Standards and Suggested Starting Points for Livability Code Language Discussion – Residential Rental Interiors

Included with this cover memo is a packet of information that will provide the basis for your first discussion of livability code language development on March 25. That discussion will focus on closing code gaps related to the interiors of residential structures; as directed by the City's Administrative Services Committee (ASC), all of the gaps covered in these code elements will be applied to renter-occupied structures.

The packet consists of three pieces:

Attachment 1: A compilation of language gleaned from other existing code sources, with a suggested starting point for our discussion.

Attachment 2: Examples of implementation guidelines that would assist staff in interpreting and applying the new livability code authority that will result from the current code development and review process.

Attachment 3: For reference purposes, the Administrative Services Committee directed code gaps matrix that was previously provided to this LCDAC.

The code language compilation element of the packet (Attachment 1) provides language from codes that are being implemented in other Oregon jurisdictions, including Gresham, Beaverton, Salem and Portland, or from the International Property Maintenance Code (IPMC). Many jurisdictions use the IPMC verbatim or as the framework of a locally modified code package, but staff have included just one jurisdiction that took that approach. The inclusion of this existing language is intended to provide background on what other jurisdictions have done, and as a source from which to pull language or concepts for LCDAC discussion of Corvallis livability code language. In most cases there are multiple language sources identified but as indicated at the LCDAC's March 10 meeting, this does not represent an exhaustive survey. Staff reviewed the various sources and then developed "starting point" language for the LCDAC review and discussion.

These language development starting points reflect the direction of the ASC over the last year that culminated with their meeting of December 17, 2014. It was at that meeting that the Committee outlined their expectations for the work that would be done to develop the code language that staff will bring back for ASC review in the spring of 2015. During that meeting, the ASC also directed staff with a "go/no-go" designation for language development to cover (or not) each of the 24 areas in which code gaps were identified. The code gaps matrix (Attachment 3) which reflects 21 "go" items, i.e. developing code language for ASC consideration, will be the guiding document as our code language discussions move forward.

Attachment 2 provides an outline of some operating guidelines that would be applied by staff to the administration of code language. This includes definition of frequently used terms and some methods for staff to interpret terms and phrases in code language that are difficult to define in clear and objective code language. At this point, these guidelines are "a work in progress" but staff understand that it is important to identify where there is need for clarification and to begin to develop such guidance during the code development process.

In the electronic format of Attachment 1, the "starting point" language appears in blue font. Within some of the sections of "starting point" language, there are nine terms called out in italic, red font, each with a number in the superscript position. These nine terms are ones that are further clarified in the draft Operating Guidelines, Attachment #2. It is anticipated that where the draft code language evolves, so too will the draft Operating Guidelines.

Attachment #1
Code Language Development
INTERIOR CONDITIONS
(Applicable to Residential Rental Dwellings)

A. Interior Lighting of Accessible Means of Egress:

a. **Gresham Sec. 402.2 Common halls and stairways.** Every common hall and stairway in residential occupancies, other than in one- and two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

b. **Gresham Sec. 401.2 Responsibility.** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

c. **Gresham Sec. 401.3 Alternative devices.** In lieu of the means for natural light and ventilation prescribed in sections 402 and 403 of this code, artificial light or mechanical ventilation complying with GRC Article 10.05 *[Building Code]* shall be permitted.

d. **Gresham Sec. 605.3 Luminaires**: Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

    i. [Commentary from 2012 IPMC: *The activities is such spaces are not compatible with portable lighting…therefore, permanent lighting outlets are required…In all other spaces, it is assumed that the occupants will provide lamps or other portable fixtures to meet their artificial lighting needs when natural lighting does not exist.]*

e. **Def:** Oregon Fire Code (OFC); Sec. 1002.1 (Accessible Means of Egress) A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way.

f. **Def:** OFC; Sec. 1002.1 (Exit Discharge) That portion of a means of egress system between the termination of an exit and a public way.

g. **Def:** OFC; Sec. 1002.1 (Means of Egress) A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. A means of egress consists of three separate and distinct parts: the exit access, the exit and the exit discharge.

h. OFC, OSSC, IBC; Means of Egress Illumination Sec. 1006.2:

i. The means of egress illumination level shall not be less than 1 footcandle (11 lux) at the walking surface.
ii. These codes all exempt Occupancies in Group U, Dwelling Units and sleeping units in Groups R-1, R-2 and R-3.

i. **City of Portland Housing Code**:
   i. 29.30.090 Windows Every habitable room shall have at least one window facing directly to an exterior yard or court. The minimum total glass area for each habitable room shall be 6.8 percent of the room's floor area, except for basement rooms where the minimum shall be 5 percent. The glazed areas need not be provided in rooms where artificial light is provided ***capable of producing an average illumination of 3 foot-candles over the area of the room*** measured at a height of 30 inches above the floor and the minimum ventilation requirements in Subsection B below are satisfied.

j. **City of Salem Housing Code**:
   i. 59.205. Lighting Requirements.
      1. Each habitable room, bathroom, and toilet compartment shall be provided with natural light by means of windows or skylights with an area of not less than five square feet for each 100 square feet of superficial floor area or fraction thereof.
      2. In lieu of natural light as provided in subsection (a) of this section, interior rooms, ***bathrooms, and toilet compartments may be provided with artificial light equivalent to one forty watt incandescent bulb for each 100 square feet of superficial floor area*** or fraction thereof, provided the light is so located as to illuminate all foot traffic areas of the room and the interior of any tub or shower stall.
      3. Each laundry room, utility room, storage room, closet, workshop, service room, and cellar having more than twenty square feet of superficial floor area shall be provided with natural or artificial light, or any combination thereof, equivalent to that specified in subsection (a) or (b) of this section.
      4. Every hallway, corridor, and stairway in apartment houses shall be adequately lighted at all times with an average intensity of illumination of at least one foot candle at principal points such as angles and intersections of corridors and passageways, stairways, landings of stairways, landings of stairs and exit doorways, and at least one half-foot candle at other points. Measurement of illumination shall be taken at points not more than four feet above the floor.

Starting Point:

(a) Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space, other than in 1-2 family dwellings, shall, at all times, provide minimum illumination of 1 footcandle at floors, landings and stairs for all common areas and spaces in all

residential occupancies; and, for all other *Accessible Means of Egress*[3], shall provide *the means*[4] for minimum illumination of either 3 footcandles at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart.

(b) Every *Landlord*[1] who rents, leases or lets one or more *dwelling unit*[2] or sleeping unit of any 1-2 family structure shall provide *the means*[4] for minimum illumination of either 3 footcandles at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart, for all *Accessible Means of Egress*[3].

B. Interior ventilation/maintenance for bathrooms, kitchens and clothes dryers:

a. **Gresham Sec. 401.2 Responsibility:** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

b. **Gresham Sec. 403.2**: Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Sec. 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

c. **Gresham Sec. 402.1**: Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window for the room.

d. **Gresham Sec. 403.4 Process ventilation:** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

e. Gresham Sec. 403.5 Clothes Dryer Exhaust: Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with manufacturer's instructions.

- **i. IPMC Sec. 403.5 Clothes Dryer Exhaust**: Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with manufacturer's instructions.

f. **Gresham Sec. 305.3.1 Interior Dampness:** Every dwelling, including basements, and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure. (UNIQUE: Repeated in Interior Sanitation & Interior Ventilation).

g. City of Salem Housing Code:

- **i.** 59.160. Ventilation Requirements.
  1. (a) Except where another approved ventilation device is provided, the total openable window area in every habitable room shall be equal to at least one-fortieth (2.5%) of the area of the room. The glazed areas need not be openable where the opening is not required for emergency escape and an approved mechanical ventilation system is provided ***capable of producing 0.35 air changes per hour in the room***.
  2. (b) Every bathroom or toilet room or compartment shall comply with the light and ventilation requirements for habitable rooms as required by this Chapter, except that no window shall be required in bathrooms or toilet compartments equipped with an approved ventilation system.
  3. (e) Mechanical clothes drying shall be: **(1)** Properly installed, connected, and maintained in safe condition and good working order; **(2)** Exhaust hoses must be free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards.

h. City of Beaverton Residential Property Maintenance Code

- **i.** 8.07.180.D Every bathroom and toilet compartment shall comply with the light and ventilation requirements for a habitable space except that no window shall be required in a bathroom or toilet compartment if the bathroom or toilet compartment is equipped with artificial lighting and a mechanical ventilation system that discharges to the outdoors.

i. City of Portland Housing Code:

- **i.** 29.30.090. B. Except where another approved ventilation device is provided, the total openable window area in every habitable room shall be equal to at least one-fortieth (2.5%) of the area of the room. The glazed areas need not be openable where the opening is not required for emergency escape and an approved mechanical ventilation system is provided ***capable of producing 0.35 air changes per hour in the room***.
- **ii.** 29.30.090.C. Every bathroom or toilet room or compartment shall comply with the light and ventilation requirements for habitable rooms as required by Subsections 29.30.090 A and B, except that no window shall be required in bathrooms or toilet compartments equipped with an approved ventilation system.

Starting Point:

(a) Every dwelling, including basements, attics and crawl spaces shall be maintained *reasonably free from dampness*[5] to prevent conditions conducive to decay, mold growth, or deterioration of the structure. Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space shall be responsible to maintain ventilation systems in compliance with these requirements.

i. Except where another *approved*[6] ventilation device is provided, the total openable window area in every bathroom and toilet room or compartment shall be equal to at least one-fortieth (2.5%) of the area of the room. The glazed areas of a window in such spaces need not be openable where an *approved*[6] mechanical ventilation system is provided that is functional and *capable of producing*[7] *0.35 air changes per hour*[5] in the room.

ii. In kitchens and other spaces where injurious, toxic, irritating or noxious fumes, gases, dusts, vapors or mists are generated, a local exhaust *ventilation* system shall be maintained to remove the contaminating agent at the source.

iii. Clothes dryer exhaust systems shall be independent of all other systems, shall be exhausted outside the structure and shall be installed in accordance with manufacturer's instructions. Mechanical clothes drying appliances and exhaust systems shall be properly installed, connected, and maintained in a safe condition and good working order. Exhaust hoses must be free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards.

C. Electrical Systems

a. Replace if exposed to water

i. **Gresham 604.3 Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deteriorating or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

ii. **Gresham 605.1 Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

i. **IPMC Sec. 604.3.1.1 Electrical equipment.** Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code.*

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;

18. Electronic control, signaling and communication equipment.

Starting Point:

(a) Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space shall replace in accordance with the provisions of the Oregon Electrical Specialty Code any electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water.

i. **Exception:** The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved*[6] manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;

15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

b. **GFCI in bathrooms, kitchens, wet locations**

i. **Gresham Sec. 605.2** Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection.

1. **IPMC 605.2 Receptacles.** Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

ii. City of Salem Housing Code

1. 59.200(b) All light fixtures and outlets shall be properly installed and wired. Each room shall meet the following minimum requirements:

(1) Every habitable room shall contain at least two supplied electric convenience outlets, or one supplied electric convenience outlet and one supplied electric light fixture.

(2) Every toilet compartment or bathroom shall contain at least one supplied and operable electric light fixture and one outlet. Every laundry, furnace room, and all similar nonhabitable rooms located in a dwelling unit shall have one supplied electric light fixture available at all times.

2. 59.200(d) ***All outlets within ten feet of a water source*** must be GFCI (Ground Fault Circuit Interrupter) protected. This includes all outdoor outlets, even if under eaves, which also require weather-protecting covers.

iii. City of Beaverton Residential Property Maintenance Code

1. 8.07.280 (B)(2) Every toilet compartment, bathroom, laundry room or other wet location shall contain at least one operable electric light fixture and one grounded electrical receptacle or a receptacle with a ground-fault interrupter.

Starting Point:

(a) Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space shall be responsible to provide and maintain each building and *dwelling unit*[2] in accordance with these standards:

a. Every laundry area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter.

b. Every *bathroom* shall contain at least one receptacle. Any new or replacement *bathroom* receptacle outlet shall have ground fault circuit interrupter protection.

c. All receptacle outlets shall have the appropriate faceplate cover for the location.

D. Hot Water

a. Oregon Plumbing Specialty Code Sec. 210.0 Def. Hot Water. Water at a temperature exceeding or equal to 120°F (49°C).

b. Oregon Plumbing Specialty Code Sec. 412.1 Limitation of Hot Water Temperature for Public Lavatories Hot water delivered from public-use lavatories shall be limited to a maximum temperature of 120°F (49°C) by a device that is in accordance with ASSE 1070 or CSA B125.3. The water heater thermostat shall not be considered a control for meeting this provision.

c. Oregon Plumbing Specialty Code Sec. 414.5 Limitations of Hot Water in Bathtubs and Whirlpool Bathtubs. The maximum hot water temperature discharging from the bathtub and whirlpool bathtub filler shall be limited to 120°F (49°C) by a device that is in accordance with ASSE 1070 or CSA B125.3. Water heater thermostats shall not be considered a control for meeting this provision.

d. Oregon Plumbing Specialty Code Sec. 417.3 Limitations of Water Temperature in Bidets. The maximum hot water temperature discharging from a bidet shall be limited to 110°F (43°C) by a device that is in accordance with ASSE 1070 or CSA B125.3. Water heater thermostat shall not be considered a control for meeting this provision.

e. Gresham Sec. 505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

f. City of Portland

i. 29.30.170.B All required sinks, lavatory basins, bathtubs and showers shall be supplied with both hot and cold running water and have a water pressure of at least 15 psi. Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to all required sinks, lavatory basins, bathtubs and showers. Water heating facilities shall be capable of heating water enough to permit an adequate amount of water to be drawn at every required facility at a ***temperature of at least 120 degrees at any time needed***.

g. City of Salem

i. 59.190. Plumbing.

2. (a) Every plumbing fixture or device in a dwelling unit shall be properly connected to a public or an approved private water system and to a public or an approved private sewer system.
3. (b) All required sinks, lavatory basins, bathtubs and showers shall be supplied with both hot and cold running water and have a water pressure of at least fifteen psi. Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to all required sinks, lavatory basins, bathtubs and showers. Water heating facilities shall be capable of heating water enough to permit an adequate amount of water to be drawn at every required facility at a ***temperature of at least 120 degrees Fahrenheit at any time needed.***

h. **City of Beaverton**

i. 8.07.260. B. Sinks, lavatory basins, bathtubs and showers within a dwelling shall be supplied with both hot and cold running water. Every dwelling shall be supplied with water heating facilities for each dwelling unit. Water heating facilities within a dwelling shall be capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit at each hot water outlet <u>for at least 10 minutes</u>.

<u>Starting Point</u>:

(a) Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space shall be responsible to provide and maintain each building and *dwelling unit*[2] in accordance with these standards:

a. All sinks, lavatory basins, bathtubs and showers within a dwelling shall be supplied with both hot and cold running water facilities which are installed in an *approved*[6] manner,

properly maintained, properly connected and have a water pressure of at least fifteen psi.

b. Water heating facilities shall be supplied for each *dwelling unit*[2]. Water heating facilities within a *dwelling unit*[2] shall be capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit for at least 10 minutes at each hot water outlet.

E. Interior Sanitation; responsibilities

a. **Gresham Sec. 305.1 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, 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.

b. **Gresham Sec. 307 Rubbish and Garbage:** All *exterior property* and *premises,* and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

c. City of Beaverton

i. 8.07.210 A. The interior of every dwelling shall be maintained in a clean and sanitary condition free from the accumulation of rubbish, garbage and any material that:

1. Provides a breeding place for insects, rodents or vermin; or
2. Produces dangerous or offensive gases, odors or bacteria; or
3. Blocks exits, hallways or corridors.

B. An occupant of a dwelling shall be responsible for keeping that part of the dwelling he or she occupies or is in control of in a clean and sanitary condition.

C. The owner of any residential property with shared or common areas, including apartments, single-room occupancies, social care facilities, mobile home parks, trailer parks and manufactured home parks, shall be responsible for maintaining the shared or common areas of the property in a clean and sanitary condition at all times.

Starting Point:

(a) The interior of every structure that is rented, leased or let for residential occupancy shall be maintained in good repair, in a *clean and sanitary* condition, free from any accumulation of

rubbish, garbage or solid wastes. For purposes of this section, the term *"clean and sanitary"* shall mean free from and any material or condition that:

1. Provides a breeding place for insects, rodents or vermin; or
2. Produces dangerous or offensive gases or odors; or
3. Blocks exits, hallways, corridors or *Accessible Means of Egress*[3]; or
4. Provides a surface, *exposed or concealed*[8], which is conducive for the growth of mold or mildew.

(b) Occupants shall keep that part of the structure which they occupy or control in a *clean and sanitary* condition.

(c) Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space shall:

a. Maintain the shared and public areas of the structure in a *clean and sanitary* condition.

b. Provide and maintain all interior surfaces in good repair, including windows and doors, as follows: Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered; Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected; Walls, floors, ceilings, cabinets and interior doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch.

c. Be responsible to ensure that every toilet compartment, bathroom, and kitchen floor surface of every *dwelling unit*[2] is constructed and maintained to be *substantially impervious to water*[9] and to permit the floor to be kept in a *clean and sanitary* condition.

F. Interior Sanitation; surfaces (roll-ed into E, above)

a. **Gresham Sec. 305.3 Interior surfaces:** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

b. **Gresham Sec. 305.3.1 Interior Dampness:** Every dwelling, including basements, and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure. (UNIQUE: Repeated in Interior Sanitation & Interior Ventilation).

c. **Gresham Sec. 503.4 Floor surface:** In other than *dwelling units,* every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

d. City of Beaverton

i. 8.07.200 A. All interior surfaces of a dwelling shall be maintained in sound condition and good repair, so to permit the interior to be kept in a clean and sanitary condition. Walls, floors, ceilings, windows, cabinets and doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch.
B. Peeling, chipping, flaking, or abraded paint in a dwelling shall be repaired, removed or covered. Cracked or loose plaster or wall paper, decayed wood and other defective surface conditions shall be repaired or replaced.
C. Every toilet compartment, bathroom, and kitchen floor surface of a dwelling shall be constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

G. Heat in Bathrooms and Non-Habitable Rooms

a. Gresham 602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a year-round room temperature of 68°F (20°C) in all habitable rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Portable heating devices may not be used to meet the dwelling heat requirements of this code. No inverted (sic [*unvented*]) or open flame fuel burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

b. **Gresham 602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68°F (20°C) in all habitable rooms.

c. Gresham 602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

Starting Point:

(a) Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space shall be responsible to provide and maintain every *dwelling unit*[2] with permanent heating facilities capable of maintaining a year-round room temperature of not less than 68°F (20°C) in all habitable rooms, all bathrooms, and all kitchens.

a. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

b. No portable, unvented or open flame fuel burning devices may be used to meet the heat requirements of this code.

c. All heating devices or appliances shall be of an *approved*[6] type.

d. Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68°F (20°C) in all habitable rooms, all bathrooms, and all kitchens.

H. Door and Window Security; Standards

a. **Gresham 702.3 Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by GRC Article 10.05 [=*Building Code*].

b. **Gresham 304.15 Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

c. **Gresham 304.18 Building security.** Doors, windows or hatchways for *dwelling units,* room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

i. **Gresham 304.18.1 Doors.** Doors providing access to a *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of not less than 1 inch (25 mm). Such deadbolt

locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

ii. **Gresham 304.18.2 Windows.** Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

iii. **Gresham 304.18.3 Basement hatchways.** *Basement* hatchways that provide access to a *dwelling unit, rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

d. **ORS 90.320(1):** A landlord shall at all times during the tenancy maintain the dwelling unit in a habitable condition. For purposes of this section, a dwelling unit shall be considered uninhabitable if it substantially lacks: (L) Working locks for all dwelling entrance doors, and, unless contrary to applicable law, latches for all windows, by which access may be had to that portion of the premises that the tenant is entitled under the rental agreement to occupy to the exclusion of others and keys for those locks that require keys.

e. **ORSC/OSSC 311.2 Means of Egress.** …The egress door shall be readily openable from inside the dwelling without the use of a key or special knowledge or effort.

f. **City of Beaverton**

i. 8.07.190 C. Every door to the exterior of a dwelling shall be equipped with a lock designed to discourage unwanted entry and to permit opening from the inside without the use of a key or any special knowledge or effort.

ii. 8.07.180 D. All windows of a dwelling unit that are openable and that are within ten feet of the exterior grade shall be able to be both opened and locked from the inside without the use of a key or any special knowledge or effort.
E. All windows of a dwelling unit that are openable and are accessible from the outside, regardless of height from the exterior grade, such as a balcony window or a fire escape window, shall be able to be both opened and locked from the inside without the use of a key or any special knowledge or effort.

Starting Point:

(a) Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space shall be responsible to provide and maintain all exterior doors, windows or hatchways for every *dwelling unit*[2] with devices designed to provide security for the *occupants* and property within.

a. Every entrance door to a *dwelling unit*[2] shall be provided with a door knob and a deadbolt lock, and keys for same, designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

i. Deadbolt locks shall have a minimum lock throw of not less than 1 inch (25 mm) and shall be installed according to the manufacturer's specifications.

ii. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door to discourage unwanted entry.

iii. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

b. Operable windows located in whole or in part within 10 feet above ground level or a walking surface below that provide access to a *dwelling unit*[2] shall be equipped with a window sash locking device.

c. Basement hatchways that provide access to a *dwelling unit*[2] shall be equipped with devices that secure the unit from unauthorized entry.

City of Gresham Property Maintenance Code (2006 IPMC)
https://greshamoregon.gov/city/city-departments/community-development/code-enforcement/template.aspx?id=5274

City of Beaverton Property Maintenance Code
http://www.codepublishing.com/or/beaverton/html/Beaverton08/Beaverton0807.html

City of Portland Housing Code
https://www.portlandonline.com/auditor/index.cfm?c=28732

City of Salem, OR Rental Housing Code 5-2014
http://webcache.googleusercontent.com/search?q=cache:eulXp3tWrtgJ:www.cityofsalem.net/Departments/Legal/Salem%2520Revised%2520Codes/Housing%2520Code.pdf+&cd=6&hl=en&ct=clnk&gl=us

IPMC 2012 https://law.resource.org/pub/us/code/ibr/icc.ipmc.2012.html

Attachment #2
Draft
Operating Guidelines – Interior

The following guidelines are established for clarifying HNS Staff interpretation of terms and phrases that are utilized in codified standards. These are operating guidelines. The intention is to provide guidance for the equitable, prudent, and consistent application of Staff discretion in the face of a wide range of situations and circumstances. Some of the terms are clarified with a definition, which are also operating guidelines intended for the same purpose.

1. ***Landlord:*** This term applies in the context of leasing, renting or letting for residential occupancy spaces within a building. For purposes of these codes, Landlord is understood to mean the owner or lessor of the dwelling unit, the building, or the premises of subject location, including a person authorized by the owner or lessor to manage the premises or to enter into a rental agreement.

2. ***Dwelling Unit:*** The term applies to the situations in which space within structures or buildings are let, leased or rented for residential occupancy. For purposes of these codes and standards, the term shall mean a structure or part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household or who maintain a household in a common space. The term shall be understood to include dwellings in single-family structures, individual dwelling spaces within structures that contain two or more dwelling units or apartments, roominghouses, lodging houses and congregate living houses.

3. ***Accessible Means of Egress:*** This term pertains to illumination standards and to interior sanitation standards. For purposes of evaluating compliance under both standards, the term shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: *A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way*.

4. ***The Means:*** This term applies to level of requirement imposed on the Landlord regarding illumination in structures containing dwelling units and in dwelling units. The standard pertains to illumination of Accessible Means of Egress, which, in the context of this term, are located within dwelling units (illumination of common areas is addressed under separate standard). In evaluating conformance with the standard, Staff shall evaluate situations to determine if the Landlord has provided components of the electrical system sufficient for an occupant to obtain the minimum levels of illumination. A variety of installations and configurations could provide *the means* for adequate lighting under the standard, including switch controlled light fixtures and, in some rooms and spaces, switch controlled outlets. It is understood that permanently installed light fixtures will be provided in hallways, stairways, toilet rooms or compartments, kitchens, bathrooms, laundry rooms, and boiler rooms and furnace rooms; however, it is

assumed that occupants will provide lamps or other portable fixtures to meet their artificial lighting needs when natural lighting does not exist in other rooms or spaces.

5. ***Reasonably Free from Dampness***: This term applies to maintaining humidity and moisture conditions at levels that are not conducive to decay, mold growth, or deterioration of a structure. The locations contemplated for which staff might need to evaluate compliance with the standard include structures containing dwelling units, their basements, attics, and crawl spaces. In evaluating the conditions within each of the locations, Staff will observe surfaces of structural members, floor, wall and ceiling coverings, fixtures, appliances and furniture for the presence of *active* mold, mildew or deterioration. Sensory indications that will facilitate such observations are odors; visual manifestations that might involve colors, textures or patterns; and tactile indications of slick or crumbling surfaces. Although significant effort might be required to access specific locations or surfaces, such as behind or beneath furniture or appliances and in attics or crawl spaces, Staff will neither engage in, nor require, destructive measures to expose any enclosed or concealed space.

6. ***Approved:*** This term appears in context where measures other than those specified in a code or standard may be considered in lieu of or as alternatives to the specified standard. Whenever this term is used, it intends that only the enforcing authority can accept a specific installation or component as complying with the code. In circumstances where such installations or components are encountered by Staff or proposed by any Landlord, Staff will take the matter under advisement prior to reaching a determination. Staff may rely on past practice; may consider the expertise of others, including certified specialty inspectors or plans examiners; and, may consider reports provided via a Landlord from private contractors licensed to perform work in the particular discipline or reports from architects or engineers licensed in the state of Oregon, if provided by a Landlord. Staff shall submit a summary of their evaluation, including a recommendation for acceptance or rejection of approval, to the Code Compliance Supervisor. The Code Compliance Supervisor shall review the Staff report and prepare a cover letter noting formal recommendation for acceptance or rejection of approval, which along with the Staff report shall be submitted to the HNS Division Manager for final determination.

7. ***Capable of Producing 0.35 Air Changes per Hour:*** This term applies to the provision of mechanical ventilation. The standard pertains to every bathroom and toilet room or compartment. In evaluating conformance to the standard, Staff shall first determine if the mechanical device is functioning properly. If the device does not appear to function properly, Staff shall require the Landlord to replace the mechanical device, in accordance with Oregon Mechanical Specialty Code, or to obtain and submit a performance evaluation confirming conformance with the standard, prepared by a Mechanical Contractor licensed in the state of Oregon. Indications that the device might not function properly could include sounds of grating or failing components; sounds or visible indications of slow revolution of exhaust fan or of obstructed exhaust ducting or discharge; excessive heat generation to touch on the device; and, odor of or visible indication of burnt electrical or mechanical components.

If the mechanical device appears to function properly, Staff shall refer to the manufacturer's specifications for the mechanical device, where available, to confirm the cubic feet per minute (*cfm*) of ventilation rated for the device. A calculation of the Air Changes per Hour will be calculated from the formula:

n = 60 q / V where

n = air changes per hour (1/h)

q = fresh air flow through the room (Cubic Feet per Minute, cfm)

V = volume of the room (Cubic Feet)

8. ***Exposed or Concealed:*** This term applies to surfaces that are required to be free from material or conditions that are conducive to the growth of mold or mildew. The standard pertains to maintenance of a clean and sanitary condition within the interior of every structure containing a rented or leased dwelling unit. In this context, the term is understood to mean those surfaces within the dwelling unit that are accessible for observation without resort to destructive measures or the deconstruction of floor, wall and ceiling assemblies, affixed cabinets or installed plumbing fixtures. *Exposed* is understood to mean any surface that is accessible to observation without requiring alteration or manipulation of the circumstances encountered on the part of the observer. *Concealed* is understood to mean a surface that is obstructed from observation, such as due to doors (cabinet, closet and room), furnishings, appurtenances, or the personal possessions of the occupants, but for which the surface would otherwise be *exposed* for observation. In evaluating the interior of a dwelling under this term, Staff may engage in, or obtain assistance for, such efforts as opening cabinet and cupboard doors and drawers to observe the surfaces that are concealed within those compartments; opening closets and removing stored possessions; moving furniture; and, removing thumb screws or hasps from utility hatches or compartments and from mounted light fixtures and ventilation grilles intended for user maintenance access. Staff shall not engage in destructive measures or resort to the utilization of tools, other than their hands, in order to *expose* any *concealed* surface, nor shall they require others to implement such practices.

9. ***Substantially Impervious to Water***: This term applies to floor surfaces in every toilet compartment, bathroom and kitchen. The standard pertains to maintenance of a clean and sanitary condition of floors in the listed locations, a condition which is clarified within the relevant Section to mean, in part, free from any material or condition that provides a surface conducive to the growth of mold or mildew. The presence of moisture within materials or on their surfaces is a prerequisite for conditions which are conducive for the growth of mold or mildew. Therefore, the intent of the standard is interpreted to specify a surface that provides a barrier to the passage of water and one that is itself nonabsorbent. In the context of this standard, *impervious* is understood to mean not allowing passage into or through, and *substantially* is understood to mean a state of being largely, but not wholly, that which is specified. The term is taken to mean that the floor surface does not absorb or allow water to pass through it, as nearly as can be determined.

In evaluating conformance of a floor surface to this standard, Staff will observe for indications that there is no discernible passage of water into or through the particular flooring material. Sensory indications that will facilitate such observations are: visible water staining of the floor material; visible heaving or expansion of substrate, particularly at junctures of floor material to fixtures or walls; tactile indications of saturation; and odors of mildew and mold when the growth of such organisms is not otherwise visible. In the absence of such sensory indications, conformance to the standard will be demonstrated if a particular floor material surface does not absorb, or allow to pass through it, a drop of water (1-2ml) within 10 minutes under ambient room conditions. Under no circumstance shall Staff damage or destroy the floor surface or floor materials, or probe the floor surface with any tool other than their own fingers. Moisture meters will not be utilized by Staff for the purposes of confirming compliance or noncompliance with the standard.

DRAFT

Comprehensive Recap of Livability Code Gaps for December 17, 2014 Administrative Services Committee Consideration

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Interior Lighting	Lack of adequate interior lighting of emergency exit paths may result in inability to exit safely in an emergency.	Adopt standards requiring maintenance of adequate interior lighting of exit discharge paths.	Renter-occupied residential properties	**Continue**
Interior Ventilation	Lack of requirements for maintenance of ventilation systems in bathrooms, kitchens or for clothes dryers may result in mold growth and surface degradation.	Adopt standards and performance criteria for the maintenance of interior ventilation systems.	Renter-occupied residential properties	**Continue**
Electrical Systems	Lack of requirement to replace electrical system components damaged by exposure to leaks or flooding may result in hazardous situation.	Adopt standards requiring replacement of electrical equipment and devices if exposed to water, with some exceptions.	Renter-occupied residential properties	**Continue**
	Lack of requirements for ground fault interrupt outlets in bathrooms, kitchens, etc. may result in hazardous situation.	Require installation of ground fault interrupt outlets in bathrooms, kitchens, etc.	Renter-occupied residential properties	**Continue**
Plumbing Systems	There is no performance standard for or definition of "hot water," which may prevent the production of a temperature adequate for bathing and cleaning.	Adopt a measurable temperature standard for water system performance.	Renter-occupied residential properties	**Continue**
Interior Sanitation	There are no clear standards for the maintenance of sanitary conditions in residential building interiors, which may present living situations that are unhealthy and/or unsafe.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Continue**
	Lack of standards requiring the maintenance or repair of bathroom and kitchen surfaces, making it difficult to keep them from becoming unsanitary, which may lead to unhealthy living situations.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Stop (get at in prior language if unsanitary)**
Heating	There is no requirement for heat in bathrooms which may make it difficult to maintain a comfortable and dry, mold-free environment.	Adopt standards for heat in bathrooms and other habitable areas not currently covered by the Rental Housing Code.	Renter-occupied residential properties	**Continue (focus on definition of habitable areas)**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Interior Security	There is no requirement for properly functioning door knobs/latches, and no standards for adequate door or window hardware, which may lead to inadequate occupant safety (ingress and egress).	Adopt maintenance requirements for doors and door hardware, including deadbolts, and for windows and window hardware to be maintained to a level sufficient to provide security and safe exiting for occupants.	Renter-occupied residential properties	**Continue**
Exterior Weather- and Waterproofing	There are no requirements for the prevention of air leakage under, through or around windows or doors, which may increase a resident's discomfort and/or costs for heating and cooling.	Adopt requirements for building envelopes and openings to be sound, in good repair and weather tight in order to prevent wind from entering a structure.	All structure and occupancy types	**Continue (rentals only)**
	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	**Continue**
Exterior Sanitation	There are no standards that prevent the accumulation of inadequately/improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	**Continue (1st focus on indoor furniture outdoors)**
Solid Waste Removal	There are no provisions to assign responsibility between landlords and tenants for the removal of solid waste from a property. This leads to complaints of over-accumulation of contained and uncontained solid waste.	Adopt assignments of responsibility between landlords and tenants for the provision of containers, containment and removal of solid waste from premises	Renter-occupied residential properties	**Continue**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Building and Accessory Structure Maintenance	There are no standards requiring general maintenance of buildings and accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.	Adopt requirements that primary and accessory structures be maintained sound and in good repair, and that exterior surfaces be maintained.	All structure and occupancy types	**Continue**
	There are no standards requiring maintenance of exterior decks, handrails and stairs in one- and two-family dwellings. This may lead to conditions that may soon deteriorate but that are not yet dangerous.	Adopt requirements that decks, stairs and handrails be maintained in a safe condition.	All structure and occupancy types	**Continue**
Exterior Lighting	There are no requirements for the maintenance of exterior lighting in areas such as parking lots or walkways in and around apartment buildings. This has generated concerns regarding personal safety and security.	Adopt standards for the maintenance of exterior lighting in the described circumstances.	Renter-occupied properties; consider including all non-owner occupied properties	**Continue**
Graffiti	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Adopt requirements for the prompt abatement of graffiti-defaced property as an obligation of the affected property owner.	All public and private property of all types	**Stop**
	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Consider the development of a collaborative abatement program with involvement of stakeholders, paint companies, and community volunteers.	All public and private property of all types	**Continue**
Fire Safety	There are no maintenance standards for door locks that are operable without keys or special knowledge from the egress side of a doorway. This may create situations in which occupants are unable to exit a building in an emergency. (Partially addressed in Interior Security section above.)	Adopt standards requiring door locks that are operable from the egress side without keys or special knowledge.	All structure and occupancy types	**Continue**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Fire Safety (continued)	There are no standards for the maintenance of emergency paths of travel and escape openings in one- and two-family dwellings. This may create situations in which occupants are unable to exit a building in an emergency.	Adopt standards requiring the maintenance of clear, unobstructed paths of travel and emergency escape openings for the purpose of safe ingress/egress.	All structure and occupancy types	**Continue**
	There are no standards for the maintenance or repair of fire-resistant surfaces (e.g., drywall) and assemblies (e.g. ceilings, walls between garages and living space). This may create hazardous situations if surfaces and assemblies are damaged and not returned to a fire-resistant state.	Adopt standards for the maintenance of fire-resistant surfaces and assemblies.	All structure and occupancy types	**Continue**
Occupancy Limits	There are no standards that specify how much space a dwelling unit must provide for eating, sleeping or living. This may lead to overcrowding of rooms, and in the overloading of dwelling units resulting in neighborhood impacts such as parking.	Adopt standards for minimum square footage allocation requirements to establish maximum occupancy loads in sleeping and living spaces within a dwelling unit.	Renter-occupied residential properties	**Stop**
General Maintenance (also discussed above)	There are no code provisions for the maintenance of structures. With no required maintenance the City is unable to address decline until the condition of a structure constitutes a dangerous building.	Adopt standards for the maintenance of structures to prevent decay that will constitute a dangerous building.	All structure and occupancy types	**Continue within context of areas discussed earlier**
Administration	There are inconsistencies between the three City codes that contain livability elements administered by the Housing and Neighborhood Services Division. This results in the application of different definitions, notices, compliance provisions, and penalties, leading to a process that is difficult for community members to understand, and that is relatively complex for City staff to administer.	Adopt a single code that pulls existing livability elements from the Corvallis Municipal Code, Rental Housing Code and Land Development Code; integrate additional code standards that result from the current consideration process into the resulting code document; adopt a single set of administrative provisions to guide the implementation of the resulting livability code.	N/A	**Continue**

CITY OF CORVALLIS
LIVABILITY CODE DEPARTMENTAL ADVISORY COMMITTEE
MEETING AGENDA

10:00 a.m. Tuesday, April 7, 2015
Madison Avenue Meeting Room
500 SW Madison Avenue

I. Call to order

II. Review of March 25, 2015 meeting notes (to follow)

III. Continued Committee review and discussion of livability code language for interior code gaps

IV. Initial Committee review and discussion of livability code language for exterior code gaps

V. Review of upcoming meeting schedule:
   a. Thursday, April 23 at 10:00 a.m.
   b. Monday, May 11 at 9:00 a.m.
   c. Proposed: May 21 at 9:00 a.m.
   d. All meetings are scheduled to occur in the Madison Avenue Meeting Room

VI. Other business

VII. Adjourn

MEMORANDUM

March 27, 2015

TO: Livability Code Departmental Advisory Committee

FROM: Community Development Staff

RE: Comparative Livability Standards and Suggested Starting Points for Livability Code Language Discussion – Property Exteriors

Included with this cover memo is a packet of information that will provide the basis for a portion of your second discussion of livability code language development on April 7. Our original schedule would have had this meeting begin with a discussion of refined interior code language, but because the discussion of raw interior language was not completed on March 25 we will complete that element and then move directly to a discussion of raw exterior code language. Please bring both this packet and the March 25 packet to the April 7 meeting (we will again have extras of each).

We will be developing refined language as we go following each of your meetings, and although we won't plan to discuss it until discussion of the applicable element's (interior, exterior or administration) raw language is complete, we will plan to provide it prior to your next meeting along with meeting notes, reminders, and any other updates.

On April 7 your discussion will continue to focus on raw language to close code gaps related to building and property interiors beginning with section D., Hot Water, and then as time allows you will begin a discussion of raw exterior code gap language. As directed by the City's Administrative Services Committee (ASC), the language developed for these exterior code elements will be applied either to residential rental properties (in the case of solid waste removal and exterior lighting), or in each of the other exterior gap areas, to structures and occupancies of all types.

As was the case for your March 25 meeting, this packet consists of three pieces:

Attachment 1: A compilation of language gleaned from other existing code sources, with a suggested starting point for our discussion.

Attachment 2: Examples of implementation guidelines that would assist staff in interpreting and applying the new livability code authority that will result from the current code development and review process.

Attachment 3: For reference purposes, the Administrative Services Committee directed code gaps matrix that was previously provided to this LCDAC.

The code language compilation element of the packet (Attachment 1) provides language from codes that are being implemented in other Oregon jurisdictions, including Gresham, Beaverton, Eugene, Astoria, Salem and Portland, or from the International Property Maintenance Code (IPMC). Language

from the Oregon Revised Statutes is also included where applicable. The inclusion of this existing language is intended to provide background on what other jurisdictions have done, and as a source from which to pull language or concepts for LCDAC discussion of Corvallis livability code language. In preparation for this meeting, staff reviewed the various code sources and then developed "starting point" language for the LCDAC review and discussion.

These language development starting points reflect the direction of the ASC over the last year that culminated with their meeting of December 17, 2014. It was at that meeting that the Committee outlined their expectations for the work that would be done to develop the code language that staff will bring back for ASC review in the spring of 2015. During that meeting, the ASC also directed staff with a "go/no-go" designation for language development to cover (or not) each of the 24 areas in which code gaps were identified. As mentioned in your March 10 organizational meeting, the code gaps matrix (Attachment 3) which reflects 21 "go" items, i.e. developing code language for ASC consideration, will be the guiding document as our code language discussions move forward.

Attachment 2 provides an outline of some operating guidelines that would be applied by staff to the administration of code language. This includes definitions of frequently used terms and some methods for staff to interpret terms and phrases in code language that are difficult to define in clear and objective code language. At this point, these guidelines are "a work in progress" but staff understand that it is important to identify where there is need for clarification and to begin to develop such guidance during the code development process.

In the electronic format of Attachment 1, the "starting point" language appears in blue font. Within some of the sections of "starting point" language, there are terms called out in italic, red font; these terms are further clarified in the draft Operating Guidelines, Attachment #2. It is anticipated that where the draft code language evolves, so too will the draft Operating Guidelines.

Code Language Development
EXTERIOR CONDITIONS
(Applicable to All Structures & Occupancy Types)

A. Exterior Weather/Waterproofing

Exterior Weather- and Waterproofing	There are no requirements for the prevention of air leakage under, through or around windows or doors, which may increase a resident's discomfort and/or costs for heating and cooling.	Adopt requirements for building envelopes and openings to be sound, in good repair and weather tight in order to prevent wind from entering a structure.	All structure and occupancy types	**Continue (rentals only)**
	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	**Continue**

i. **Gresham PMC 304.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
   1. **Gresham 304.13.1 Glazing.** All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.
      a. **IPMC 304.13.1 Glazing.** All glazing materials shall be maintained free from cracks and holes.

ii. **ORS 90.320(1):** A landlord shall at all times during the tenancy maintain the dwelling unit in a habitable condition. For purposes of this section, a dwelling unit shall be considered uninhabitable if it substantially lacks: (a) Effective waterproofing and weather protection of roof and exterior walls, including windows and doors…

iii. **Portland, Housing Maintenance Code 29.30.100 Doors.**
D. Every exterior door shall comply with the following:
1. Every exterior door, door hinge, door lock, and strike plate shall be maintained in good condition.
2. Every exterior door, when closed, shall fit reasonably well within its frame and be weather-tight.

3. Every doorframe shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling.

iv. City of Beaverton

1. **8.07.180 (F).** Every window of a dwelling shall be kept in sound condition and good repair, substantially weathertight, and shall comply with the following:
   1. Every window sash shall be fully supplied with glass window panes or an approved substitute without open cracks and holes.
   2. Every window sash shall be in sound condition and good repair and fit weathertight within its frame.
   3. Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude wind and rain from entering the dwelling.

2. **8.07.190 (D).** Every exterior door of a dwelling shall comply with the following:
   1. The door hinge, door lock, and strike plate shall be maintained in sound condition and good repair.
   2. When closed, the door shall fit reasonably well within its frame and be weathertight.
   3. Every door frame shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude wind and rain from entering the dwelling.

(b) Building Envelopes Waterproof

i. Gresham 304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

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

iii. **Gresham PMC 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 downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

iv. **Gresham PMC 304.11 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.

v. **Gresham PMC 304.16 Basement hatchways.** Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

vi. **Salem, PMC**

1. **50.505. Exterior Surfaces**. All wood and metal surfaces, including, but not limited to, window frames, doors, door frames, cornices, porches, siding and trim on buildings and structures shall be maintained in good condition, so as not to be in a state of deterioration.
2. **50.520. Exterior Walls.**

   (a) All exterior walls of buildings or structures shall be free from holes, breaks, loose or rotting materials and shall be maintained in good condition so as not to be in a state of deterioration.

   (b) The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or a door, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building notice as described in SRC 56.200-56.270.
3. **50.525. Roofs and Drainage**. The roof and flashing shall be sound, tight and not have defects that admit rain into the building or structure. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the building or structure. Roof drains, gutters and down spouts shall be free from obstructions and maintained in good repair, so as not to be in a state of deterioration. Any non-residential building or structure having originally been designed for and fitted with gutters and downspouts, shall continuously be maintained with such devices, in proper working condition and maintained so as not to be in a state of deterioration. The use of tarps or similar material for emergency repair shall be temporary, and not exceed six months in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building notice as described in SRC 56.200-56.270.
4. **50.540. Windows and Doors.** Every window, door and frame shall be kept in sound condition, good repair and weather tight. Where windows and doors have been sealed by plastic or other materials for weather

proofing, said materials shall be maintained in a skilled manner. Window and door screens, while not required by this chapter, shall be maintained in a skilled manner.

5. **50.545. Glazing.**

(a) All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within fifteen days from the date the Health Officer issues a written notice, in compliance with the Building Code.

(b) Notwithstanding subsection (a) of this section, glazing in buildings and structures other than single family and two family dwellings need not be replaced within the fifteen-day period, if the opening has been boarded, an application for a building permit is made within the fifteen day period, a permit is subsequently issued, and replacement occurs prior to the expiration of the permit.

vii. Salem, RHC

1. **59.135. Exterior Walls and Exposed Surfaces.**

(a) Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other condition which might admit rain or dampness into the interior portions of the walls or the occupied spaces of the residential structure.

(b) All exterior wood surfaces shall be substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather resistant preservative, and be maintained in good condition. Wood used in the construction of permanent structures and located nearer than six inches to earth shall be treated wood or wood having a natural resistance to decay.

(c) Exterior metal surfaces shall be protected from rust and corrosion.

2. **59.155 Doors.**

(c) Every exterior door shall comply with the following:

(1) Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition.

(2) Every exterior door, when closed, shall fit reasonably well within its frame and be weather-tight.

(3) Every doorframe shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling.

viii. City of Beaverton

1. **8.07.120**

a. **(A)**. The roof and flashing of a dwelling shall be structurally sound, tight, and have no defects that admit water.

b. **(B)**. Roof drainage of a dwelling shall channel water into approved receivers and shall be adequate to prevent water buildup or ponding from causing dampness in the walls or interior portion of the building. Roof drains, gutters and downspouts of a dwelling shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration. Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair.

c. **(C).** In any two-year period, tarps, tar paper or other similar materials shall not be exposed to weather on the exterior of a structure for a cumulative period of more than three months.

ix. Portland, Housing Maintenance Code

1. **29.30.030 Roofs.** The roof shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building and shall channel rainwater in an approved manner to an approved point of disposal.

2. **29.30.060 Exterior Walls and Exposed Surfaces. A.** Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building. **B.** All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Wood used in construction of permanent structures and located nearer than six inches to earth shall be treated wood or wood having a natural resistance to decay. **C.** Exterior metal surfaces shall be protected from rust and corrosion.

x. Eugene, RHC 8.425 Rental Housing – Standards. (4) Weatherproofing. (a) Roof, exterior walls, windows and doors shall be maintained to prevent water intrusion into the building envelope which may cause damage to the structure or its contents or may adversely affect the health of an occupant. The presence of significant visible mold may be a symptom of faulty weatherproofing, however, the presence of mold, by itself, is not a violation for purposes of sections 8.400 through 8.440 of this code. **(b)** Repairs must be permanent rather than temporary and shall be through generally accepted construction methods. If significant visible mold results from faulty weatherproofing, repairs must include removing the mold, which may include mold on or in interior walls, sheetrock, insulation, floors, carpets or carpet backing.

Starting Point:

It is the responsibility of the *owner* of every property to maintain every *building* and *structure* on the property in a manner that complies with the following requirements:

1) **Roofs and Drainage**. All roofs, flashing, vent stacks and boots, and chimneys shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls, *attic* or interior portion of the *building* and shall channel rainwater in an approved manner to an approved point of disposal. Any *building* or *structure* having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good *repair*. Roof drains, gutters and downspouts of a *building* or *structure* shall be free from obstructions and maintained in good *repair*, so as not to be plugged, overflowing, or in a state of deterioration.

2) **Exterior Walls and Exposed Surfaces.** Every exterior wall and weather-exposed exterior surface or attachment of a *building* or *structure* shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the *building*.

   a) All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

   b) All siding and masonry joints as well as those between the *building* envelope and the perimeter of windows, doors, and skylights shall be maintained *weathertight*.

   c) Exterior metal surfaces shall be protected from rust and corrosion. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

3) **Windows and Doors.** Every window, sash, door and frame of a *building* shall be kept in sound condition, good *repair* and *weathertight*. Every exterior door, skylight, and window shall comply with the following:

   a) Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition.

   b) Every exterior door, when closed, shall fit reasonably well within its frame and be *weathertight*.

   c) Every doorframe shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering a *building*.

   d) Every window sash shall be in sound condition and good *repair* and fit *weathertight* within its frame.

   e) Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude wind and rain from entering a *building*.

4) **Glazing.** Every window sash of a *building* exterior envelope shall be fully supplied with glass window panes or an approved substitute without open cracks and holes. All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.

5) **Basement hatchways.** Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

6) **Temporary Measures.** The use of tarps or similar material for emergency *repair*, or in place of a customary *building* component such as siding or a door, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building notice.

B. Exterior Sanitation

Exterior Sanitation	There are no standards that prevent the accumulation of inadequately/improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	**Continue (1st focus on indoor furniture outdoors)**

(a) Gresham PMC 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 this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit, rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit* or *premises* which they occupy and control.

i. **Gresham 302.1 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.

(b) ORS 90.320 (1): A landlord shall at all times during the tenancy maintain the dwelling unit in a habitable condition. For purposes of this section, a dwelling unit shall be considered uninhabitable if it substantially lacks: (f) Buildings, grounds and appurtenances at the time of the commencement of the rental agreement in every part safe for normal and reasonably foreseeable uses, clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin, and all areas under control of the landlord kept in every part safe for normal and reasonably foreseeable uses, clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin;…

(c) Portland, Housing Maintenance Code 29.30.140 Cleanliness and Sanitation. A. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. All household garbage shall be stored in receptacles which are free from holes and covered with tight fitting lids.

(d) Portland, Property Nuisances Code 29.20.010 Outdoor Maintenance Requirements. It is the responsibility of the owner of any property, improved or unimproved, to maintain the outdoor areas of the property and adjacent rights of way in a manner that complies with the following requirements:

A. Holes, tanks, and child traps. Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.

B. Unsecured structures. Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any structure so as to prevent access by unauthorized persons through such openings.

C. Rat harborage. Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.

D. Emergency access routes. Remove and keep removed all brush, vines, overgrowth and other vegetation located within 10 feet of a structure or within 10 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.

E. Thickets that conceal hazards. Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:

1. Concealing trash and debris; or

2. Creating rat harborage; or

3. Creating harborage for people involved in criminal activity or for products used for criminal activity.

F. Trash and debris. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

1. All garbage, offal, dead animals, animal and human waste, and waste materials (All garbage shall be stored as specified in Section 29.30.140);

2. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;

3. All dead bushes, dead trees, and stumps with the exception of such material which:

a. Is being maintained as part of a naturescaped property;

b. Does not result in a nuisance as otherwise defined in this chapter; and

c. Is located on a property which is otherwise substantially in compliance with this chapter;

4. All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property per the provisions in Title 11;

5. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and

6. Accumulations of clothing and any other items not designed for outdoor storage.

G. Storage of non-trash items. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

1. Accumulations of wood pallets.

2. Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester, per the provisions in Title 11, Trees.

3. Accumulations of vehicle parts or tires.

4. All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.

5. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.

6. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.

7. All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal) that are stored in a well-maintained manner.

8. All other non-trash items which:

a. Are of a type or quantity inconsistent with normal and usual use; or

b. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

(e) Salem RHC 59.115. Cleanliness and Sanitation.

i. All exterior property areas and interior common use areas shall be maintained in a clean and sanitary condition and kept free from any accumulation of solid waste.

(f) Salem PMC 50.255. Outside Storage Prohibited.

i. **(a)** Unless otherwise specifically allowed by law, it shall be unlawful to store items of personal property out-of-doors, or outside a building or structure that is not fully enclosed.

ii. **(b)** Notwithstanding subsection (a) of this section, the following items of personal property may be stored outside of a building or structure:

(1) Firewood that is stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit a lawful fireplace or wood stove on the premises;

(2) Construction material, if the construction material is temporarily stored in a manner to protect its utility and to prevent its deterioration and the construction material is to be used for construction on the premises;

(3) Open storage of materials directly associated with the primary activity of a business, provided the business is a permitted, special, or

conditional use within any CR, CG, or Industrial and Employment zone, and the materials are enclosed by a sight obscuring fence erected in conformance with SRC 807.015(e), are safely stacked, bundled, or otherwise source-separated, and will remain in the stream of commerce with an articulable future use; and
(4) All other items of personal property which are of a type, condition or quantity consistent with normal and intended use. By way of illustration, but not limitation, as used in this section, items of personal property include barbeque grills, lawn furniture, and solid waste disposal receptacles.

Starting Point:

All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *owner* of every property shall maintain the *structures*, *premises* and all common areas of the *exterior property* in compliance with these requirements. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition. The *exterior property* and *premises* and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

1) **Holes, tanks, and child traps.** Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the *occupants* of the property.
2) **Unsecured structures.** Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any *unsecured structure* so as to prevent access by unauthorized persons through such openings. No requirement imposed under this section shall constitute relief from or an exemption to compliance with the provisions of ___TBD_____ for '*weathertight*' standards.

3) **Rat harborage.** Remove or *repair*, and keep removed or *repaired*, any condition that provides a place where rats gain shelter, feed, or breed.

4) **Emergency access routes.** Remove and keep removed all brush, vines, overgrowth and other entangling or *rank vegetation* located within 10 feet of a *structure* or within 10 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.

5) **Thickets that conceal hazards.** Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:

   a) Concealing trash and debris; or

   b) Creating rat harborage; or

   c) Creating harborage for people involved in criminal or prohibited activity or for products used for criminal activity.

6) **Trash and debris.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

   a) All garbage, offal, dead animals, animal and human waste, and waste materials (All garbage shall be stored as specified in CMC Section 4.01.050);

   b) Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), *junk*, combustible materials, stagnant water, or trash;

   c) All dead bushes, dead trees, and stumps with the exception of such material which:

      i) Is being maintained as part of a *naturescaped* property;

      ii) Does not result in a nuisance as otherwise defined in this chapter; and

      iii) Is located on a property which is otherwise substantially in compliance with this chapter;

d) All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property per the provisions in CMC Section 2.19.150;

e) Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a *maintained compost* area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and

f) Accumulations of clothing and any other items not designed for outdoor storage.

7) **Storage of non-trash items.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

a) Accumulations of wood pallets.

b) Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester, per the provisions in CMC Chapter 5.05, Dutch Elm Disease.

c) Accumulations of vehicle parts or tires.

d) All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.

e) All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.

f) All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.

g) All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal and CMC Section 4.1.070) that are stored in a well-maintained manner.

h) All other non-trash items which:

i) Are of a type or quantity inconsistent with normal and usual use; or

ii) Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

C. Solid Waste Removal

Solid Waste Removal	There are no provisions to assign responsibility between landlords and tenants for the removal of solid waste from a property. This leads to complaints of over-accumulation of contained and uncontained solid waste.	Adopt assignments of responsibility between landlords and tenants for the provision of containers, containment and removal of solid waste from premises	Renter-occupied residential properties	**Continue**

(a) Gresham PMC 307 Rubbish or garbage. All *exterior property* and *premises,* and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage. Approved containers for rubbish and garbage shall be provided.

(b) IPMC 308.2 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.

(c) IPMC 308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

(d) IPMC 308.3 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 containers.

(e) IPMC 308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit;* an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit;* or an *approved* leakproof, covered, outside garbage container.

(f) **IPMC 308.3.2 Containers.** The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

(g) **ORS 90.320(1)**: A landlord shall at all times during the tenancy maintain the dwelling unit in a habitable condition. For purposes of this section, a dwelling unit shall be considered uninhabitable if it substantially lacks: (g) Except as otherwise provided by local ordinance or by written agreement between the landlord and the tenant, an adequate number of appropriate receptacles for garbage and rubbish in clean condition and good repair at the time of the commencement of the rental agreement, and the landlord shall provide and maintain appropriate serviceable receptacles thereafter and arrange for their removal;…

(h) **Salem RHC 59.115(b)** The owner of any multi-family dwelling shall provide, in a location accessible to all dwelling units, at least one thirty-two gallon receptacle for each dwelling unit or at least one receptacle with a cumulative capacity that allows for thirty-two gallons per dwelling unit, into which solid waste from the dwelling units may be emptied for storage between days of collection. The owner of the Multi-Family Property shall subscribe to and pay for weekly solid waste management services by a person holding a valid franchise from the City of Salem.

(i) **Portland, Housing Maintenance Code 29.30.140 Cleanliness and Sanitation.**

A. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. All household garbage shall be stored in receptacles which are free from holes and covered with tight fitting lids.

C. The owner of a residential rental property shall provide for each dwelling unit, or subscribe for service where a franchisee provides at least one 20 gallon receptacle into which garbage and rubbish may be emptied for storage and collection. Receptacles must be of sufficient capacity to prevent the overflow of garbage and rubbish from occurring. Receptacles and lids shall be watertight and provided with handles. All receptacles shall be maintained free from holes and covered with tight-fitting lids at all times. The owner of the residential rental property shall subscribe to and pay for weekly recycling and composting service and every-other-week garbage removal service by a refuse collection permittee or franchisee as defined in Chapter 17.102 of the Code of the City of Portland.

D. The owner of any owner occupied residential property shall be required to subscribe and pay for weekly recycling and composting service and every-other-week garbage removal service by a refuse collection permittee or franchisee as defined in Chapter 17.102 of the Code of the City of Portland if the property has been posted two or more times within one year for violation of Subsection 29.20.010 H.1. or 2.

Starting Point:

All *exterior property* and *premises*, and the interior of every *structure*, shall be free from any accumulation of *solid waste*. Approved *receptacles* for *solid waste* shall be provided and utilized for the containment and disposal of *solid waste* in accordance with the provisions of CMC Chapter 4.01.

1) Every *occupant* of a *structure* shall dispose of *solid waste* by placing all such material in an approved *solid waste* disposal facility or approved *receptacles*.

2) The Landlord of any *multi-family dwelling* shall:

a) Provide, in a location accessible to all *dwelling units*, at least one thirty-two gallon *solid waste receptacle* for each *dwelling unit* or at least one *receptacle* with a cumulative capacity that allows for thirty-two gallons per *dwelling unit*, into which *solid waste* from the *dwelling unit* may be emptied for storage between days of collection. Notwithstanding the minimum capacity and number of *receptacles* herein established, receptacles must be of sufficient capacity to prevent the overflow of *solid waste* from occurring;

b) Subscribe to and pay for weekly *solid waste* management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of *solid waste* management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of *solid waste* from occurring.

3) The Landlord of any 1 and2 family dwelling, except as otherwise provided by written agreement between the landlord and the tenant, shall:

a) Provide, in a location accessible to each *dwelling unit*, at least one thirty-two gallon *receptacle* for each *dwelling unit* or at least one *receptacle* with a cumulative capacity that allows for thirty-two gallons per *dwelling unit*, into which *solid waste* from the

dwelling units may be emptied for storage between days of collection. Notwithstanding the minimum capacity and number of *receptacles* herein established, *receptacles* must be of sufficient capacity to prevent the overflow of solid from occurring

b) Subscribe to and pay for weekly *solid waste* management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of *solid waste* management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of *solid waste* from occurring.

D. Building/Accessory Structure Maintenance

Building and Accessory Structure Maintenance	There are no standards requiring general maintenance of buildings and accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.	Adopt requirements that primary and accessory structures be maintained sound and in good repair, and that exterior surfaces be maintained.	All structure and occupancy types	**Continue**

(a) Portland, Housing Maintenance Code

i. **<u>29.30.040 Chimneys.</u>** Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.

ii. **<u>29.30.050 Foundations and Structural Members.</u>** **A.** Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration. **B.** The supporting structural members in every dwelling shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

iii. **<u>29.30.060 Exterior Walls and Exposed Surfaces.</u>** **D.** Every section of exterior brick, stone, masonry, or other veneer shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

(b) Salem PMC

i. **50.100. Required Maintenance.** All systems, devices and safeguards required by this Chapter or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants.

ii. **50.105. Skilled Work Required.** All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a skilled manner.

iii. **50.500. General.** The exterior of a building or structure shall be maintained in good repair, so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.

iv. **50.515. Foundation Walls.** All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of pests.

(c) Salem RHC

i. **59.120. Roofs.** All roofs shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portions of the residential structure and shall channel rainwater in an approved manner to an approved point of disposal.

ii. **59.125. Chimneys.** Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Vacated openings into the interior of the residential structure must be permanently sealed using approved materials and the chimney capped pursuant to the Building Code. Proof of regular chimney inspection, maintenance, and cleaning shall be provided to the Inspector upon request.

iii. **59.130. Foundations and Structural Members.**
(a) Foundation elements shall adequately support the residential structure and shall be free of rot, crumbling elements, or similar deterioration.
(b) The supporting members of every residential structure shall be maintained in a structurally sound manner and have no deterioration or decay which would substantially impair their ability to carry the imposed loads.

iv. **59.135. Exterior Walls and Exposed Surfaces.**
(a) Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other

condition which might admit rain or dampness into the interior portions of the walls or the occupied spaces of the residential structure.
(b) All exterior wood surfaces shall be substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather resistant preservative, and be maintained in good condition. Wood used in the construction of permanent structures and located nearer than six inches to earth shall be treated wood or wood having a natural resistance to decay.
(c) Exterior metal surfaces shall be protected from rust and corrosion.
(d) Every section of exterior brick, stone, masonry, or other veneer shall be maintained in a structurally sound condition and shall be adequately supported and tied back to its supporting structure.

(d) Gresham PMC 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.

(e) Gresham PMC 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.

(f) Gresham PMC 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.

(g) Gresham PMC 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 rodents and other pests.

(h) Gresham PMC 304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(i) Gresham PMC 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 downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(j) Gresham PMC 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.

(k) Gresham PMC 304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts 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.

(l) **Gresham PMC 304.11 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 weathercoating materials, such as paint or similar surface treatment.

(m) **Gresham PMC 302.7 Accessory structures.** All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

(n) **Gresham PMC 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.

(o) **Gresham PMC 304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(p) **Gresham PMC 304.13.2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(q) **Gresham PMC 304.6 Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration.*

(r) **Gresham PMC 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 rodents and other pests.

(s) **Gresham PMC 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.

(t) **City of Beaverton**

- **i.** **8.07.140 A.** A foundation shall adequately support its structure and be free of rot, crumbling, or similar deterioration.

B. All supporting structural members of a foundation shall show no significant evidence of deterioration or decay that would substantially impair the ability of a foundation to carry imposed loads.

(u) City of Astoria

i. **5.678.A Accessory Structures.** All accessory structures, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

(v) Salem PMC

i. **50.530. Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration. When any non-residential building or structure is found to be missing a decorative feature, the Health Officer may require the missing decorative feature to be replaced with a similar material of similar size, shape, color and texture.

ii. **50.550. Accessory Structures**. All accessory structures, such as sheds, fences, walls and other similar structures shall be erected in a skilled manner and maintained in a structurally sound condition and in good repair, so as not to be in a state of deterioration. Accessory structures covered by the Building Code shall fall under the jurisdiction of the Building Official.

(w) Salem, RHC 59.105. Accessory Structures. All accessory structures on residential property shall be maintained in a structurally safe and sound condition and in good repair. Exterior steps and walkways shall be maintained free of obstructions or hazardous conditions.

(x) Portland, Housing Maintenance Code 29.30.020 Accessory Structures. All accessory structures on residential property shall be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

Starting Point:

It is the responsibility of the *owner* of any property, improved or unimproved, to maintain the *exterior property*, *premises*, *buildings* and *structures* of the property and the adjacent right of way in a manner that complies with the following requirements:

1) **General.** The exterior of a *building* or *structure* shall be maintained in good *repair* and structurally sound so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.
2) **Required Maintenance.** All systems, devices and safeguards required by this Chapter or by a previous statute or code applicable to the *building*, *structure* or *premises* at the time the *building*, *structure* or *premises* were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants.
3) **Skilled Work Required.** All *repairs*, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a *skilled manner*.
4) **Foundations and Structural Members.**
   a) Foundation elements shall adequately support the *building* and shall be free of rot, crumbling elements, or similar deterioration. All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects, rodents or pests.
   b) All supporting structural members in every *building* and *structure* shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.
5) **Exterior Walls and Exposed Surfaces.** Every exterior wall of a *building* and all weather-exposed exterior surface or attachment of a *building* shall be free of holes, breaks, loose or rotting boards or

timbers and maintained *weathertight* and properly surface coated where required to prevent *deterioration*. Every section of exterior brick, stone, masonry or other veneer applied to a *building* shall be maintained structurally sound and be adequately supported and tied back to its supporting *structure*.

6) **Chimneys.** Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of a *structure* shall be permanently sealed using approved materials.

7) **Roofs.** All *building* roofs shall be structurally sound and *weathertight*.

8) **Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a *building* or *structure* shall be maintained in good *repair* with proper anchorage and in a safe condition, so as not to be in a state of deterioration. When any *building* or *structure* is found to be missing a decorative feature, the City Manager or designee may require the missing decorative feature to be replaced with a similar material of similar size, shape, color and texture.

9) **Accessory Structures.** Every *accessory structure*, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good *repair*. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

10) **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.

E. Decks, Stairs and Handrails Maintenance

Building and Accessory Structure Maintenance	There are no standards requiring maintenance of exterior decks, handrails and stairs in one- and two-family dwellings. This may lead to conditions that may soon deteriorate but that are not yet dangerous.	Adopt requirements that decks, stairs and handrails be maintained in a safe condition.	All structure and occupancy types	**Continue**

(a) Gresham PMC 304.10 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.

(b) Gresham PMC 306.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

- **i. Exception:** Guards shall not be required where exempted by the adopted building code.

(c) City of Beaverton

- **i.** 8.07.160 Every stair, porch, and attachment to stairs or porches shall be:
  A. Safe to use and capable of supporting the loads to which it is subjected.
  B. Be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers so there is no excessive wear and no broken, warped, or loose parts.

- **ii.** 8.07.170 A. Every flight of stairs having more than four risers shall have a handrail on at least one side. Handrails shall be between 30 and 38 inches high, measured from the tread or floor of the landing or walking surface. Handrails shall be continuous the full length of the stairs.
  B. Every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface that is more than 30 inches above the floor or grade below shall have guardrails. Guardrails shall not be less than 36 inches high. Guardrails shall have intermediate rails or ornamental closures which will effectively exclude the passage of an object four inches or more in diameter.
  C. Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good repair, and capable of supporting the loads to which it is subjected.

(d) Salem, RHC 59.145. Stairs and Porches.

(a) Every stair, porch, and attachment to any stair or porch shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected. Every stair, porch, and attachment to any stair or porch shall be kept in good repair, including replacement as necessary of flooring, treads, risers, and stringers that are broken, warped, or loose.

(b) All stair and porch surfaces used as a means of egress shall have slip-resistant surfaces.

(e) Portland, Housing Maintenance Code

iii. 29.30.070 Stairs and Porches. Every stair, porch, and attachment to stairs or porches shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, or loose.

iv. 29.30.080 Handrails and Guardrails. Every handrail and guardrail shall be firmly fastened, and shall be maintained in good condition, capable of supporting the loads to which it is subjected, and meet the following requirements:

A. Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.

B. Where not otherwise required by original building codes, exterior stairs of more than three risers which are designed and intended to be used as part of the regular access to the dwelling unit shall have handrails. Interior stairs of more than three risers shall have handrails. When required handrails are installed they shall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.

C. Where not otherwise required by original building codes, porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guardrails. When required guardrails are installed, they shall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.

(f) Salem, RHC 59.150. Handrails and Guardrails.

(a) All unenclosed floor and roof openings; open and glazed sides of landings; balconies, decks, and porches which are more than thirty inches above grade; and roofs used as patios, decks, or similar service, and not exclusively for service or maintenance of the residential structure, shall be protected by guardrails not less than thirty-six inches in height.

(b) Guardrails shall be so constructed that no object four inches or more in diameter can pass through, and shall be maintained in a safe and usable condition, capable of withstanding all forces and loads to which they may be subjected in normal and panic situations.

(c) Handrails and guardrails required by building codes in effect at the time of construction shall be maintained in compliance therewith or, if removed, shall be

replaced with handrails and guardrails meeting the requirements of the Building Code in effect at the time of replacement.
(d) Where not otherwise required by the building codes at the time of construction, exterior stairways of more than three risers which are designed and intended to be used as part of the regular access to any dwelling unit or guest room shall have handrails. Interior stairways of more than three risers shall have handrails. When handrails are installed, they shall be constructed to meet the applicable Building Code requirements in effect at the time of installation.

Starting Point:

It is the responsibility of the *owner* of every property to maintain the *building* and *structures* on the property in a manner that complies with the following requirements:

1) Every exterior stairway, deck, porch and balcony and attachment to stairways, decks, porches and balconies shall be:

a) Maintained so as to be safe to use and capable of supporting the loads to which it is subjected;

b) Kept in sound condition and good *repair*, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, rotten, deteriorated or loose.

2) Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good *repair*, and capable of supporting the loads to which it is subjected.

a) Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced;

b) Where not otherwise required by original building codes, exterior stairs of more than three risers which are designed and intended to be used as part of the regular access to a *building* or *structure* shall have handrails. When required to be installed under this section, handrails shall be constructed so that they meet the applicable building code requirements in effect at the time this work is being performed**;**

c) Where not otherwise required by original building codes, porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guardrails. When required to be installed under this section, guardrails shall be constructed so that they meet the applicable building code requirements in effect at the time this work is being performed.

F. Exterior Lighting

Exterior Lighting	There are no requirements for the maintenance of exterior lighting in areas such as parking lots or walkways in and around apartment buildings. This has generated concerns regarding personal safety and security.	Adopt standards for the maintenance of exterior lighting in the described circumstances.	Renter-occupied properties; consider including all non-owner occupied properties	**Continue**

(a) Corvallis LDC 4.2.80(a) For safety purposes, lighting shall be provided in all areas designed to include pedestrian activities, such as streets, sidewalks, multi-use paths, parking lots, buildings, and plazas.

(b) Gresham PMC 302.3 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.

Starting Point:

It is the responsibility of the *owner* of every property to maintain the *building* and *structures* on the property in a manner that complies with the following requirements:

1) All exterior sidewalks, walkways, stairways, driveways, parking spaces and similar areas shall be kept in a proper state of *repair*, and maintained free from hazardous conditions.

2) Exterior site lighting required by the land development code or the building code at the time of development shall be maintained or, if removed, shall be replaced.

G. Graffiti

Graffiti	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Consider the development of a collaborative abatement program with involvement of stakeholders, paint companies, and community volunteers.	All public and private property of all types	**Continue**

(a) Albany, Graffiti Removal Program
(b) Portland, Graffiti Abatement Program
(c) Salem, Graffiti Busters

Starting Point:

No code language development foreseen. To be considered as an administrative program.

Housing & Neighborhood Services Division
Code Compliance Program
Operating Guidelines – Exterior

Definitions and Meanings

1) **Accessory Structure** means any structure not intended for human occupancy. Accessory structures may or may not be attached to a primary structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways.

2) **Attic** means the unfinished, non-habitable part of the residential structure between the roof and the ceiling immediately below.

3) **Building** means any structure designed, intended or used for supporting or sheltering any use or occupancy.

4) **Exterior Property** means the areas of a property which are outside the exterior walls and roof of a building. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, yards, gardens, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

5) **Dwelling.** Any structure containing dwelling units.

6) **Dwelling Unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating, and sanitation. For purposes of these codes and standards, the term shall mean a structure or part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household or who maintain a household in a common space. The term shall be understood to include dwellings in single-family structures, individual dwelling spaces within structures that contain two or more dwelling units or apartments, roominghouses, lodging houses and congregate living houses.

7) **Junk** means articles of personal property that have outlived their usefulness in their original form, regardless of value.

8) **Maintained compost** means a small portion of a property set aside for the purpose of methodically encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer or amendment for the soil on the property. A maintained compost shows clear indicators that the organic materials placed there are being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition does not constitute maintained compost.

9) **Multi-Family Dwelling**

10) **Naturescape.** Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

11) **Occupant** means any person, including an owner, tenant or operator, using a building or any part of a building for its lawful, intended use or having possession of a space within a building or structure or possession of a premises.

12) **Owner** means the person or entity whose name and address is listed as the owner of a property by the County Tax Assessor on the County Assessment and Taxation records.

13) **Premises** means a lot, or parcel of land, including any buildings or structures thereon.

14) **Rank Vegetation** means any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

15) **Receptacle,** in the context of Solid Waste provisions, means a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

16) **Repair** means the reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

17) **Skilled Manner** means executed in a proper manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

18) **Solid Waste** shall have the meaning under CMC 4.01.010.

19) **Structure.** That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

20) **Unsecured.** Any structure in which doors, windows, or apertures are open or able to be opened from the outside so as to allow access by unauthorized persons; unlocked or otherwise open to entry.

21) **Weathertight** means secure against wind, rain and natural elements.

Guidelines

1) **Modifications.** Where there are extreme hardships involved in carrying out provisions of this chapter, the City Manager or designee shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

2) **Effect of Compliance with New Construction Codes.** It is not the intent of this Chapter to impose any requirement more stringent than those contained in the Building Code. Therefore, any design, material, or method of construction which would satisfy all applicable requirements of the Building Code for identical new construction shall be deemed approved for use under this Chapter, notwithstanding any requirement herein which would appear to be more restrictive.

3) **Must** as used in this Title, is mandatory

4) **Shall** as used in this Title, is mandatory.

City of Astoria Property Maintenance Code
http://astoria.or.us/page/149

City of Gresham Property Maintenance Code (2006 IPMC)
https://greshamoregon.gov/city/city-departments/community-development/code-enforcement/template.aspx?id=5274

City of Beaverton Property Maintenance Code
http://www.codepublishing.com/or/beaverton/html/Beaverton08/Beaverton0807.html

City of Portland Housing Code
https://www.portlandonline.com/auditor/index.cfm?c=28732

City of Salem, Property Maintenance Code
http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CCUQFjAB&url=http%3A%2F%2Fwww.cityofsalem.net%2FDepartments%2FLegal%2FSalem%2520Revised%2520Codes%2FProperty%2520Maintenance.pdf&ei=9gcKVfbzOsicoQSTwoDQDg&usg=AFQjCNFLxAw_y6f_p7NGkfs8AyhwmQ0n7g

City of Salem, OR Rental Housing Code 5-2014
http://webcache.googleusercontent.com/search?q=cache:eulXp3tWrtgJ:www.cityofsalem.net/Departments/Legal/Salem%2520Revised%2520Codes/Housing%2520Code.pdf+&cd=6&hl=en&ct=clnk&gl=us

IPMC 2012 https://law.resource.org/pub/us/code/ibr/icc.ipmc.2012.html

City of Eugene Rental Housing Code
http://eugene-or.gov/rentalhousing

Comprehensive Recap of Livability Code Gaps for December 17, 2014 Administrative Services Committee Consideration

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Interior Lighting	Lack of adequate interior lighting of emergency exit paths may result in inability to exit safely in an emergency.	Adopt standards requiring maintenance of adequate interior lighting of exit discharge paths.	Renter-occupied residential properties	**Continue**
Interior Ventilation	Lack of requirements for maintenance of ventilation systems in bathrooms, kitchens or for clothes dryers may result in mold growth and surface degradation.	Adopt standards and performance criteria for the maintenance of interior ventilation systems.	Renter-occupied residential properties	**Continue**
Electrical Systems	Lack of requirement to replace electrical system components damaged by exposure to leaks or flooding may result in hazardous situation.	Adopt standards requiring replacement of electrical equipment and devices if exposed to water, with some exceptions.	Renter-occupied residential properties	**Continue**
	Lack of requirements for ground fault interrupt outlets in bathrooms, kitchens, etc. may result in hazardous situation.	Require installation of ground fault interrupt outlets in bathrooms, kitchens, etc.	Renter-occupied residential properties	**Continue**
Plumbing Systems	There is no performance standard for or definition of "hot water," which may prevent the production of a temperature adequate for bathing and cleaning.	Adopt a measurable temperature standard for water system performance.	Renter-occupied residential properties	**Continue**
Interior Sanitation	There are no clear standards for the maintenance of sanitary conditions in residential building interiors, which may present living situations that are unhealthy and/or unsafe.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Continue**
	Lack of standards requiring the maintenance or repair of bathroom and kitchen surfaces, making it difficult to keep them from becoming unsanitary, which may lead to unhealthy living situations.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Stop (get at in prior language if unsanitary)**
Heating	There is no requirement for heat in bathrooms which may make it difficult to maintain a comfortable and dry, mold-free environment.	Adopt standards for heat in bathrooms and other habitable areas not currently covered by the Rental Housing Code.	Renter-occupied residential properties	**Continue (focus on definition of habitable areas)**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Interior Security	There is no requirement for properly functioning door knobs/latches, and no standards for adequate door or window hardware, which may lead to inadequate occupant safety (ingress and egress).	Adopt maintenance requirements for doors and door hardware, including deadbolts, and for windows and window hardware to be maintained to a level sufficient to provide security and safe exiting for occupants.	Renter-occupied residential properties	**Continue**
Exterior Weather- and Waterproofing	There are no requirements for the prevention of air leakage under, through or around windows or doors, which may increase a resident's discomfort and/or costs for heating and cooling.	Adopt requirements for building envelopes and openings to be sound, in good repair and weather tight in order to prevent wind from entering a structure.	All structure and occupancy types	**Continue (rentals only)**
	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	**Continue**
Exterior Sanitation	There are no standards that prevent the accumulation of inadequately/improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	**Continue (1st focus on indoor furniture outdoors)**
Solid Waste Removal	There are no provisions to assign responsibility between landlords and tenants for the removal of solid waste from a property. This leads to complaints of over-accumulation of contained and uncontained solid waste.	Adopt assignments of responsibility between landlords and tenants for the provision of containers, containment and removal of solid waste from premises	Renter-occupied residential properties	**Continue**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Building and Accessory Structure Maintenance	There are no standards requiring general maintenance of buildings and accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.	Adopt requirements that primary and accessory structures be maintained sound and in good repair, and that exterior surfaces be maintained.	All structure and occupancy types	**Continue**
	There are no standards requiring maintenance of exterior decks, handrails and stairs in one- and two-family dwellings. This may lead to conditions that may soon deteriorate but that are not yet dangerous.	Adopt requirements that decks, stairs and handrails be maintained in a safe condition.	All structure and occupancy types	**Continue**
Exterior Lighting	There are no requirements for the maintenance of exterior lighting in areas such as parking lots or walkways in and around apartment buildings. This has generated concerns regarding personal safety and security.	Adopt standards for the maintenance of exterior lighting in the described circumstances.	Renter-occupied properties; consider including all non-owner occupied properties	**Continue**
Graffiti	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Adopt requirements for the prompt abatement of graffiti-defaced property as an obligation of the affected property owner.	All public and private property of all types	**Stop**
	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Consider the development of a collaborative abatement program with involvement of stakeholders, paint companies, and community volunteers.	All public and private property of all types	**Continue**
Fire Safety	There are no maintenance standards for door locks that are operable without keys or special knowledge from the egress side of a doorway. This may create situations in which occupants are unable to exit a building in an emergency. (Partially addressed in Interior Security section above.)	Adopt standards requiring door locks that are operable from the egress side without keys or special knowledge.	All structure and occupancy types	**Continue**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Fire Safety (continued)	There are no standards for the maintenance of emergency paths of travel and escape openings in one- and two-family dwellings. This may create situations in which occupants are unable to exit a building in an emergency.	Adopt standards requiring the maintenance of clear, unobstructed paths of travel and emergency escape openings for the purpose of safe ingress/egress.	All structure and occupancy types	**Continue**
	There are no standards for the maintenance or repair of fire-resistant surfaces (e.g., drywall) and assemblies (e.g. ceilings, walls between garages and living space). This may create hazardous situations if surfaces and assemblies are damaged and not returned to a fire-resistant state.	Adopt standards for the maintenance of fire-resistant surfaces and assemblies.	All structure and occupancy types	**Continue**
Occupancy Limits	There are no standards that specify how much space a dwelling unit must provide for eating, sleeping or living. This may lead to overcrowding of rooms, and in the overloading of dwelling units resulting in neighborhood impacts such as parking.	Adopt standards for minimum square footage allocation requirements to establish maximum occupancy loads in sleeping and living spaces within a dwelling unit.	Renter-occupied residential properties	**Stop**
General Maintenance (also discussed above)	There are no code provisions for the maintenance of structures. With no required maintenance the City is unable to address decline until the condition of a structure constitutes a dangerous building.	Adopt standards for the maintenance of structures to prevent decay that will constitute a dangerous building.	All structure and occupancy types	**Continue within context of areas discussed earlier**
Administration	There are inconsistencies between the three City codes that contain livability elements administered by the Housing and Neighborhood Services Division. This results in the application of different definitions, notices, compliance provisions, and penalties, leading to a process that is difficult for community members to understand, and that is relatively complex for City staff to administer.	Adopt a single code that pulls existing livability elements from the Corvallis Municipal Code, Rental Housing Code and Land Development Code; integrate additional code standards that result from the current consideration process into the resulting code document; adopt a single set of administrative provisions to guide the implementation of the resulting livability code.	N/A	**Continue**

MEMORANDUM

April 3, 2015

TO: Livability Code Departmental Advisory Committee

FROM: Ken Gibb, Community Development Director

RE: Meeting notes, refined language and follow-up information

Attached for your review are meeting notes that reflect the discussion of the Committee at your March 25 meeting. We will plan to review them with you when we meet April 7.

Also attached is refined language for the first three interior code gap issues we discussed March 25. As noted at the end of the meeting, we will provide you with refined language as we continue to work through this review process, but will plan to hold off discussion of that refined language until we have worked through discussion of starting language for each of the three gap areas (interior, exterior and administrative). Once we reach the point at which refined language is on your agenda we will repackage it in comprehensive form for final discussion.

Based on your discussion and suggestions we have refined the language relative to interior lighting. One change clarifies that the spaces in which the landlord is responsible for maintaining functioning bulbs. Relative to interior lighting of egress paths, we have added the term "lux" which is a measurement of light similar to footcandles but using a metric basis. As noted by staff during your previous discussion there really is no other measurement of the amount of light that is illuminating a certain point within a space than footcandles or lux. Because these are standard means of measurement, it is relatively simple to use them by utilizing a light meter such as those used by photographers. These meters are inexpensive, beginning at about $10 to $20.

Regarding language addressing ventilation we have made only one change, to remove "crawl spaces" in the preamble section. A review of Administrative Services Committee minutes confirmed that attics and basements had been discussed in conjunction with moisture prevention, but that crawl spaces had not (and staff realizes the practical difficulty in controlling moisture in that space). Additional standards for the prevention of moisture, by preventing water infiltration into a building, will be addressed within your discussions of building exteriors.

The third topic of your March 25 discussion was electrical systems, and here we have made more extensive refinements based both on your feedback and on subsequent conversations among Community Development Department staff. Regarding electrical equipment exposed to water we have added examples to illustrate the intent of the word "exposed," which is now explained as "submersion due to flooding; or inundation due to fire suppression operations; and drenching by storm water, intrusion of the elements or plumbing failures; etc." Much of this language and its intent is drawn from *Evaluating Water Damaged Electrical Equipment,* a publication of the National Electrical Manufacturers

Association (NEMA), an organization that develops technical and safety standards for electrical equipment and the electrical industry. A copy of the publication, which also includes guidance for the replacement, assessment and repair of electronic components, is attached. Because questions regarding whether the level of damage could first be safely assessed rather than moving immediately to replacement of water exposed components, we anticipate that further discussion will occur on this topic.

With regard to requirements for grounded or Ground Fault Circuit Interrupt (GFCI) outlets, language has been modified to remove specific reference to laundry rooms and to include kitchens and other interior locations with a water containment or supply fixture in its area (which presumably includes laundry rooms). These terms align with Administrative Services Committee discussions on this issue.

At the end of your discussion of electrical issues on March 25 I stated that staff would discuss technical questions that had arisen with the City's electrical inspector. A memo from Dan Carlson outlining the inspector's thoughts on questions of assessing water-exposed electrical components for damage, and what is likely to happen if damage has occurred, is attached. That memo also discusses who might assess damage or the likelihood of damage, whether a GFCI outlet could be installed in a 2-wire (ungrounded) electrical system, and who may perform electrical work/who is exempt from electrical licensing laws, i.e., is a property owner or manager considered a "housing authority?" As Carl had asked these questions during a visit with the City's electrical inspector earlier this week, the questions and their responses are also included here for the information of the group as a whole.

Thanks for your time to date and to come, we'll see you next Tuesday at 10:00. If you have questions regarding that day's remaining interior code items or the exterior items to come, please get them to Kent by noon on Monday.

Attachments: March 27 meeting notes
Refined language for interior egress path lighting, ventilation and electrical systems
Evaluating Water Damaged Electrical Equipment
Memorandum from Dan Carlson on electrical system questions

City of Corvallis Community Development Department
Livability Code Departmental Advisory Committee
Notes for the meeting of March 25, 2015
Meeting time: 10:00 a.m.
Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Carl Carpenter, Holly Sears, Jerry Duerksen, Jim Moorefield, Karen Levy Keon, Ken Gibb, Trish Daniels
Staff present: Bob Loewen, Chris Westfall, Dan Carlson, Kent Weiss

I. Call to order at 10:02.

II. Review of March 10, 2015 meeting notes
Gibb asked for comments, changes or additions regarding the March 10 meeting notes; no changes were requested.

III. Review and discussion of livability code language: interior code gaps
Gibb asked Weiss to introduce the staff report and provide background on the planned presentation of materials in the meeting packet. Weiss outlined the content of the packet, pointing out its inclusion of examples of language from other jurisdictions, starting point examples for local language, and draft operating guidelines. He invited Westfall to begin an element-by-element review of the seven interior gaps and potential coverage language identified in Attachment 1 as a "Starting Point."

Before beginning Westfall explained that examples of other jurisdictions' language included in the packet were selected where they seemed to address the gaps identified by the Administrative Services Committee; not all were included for each gap element because some jurisdictions did not cover each of the code provisions, and in some cases there were redundancies between jurisdictions. Beginning with the packet materials for the Committee's April 23 meeting, staff will include all jurisdictions for each point and when examples are not included for one or more of them, explain why that is. Staff will also begin including verbatim restatements from the gap matrix for each element to be covered.

Interior Lighting of Accessible Means of Egress

Westfall began an overview of code gap language examples for interior lighting of accessible means of egress, and noted the suggested Corvallis starting point for local language. Committee discussion focused first on the use of the term "footcandle" as a measurement of illumination, with some members feeling it is too technical for property managers or owners to interpret and determine whether they are in compliance. Staff noted that the Administrative Services Committee has asked for objective standards for code language, and so the draft code language reflects an attempt to avoid using subjective standards that might be difficult to apply consistently and that could be open to broad interpretations. Staff will look at alternative or additional, simpler "plain language" for the measurement of illumination that still includes a standard and means to quantify, although the Committee's concluding thoughts on this matter included a recognition that technical standards will be necessary and that the interest in providing "plain language" could be accomplished in separate outreach materials.

Westfall clarified that, other than in the common hallways, stairways, etc of multi-family dwellings, landlords must provide the means for lighting – either permanent fixtures or switched electrical outlets into which lamps can be plugged – but the operating guidelines do not stipulate that the landlord must provide light bulbs for interior spaces. For common spaces (e.g., hallways and stairways, etc.) in apartment complexes, the landlord would be required to provide and maintain the required lighting, including bulb replacement. Staff will refine the starting point code language to clarify this point. Staff will also look to provide clarification regarding how "grandfathering" of older units that might not meet the code requirements would be approached.

Interior Ventilation/Maintenance for Bathrooms, Kitchens and Clothes Dryers

Westfall reviewed examples of code language from other jurisdictions and the starting point language included with the staff report. Discussion focused first on the standard that will be used to evaluate the performance of a bathroom ventilation system. Concern was expressed about the use of a standard requiring .35 air changes per hour and the difficulty landlords and tenants might have evaluating performance against that standard. Others noted that the calculation of room volume and air change rates, as clarified in the draft operating guidelines, would be relatively simple. Westfall clarified that the intent of the standard is to prevent conditions conducive to decay, mold growth or deterioration of the structure, and that if none of those conditions is present it is unlikely the City would receive a complaint. A tenant would be most likely to complain if one or more of those conditions are present, and in that case staff would evaluate the ventilation system's ability to meet the standard. In discussing how tenants and landlords will know about the standard and how it is or is not being met, staff explained that once code language is finalized there will be outreach to educate all parties regarding this and other livability code standards.

In response to a question about whether language in (a) ii should read "kitchens and other spaces" or simply "kitchens" to be consistent with the wording of the livability code gap matrix Westfall explained that cooking or other activity that creates fumes, dust etc. sometimes occurs in spaces that are not kitchens; however, staff will review Administrative Services Committee minutes to confirm intent. In response to a question about whether language in (a) should include "Every dwelling, including basements, attics and crawl spaces" Westfall explained that that section is a general statement that does not include standards, and that sections (a)i, (a) ii, and (a) iii have room-specific standards. The inclusion of those spaces reflects broader ASC discussion of water intrusion into dwelling units.

Discussing ventilation in kitchens and other spaces Westfall explained that if a local exhaust ventilation system is present it must be maintained, but if there is no ventilation system the draft code language does not require that one be installed. Staff will clarify in this section and others when applicable that the code requirement is to maintain systems or components that exist rather than add new systems or components. Staff will also remove "other spaces" from section (a) ii.

Returning to a discussion of the .35 air changes per hour standard for bathroom ventilation, there was no consensus as to whether this or another standard should be included in code language. Gibb invited members of the Committee to send suggestions or ideas to Weiss for staff consideration.

Electrical Systems

Westfall explained that the intent of paragraph (a) a. of this section is to require the replacement of electrical components that have been exposed to water, noting that typically at the time of exposure an electrical component will not show indications of damage, but through oxidation and subsequent deterioration is likely to become hazardous. Discussion focused on whether code language should specify "exposed to water" or "damaged by water." Westfall explained that current electrical code authority gives the City the ability to address hazardous electrical systems or components, such as hazardous situations caused due to damage, but that the 'gap' is in the area of the potential and latent impacts that develop over time when the electrical components have been exposed to water. Gibb stated that staff will confer with the City's electrical inspector to get his perception of how well the ultimate damage that will occur following water exposure of electrical components can be assessed; staff will also get the inspectors' assessment of what happens when long term water damage occurs and what components will become most dangerous.

Moving to the next section of Electrical Systems code language Westfall explained that the code would require laundry areas to have a grounded (three prong) receptacle or a receptacle with ground fault circuit interrupter (GFCI) protection; every bathroom to contain at least one receptacle and that any new or replacement receptacle have GFCI protection; and that all receptacle outlets would be required to have an appropriate faceplate. Discussion of whether the intent was to require new GFCI outlets in laundry areas and bathrooms, or just the addition of GFCIs when replacing existing outlets in those rooms. Also discussed was whether kitchens should be included in the areas to have GFCI protection. The code gap matrix states

"Require installation of ground fault interrupt outlets in bathrooms, kitchens, etc." in its Suggested Gap Closure language. Westfall noted that the "etc." reflected ASC discussion of this issue in which GFCI protection was recommended for bathrooms, kitchens and other water containing or producing rooms.

Following further discussion it was concluded that staff would bring back revised language for this section reflective of the discussion, stating something along the lines of "All kitchens, bathrooms and laundry areas shall have a ground fault circuit interrupt outlet."

Noting that two hours had elapsed since the beginning of the meeting, Gibb asked committee members if they would like to continue for another 30 minutes or pick up again at the next meeting. Consensus was that waiting for the next meeting was preferable. It was noted that this may mean an additional meeting will need to be scheduled to complete the process. Discussion will pick up on April 7 with the fourth interior standard (Plumbing Systems), and following discussion of the interior standards a discussion of exterior standards will begin. Toward this end the packet of information for the next meeting will include examples of language from other jurisdictions, potential beginning language and definitions/implementation guidelines relative to exterior standards, in a format similar to the one used for interior standards.

IV. Review of upcoming meeting schedule. Meeting dates and times were listed in the agenda; this item was not discussed further.

V. Other business. There was no other business.

VI. Adjournment. The meeting was adjourned at 12:05.

Refined Livability Code language for interior lighting, ventilation and electrical systems based on discussion by the Livability Code Departmental Advisory Committee on March 25, 2015.

The refined language below is provided in a markup version relative to the "Starting Point" language discussed by the Committee on March 25. This refined language will be discussed following the completion of consideration of raw language for interiors, exteriors and administration.

Refined Language: Interior Lighting

(a) Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space, other than in 1-2 family dwellings, shall, at all times, provide minimum illumination of 1 footcandle (11 lux) at floors, landings and stairs for all common areas and spaces in all residential occupancies, with responsibility to maintain functioning bulbs; and, for all other *Accessible Means of Egress*[3] *within dwelling units*, shall provide *the means*[4] for minimum illumination of either 3 footcandles (33 lux) at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart.

(b) Every *Landlord*[1] who rents, leases or lets one or more *dwelling unit*[2] or sleeping unit of any 1-2 family structure shall provide *the means*[4] for minimum illumination of either 3 footcandles (33 lux) at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart, for all *Accessible Means of Egress*[3].

Refined Language: Interior Ventilation

(a) Every dwelling, including basements, and attics ~~and crawl spaces~~ shall be maintained *reasonably free from dampness*[5] to prevent conditions conducive to decay, mold growth, or deterioration of the structure. Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space shall be responsible to maintain ventilation systems in compliance with these requirements.

- **i.** Except where another *approved*[6] ventilation device is provided, the total openable window area in every bathroom and toilet room or compartment shall be equal to at least one-fortieth (2.5%) of the area of the room. The glazed areas of a window in such spaces need not be openable where an *approved*[6] mechanical ventilation system is provided that is functional and *capable of producing*[7] *0.35 air changes per hour*[5] in the room.
- **ii.** In kitchens and other spaces where injurious, toxic, irritating or noxious fumes, gases, dusts, vapors or mists are generated, a local exhaust *ventilation* system shall be maintained to remove the contaminating agent at the source.
- **iii.** Clothes dryer exhaust systems shall be independent of all other systems, shall be exhausted outside the structure and shall be installed in accordance with manufacturer's instructions. Mechanical clothes drying appliances and exhaust systems shall be properly installed, connected, and maintained in a safe condition and good working order. Exhaust hoses must be free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards.

Refined Language: Electrical Systems (components)

(a) Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space shall replace in accordance with the provisions of the Oregon Electrical Specialty Code any electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water. For purposes of this Section, the term "*exposed to water*" shall include but is not limited to submersion due to flooding; or inundation due to fire suppression operations and fire fighting activities; and drenching by stormwater, intrusion of the elements or plumbing failures; etc.

i. **Exception:** The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved*[6] manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

Refined Language: Electrical Systems (GFCIs)

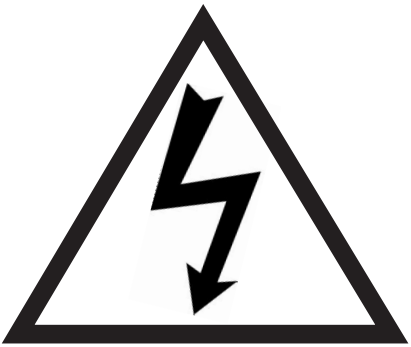
(a) Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space shall be responsible to provide and maintain each building and *dwelling unit*[2] in accordance with these standards:

a. Every ~~laundry~~ kitchen and other interior location with a water containment or supply fixture in its area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter.

b. Every *bathroom* shall contain at least one receptacle. Any new or replacement *bathroom* receptacle outlet shall have ground fault circuit interrupter protection.

c. All receptacle outlets shall have the appropriate faceplate cover for the location.

Evaluating Water-Damaged Electrical Equipment



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1 USE OF THIS PUBLICATION

This publication provides information on how to evaluate electrical equipment that has been exposed to water through flooding, fire fighting activities, hurricanes, etc. It is designed for use by suppliers, installers, inspectors and users of electrical products.

Electrical equipment exposed to water can be extremely hazardous if reenergized without performing a proper evaluation and taking necessary actions. Reductions in integrity of electrical equipment due to moisture can affect the ability of the equipment to perform its intended function. Damage to electrical equipment can also result from flood waters contaminated with chemicals, sewage, oil and other debris, which will affect the integrity and performance of the equipment. Ocean water and salt spray can be particularly damaging due to the corrosive and conductive nature of the salt water residue.

Distributors of electrical equipment should not supply any inventory that has been subjected to water damage. This can lead to damaged equipment still being used and creating a hazard to individuals or property.

2 CONTACT THE MANUFACTURER

Working knowledge of electrical systems and of the equipment in question is required to evaluate damage due to contact with water. The original manufacturer of the equipment should be contacted if any questions arise or specific recommendations are needed. In many cases, replacement will be necessary.

After consultation with the manufacturer, some larger types of electrical equipment may be reconditioned by properly trained personnel. The potential to recondition
the equipment may vary with the nature of the electrical function, the degree of flooding, the age of the equipment, and the length of time the equipment was exposed to water.

Attempts to recondition equipment without consulting the manufacturer can result in additional hazards due to the use of improper cleaning agents, which can further damage the equipment (see *National Electrical Code*® Section 110.11 Informational Note No.2) or due to improper reconditioning techniques.

NEMA member companies are committed to safety. For specific contacts within these manufacturing firms, call or write:

National Electrical Manufacturers Association
1300 North 17th Street, Suite 1752
Rosslyn, Virginia 22209
Telephone: (703) 841-3236
Fax: (703) 841-3336
ATTN: Vince Baclawski
email: vin_baclawski@nema.org
web: www.nema.org/evaluatingWaterDamage

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3 ELECTRICAL EQUIPMENT REPLACEMENT/ RECONDITIONING REQUIREMENTS

The table shown below provides the requirements and recommendations associated with various categories of electrical equipment that have been subjected to water damage. Where it is shown that the equipment "may be reconditioned" it is critical that the manufacturer of the equipment be contacted for specific guidance.

Equipment	Replace Equipment	May be Reconditioned (Contact the manufacturer.)	Additional Standards Reference (if available)
ELECTRICAL DISTRIBUTION EQUIPMENT (refer to 4.1)			
Molded case circuit breakers	X		
Low voltage fuses	X		
Switches	X		NEMA KS 3-2010, Guidelines for Inspection and Preventive Maintenance of Switches Used in Commercial and Industrial Applications
Busway (mylar wrapped bars)	X		NEMA BU 1.1-2000, General Instructions for Handling, Installation, Operation, and Maintenance of Busway Rated 600 Volts or Less, para 3.4.4, 9.2.4.2
Busway (powder coated bars)		X	
Panelboards		X	NEMA PB 1.1-2002, General Instructions for Proper Installation, Operation, and Maintenance of Panelboards Rated 600 Volts or Less, para. 10.3, 10.8.3, 10.8.4

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Equipment	Replace Equipment	May be Reconditioned (Contact the manufacturer.)	Additional Standards Reference (if available)
Switchboards		X	NEMA PB 2.1-2002, General Instructions for Proper Handling, Installation, Operation and Maintenance of Deadfront Distribution Switchboards Rated 600 Volts or Less, para. 11.3.1.3, 11.10
MOTOR CONTROL EQUIPMENT (refer to 4.2)			
Adjustable speed drives		X	
Components containing semi-conductors and transistors	X		
Electronically controlled and solid state contactors and starters	X		
Overload relays	X		
Manual and magnetic controllers		X	
Motor control centers (see 4.2.2)		X	

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Equipment	Replace Equipment	May be Reconditioned (Contact the manufacturer.)	Additional Standards Reference (if available)
POWER EQUIPMENT (refer to 4.3)			
Electronic trip units of LV power circuit breakers	X		
High-voltage circuit breakers (AC)		X	
Low voltage power circuit breakers		X	
Protective relays, meters, and current transformers (see section 4.11 for devices that contain electronic components)		X	
Low voltage switchgear		X	
Medium voltage switchgear		X	
TRANSFORMERS (refer to 4.4)			
All dry-type transformers regardless of kVA ratings	X		
All dry type control circuit transformers	X		

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Equipment	Replace Equipment	May be Reconditioned (Contact the manufacturer.)	Additional Standards Reference (if available)
Liquid-filled transformers	X (Analysis of the insulating medium is required for evaluation of this equipment.)		
Cast-resin transformers	X		
CONDUIT, TUBING, FITTINGS, OUTLET BOXES AND JUNCTION BOXES (refer to 4.5)			
Fittings	X		NEMA FB 1-2007(R2010), Fittings, Cast Metal Boxes and Conduit Bodies for Conduit, Electrical Metallic Tubing (EMT) and Cable
Outlet and Junction Boxes	X		NEMA OS 1-2008 (R2010), Sheet-Steel Outlet Boxes, Device Boxes, Covers and Box Supports NEMA OS 2-2008, Nonmettalic Outlet Boxes, Device Boxes, Covers and Box Supports
Conduit and Tubing		X	

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Equipment	Replace Equipment	May be Reconditioned (Contact the manufacturer.)	Additional Standards Reference (if available)
WIRE, CABLE AND FLEXIBLE CORDS (refer to 4.6)			
Wire or cable listed for dry locations (such as NM-B)	X		
Wire or cable that is suitable for wet locations (Provided the ends of the wire or cable have not been exposed to water and the wire is not damaged.)		X	
AFCIs, GFCIs, SURGE PROTECTIVE DEVICES AND WIRING DEVICES (refer to 4.7)			
Arc Fault Circuit Interrupters (AFCI) and Ground Fault Circuit Interrupters (GFCI)	X		
Surge Protective Devices (transient voltage surge suppressors, surge arresters, lightning arresters)	X		
Wiring Devices (switches, receptacles, dimmers, etc.)	X		

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Equipment	Replace Equipment	May be Reconditioned (Contact the manufacturer.)	Additional Standards Reference (if available)
OTHER DEVICES			
Cable Tray (refer to 4.8)		X (Replace damaged labels.)	
`Fire Pump Controllers		X	NEMA ICS 15-2011, *Instructions for the Handling, Installation, Operation, and Maintenance of Electric Fire Pump Controllers Rated Not More Than 600V*
Luminaires (lighting fixtures), ballasts and LED Drivers (refer to 4.9)	X		
Motors (refer to 4.10)		X	ANSI/IEEE 43-2000, A2 and A3
Signaling, Protection and communi-cations systems (refer to 4.11)	X		

4 THE HAZARDS ASSOCIATED WITH WATER-DAMAGED ELECTRICAL EQUIPMENT

4.1 Electrical Distribution Equipment

Electrical distribution equipment usually involves switches and low-voltage protective components such as molded case circuit breakers and fuses within assemblies such as enclosures, panelboards and switchboards. These assemblies can be connected to electrical distribution systems using various wiring methods.

The protective components are critical to the safe operation of distribution circuits. Their ability to protect these circuits is adversely affected by exposure to water and to the minerals, contaminants, and particles, which may be present in the water.

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In molded case circuit breakers and switches, such exposure can affect the overall operation of the mechanism through corrosion, through the presence of foreign particles, and through loss of lubrication. The condition of the contacts can be affected and the dielectric insulation capabilities of internal materials can be reduced. Further, some molded case circuit breakers are equipped with electronic trip units and the functioning of these trip units can be impaired. Water may affect the filler material of fuses and will degrade the insulation and interruption capabilities.

Distribution assemblies contain protective components together with the necessary support structures, buswork, wiring, electromechanical or electronic relays and meters. Exposure to water can cause corrosion and insulation damage to all of these areas. In the case of exposure of distribution assemblies to water, contact the manufacturer before further action is taken.

4.2 Motor Control Equipment

Motor circuits include motor control devices such as motor starters and contactors, together with overcurrent protection components such as overload relays, circuit breakers, and fuses are often assembled into motor control panels and motor control centers as well as individual enclosures. Motor control centers contain both control and protective components together with support structures, buswork and wiring.

The protective components are critical to the safe operation of motor circuits and their ability to protect these circuits is adversely affected by exposure to water, and to the minerals, contaminants, and particles, which may be present in the water. For molded case circuit breakers, such exposure can affect the overall operation of the mechanism through corrosion, through the presence of foreign particles, and through loss of lubrication. The condition of the contacts can be affected and the dielectric insulation capabilities of internal materials can be reduced. Further, some molded case circuit breakers are equipped with electronic trip units, and the functioning of these trip units can be impaired. Water may affect the filler material of fuses and will degrade the insulation and interruption capabilities.

Corrosion, loss of lubrication and insulation quality can also be expected in contactors and starters. Solid-state motor controllers, adjustable speed drives and those electromechanical contactors or starters with integral electronic circuitry will be more severely affected by water.

4.2.1 Adjustable Speed Drives

Adjustable Speed Drives generally contain electronic components. See section 4.11 for information on equipment with electronic components. For other components of an adjustable speed drive, the ability to refurbish those components will depend on the type of component involved and the extent of the damage. The manufacturer of the drive must be consulted prior to any attempt to refurbish the equipment.

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4.2.2 Motor Control Centers

Motor control centers contain many different components including fuses, circuit breakers, controllers, overload relays, adjustable speed drives and components such as buswork, insulators and enclosures. Many of these components are covered in other parts of this document and should be referenced for additional information on those components.

For the buswork and structural assembly, exposure to water can cause corrosion and insulation damage. For these assemblies contact the manufacturer before further action is taken.

4.3 Power Equipment

Power equipment involves low voltage or medium voltage protective devices within an overall switchgear assembly. The assembly may also contain cabling, buswork with appropriate insulators, current transformers, electromechanical or electronic relays, and metering.
Reliable operation of the protective devices is vital to system safety. These devices can be adversely affected by water. In the case of low voltage power circuit breakers and medium voltage circuit breakers and switches, the operation of the mechanism can be impaired by corrosion, by the presence of particles such as silt, and by the removal of lubricants. The dielectric properties of insulation materials and insulators will degrade and, for air circuit breakers, the condition of the contacts can be affected.

Further, low voltage power circuit breakers usually incorporate electronic trip units; the functioning of these units will be impaired. Similarly, the functionality of electronic protective relays and meters can be impaired. See section 4.11 for additional information on electronic components.

Water may affect the filler material of fuses and will degrade the insulation and interruption capabilities.

Low voltage power circuit breakers and medium voltage breakers are designed to be maintainable with the possibility of replacing contacts in air circuit breakers. Therefore, it maybe possible to reuse such circuit breakers provided the refurbishing is performed in close consultation with the manufacturer. This includes cleaning and drying techniques, lubrication advice, and thorough testing prior to the reapplication of power. However, discard and replace the electronic trip units of low voltage power circuit breakers, and electronic protective relays and meters in any power equipment.

Replace fusible units of fused equipment. The remainder of the apparatus may be suitable for refurbishing in close consultation with the manufacturer.

In all cases, great attention must be paid to the thorough cleaning, drying, and testing of insulators and insulation material.

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The power equipment can be expected to contain additional electronic units such as solid state relays. These units can also be vital to the correct functioning of the protective device, and great care is needed in the cleaning and testing of such units. A first recommendation is to return the devices to the manufacturer. If this is not possible, the manufacturer should be consulted on the correct selection of cleaning agents that remove impurities without damaging the conformal coating. The manufacturer shall also be contacted for the specific testing required of sophisticated electronic equipment containing, for example, microprocessors.

The overall power equipment assembly (switchgear) may be able to be reconditioned provided careful steps are taken in the cleaning, drying and testing of the equipment prior to applying power. This requires input and advice from the manufacturer. An area of particular concern is the maintenance of the dielectric properties of insulation. In the field application of medium voltage equipment, standoff insulators are subjected to a wide variety of high voltage surges. Such insulators may need replacement.

4.4 Transformers

Exposure of transformers to water can cause corrosion and insulation damage to the transformer core and winding. The ability of the transformer to perform its intended function in a safe manner can also be impaired by debris and chemicals, which may be deposited inside the transformer during a flood. Water and contaminates will also damage the transformer fluids.

4.5

4.5.1 Outlet Boxes and Fittings

Outlet boxes and fittings, whether metallic or nonmetallic, for use in indoor dry locations have not been evaluated for effects of exposure to conditions described in “Use of this Publication”. The presence of known or unknown corrosive agents in flood water in particular can affect the physical properties of nonmetallic materials and the required corrosion protection for electrical equipment according to NEC Section 300.6. Therefore, replacement of outlet boxes and fittings in accordance with original installation requirements is recommended.

4.5.2 Conduit and Tubing

In the case of flooding, fire-fighting activities or other instances of unusual water exposure, conduit and tubing must be carefully inspected to determine if the mechanical and electrical integrity of the conduit/tubing system has been compromised. Flood waters, in particular, may be contaminated with oil, chemicals, sewage and other debris that could enter the conduit/tubing and prevent a clear path for the replacement of conductors or cables. As part of the inspection process, assure that the interior of the conduit/tubing is clear. In addition, contaminants may also affect the physical properties of metallic and nonmetallic materials and the corrosion protection for electrical equipment as required in NEC Section

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300.6. Since every situation has unique circumstances the services of an experienced evaluator should be used. The manufacturer can also be consulted for additional assistance.

4.6 Wire, Cable and Flexible Cords

When any wire or cable product is exposed to water, any metallic component (such as the conductor, metallic shield, or armor) is subject to corrosion that can damage the component itself and/or cause termination failures. If water remains in medium voltage cable, it could accelerate insulation deterioration, causing premature failure. Wire and cable listed for only dry locations may become a shock hazard when energized after being exposed to water.

Any recommendations for reconditioning wire and cable in Section 1.0 are based on the assumption that the water contains no high concentrations of chemicals, oils, etc. If it is suspected that the water has unusual contaminants, such as may be found in some floodwater, the manufacturer should be consulted before any decision is made to continue using any wire or cable products.

4.7 AFCIs, Wiring Devices, Ground Fault Circuit Interrupters (GFCI) and Surge Protective Devices

Sediments and contaminants contained in water may migrate into the internal components of installed electrical products and remain there even after the products have been dried or washed by the user. These may adversely affect the performance of those products without being readily apparent to the user community. Also, electrical products, such as AFCIs, GFCIs and surge protective devices, contain electronic circuitry and other components, which can be adversely affected by water resulting in the device becoming non-functional or a hazard to the user. Air drying and washing of water damaged products of this type should not be attempted.

4.8 Cable Tray

Carefully inspect the cable tray system to determine if its mechanical and/or electrical integrity has been compromised. Repair or replace any damaged portions per original installation requirements. Remove all debris from the cable tray. If any labels warning against the use of the cable tray as a walkway have been damaged, obtain new labels from the manufacturer and apply as required.

4.9 Luminaires (Lighting Fixtures), Ballasts and LED Drivers

Fluorescent, high-intensity discharge, incandescent and LED luminaires are not intended for submersion in water except for those that are listed as submersible luminaires. Flooded luminaires and associated equipment may be damaged by corrosive materials, sediment, or other debris in the water. Corrosion of metallic parts and contamination of internal circuitry may prevent the equipment from operating properly.

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4.10 Motors

Motors that have been flooded by water may be subjected to damage by debris or pollutants. This may result in damage to insulation, switches, contacts of switches, capacitors and overload protectors, corrosion of metallic parts, and contamination of the lubricating means and should be evaluated by qualified personnel.

4.11 Electronic Products, Including Signaling, Protection, Communication Systems and Industrial Controls

Equipment used in signaling, protection and communication systems generally contain electronic components, and the exposure of such equipment to water or corrosives can adversely affect the reliability of those systems. Contamination by pollutants or debris in flood waters may cause corrosion of components of the system, shorting or alteration of printed circuits, or alteration of circuit characteristics. Since some of these types of installations are classified as life safety systems, it is important that the reliability of those systems be maintained.

Where such systems are damaged by water, replace components of these systems or return the equipment to the manufacturer for appropriate cleaning, recalibration, and testing. Manufacturers of these systems should be contacted for information on specific equipment.

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MEMORANDUM

To: Ken Gibb, Community Development Director
Kent Weiss, Housing & Neighborhood Services Division Manager

From: Dan Carlson, Development Services Manager/Building Official

Date: April 2, 2015

Subject: Electrical Safety Questions from Livability Code Departmental Advisory Committee

Earlier this week Development Services Electrical Inspector, Frank DeWilde, was requested to consider the following questions that were raised in the March 25, 2015, LCDAC meeting. Responses are also provided below each question:

1) How well can a person assess the likely long term damage of electrical components at the time of water exposure?
    a. Depends on what the level of exposure is and the duration of exposure. This is a judgment call that needs to be made by a professional electrician who is trained and knows what they are looking at. If electrical components are submerged in a flood situation for even just a few minutes, the electrical system would need to be evaluated. If the exposure was due to a spraying or misting effect, such as from a short term hose spray, it is likely the components could be dried, but care would need to be taken to take the system apart to inspect, thoroughly dry the components, then reinstall. It would also depend on the type of electrical component as some items are particularly sensitive and susceptible to failure. Cheaply made GFCI outlets are notorious for failing and can require complete replacement with regular use, even without moisture intrusion.

2) What happens to those components when long term damage occurs, and what components are most dangerous?
    a. Corrosion typically occurs which can lead to a shorted out electrical system which can cause fires. If an electrical system becomes compromised because of water intrusion, many of the components are sealed/molded together so they cannot be taken apart and effectively inspected or dried. They also would not be listed for wet use, and could lose their UL or other listing from whichever testing lab approved and listed as safe equipment. If ground fault occurs, where the person becomes the ground path of least resistance, then shock would be experienced which we hear about quite a lot. There is no telling what components are most dangerous. If it is compromised and starts a fire or shocks or kills someone, then there is no question that it's dangerous. Best thing is just to replace it if there is any question.

3) Is a licensed electrician's (or Frank's) assessment of those situations adequate to determine whether something would be safe in the future or not?
    a. A licensed electrician could likely provide this service. Development Services inspection program focuses on new construction, remodels, or dangerous conditions. DS is funded

through fees which pay for inspection services as required by state law. DS is not funded to perform maintenance inspections.

4) Along those lines, could the City Electrical Inspector do the assessment?
   a. The City is not in a position to assume liability for performing this inspection, nor would it have the staffing available. This inspection would need to be completed by either a testing lab or a 3rd party licensed electrician.

As an aside there was a follow-up question regarding GFCI outlets and whether or not they will work on a 2-wire system?

The GFCI is short for Ground Fault Circuit Interrupter and is does what the name describes. It interrupts and trips the circuit when ground fault is detected. The beauty of a GFCI is you can install one as the lead outlet in a circuit, and the rest of the outlets that trail on that circuit also become GFCI protected if connected to the load side of the circuit.

In answer to this question Frank indicated that a 2- wire system can in fact have a GFCI outlet installed and will perform well. A 3-wire system includes a ground wire and offers a higher level of protection than a 2-wire system as a circuit breaker will also typically trip back at the electrical panel when there is a ground fault issue with the circuit.

A GFCI outlet is an excellent safeguard against shock, particularly in older 2-wire installations that are ungrounded as the GFCI senses when the current is going to ground through the person, rather than remaining within the neutral conductor in a 2-wire system.

Folks need to be aware that there is definitely a difference in quality with GFCI's. Cheap GFCI's do not typically last. In some cases Frank has done final electrical inspections and tripped the GFCI, then attempted to reset, only to have the owner replace it because it cannot withstand minimal tripping.

A question was also recently raised regarding a term "housing authority" noted in ORS 479.540, as it relates to individuals who can do electrical work being exempt from certain electrical licensing laws. This term does not mean property owner or property manager. Housing authority is a specific term that relates to a government entity. This perspective has been confirmed with the State Electrical Chief.

Please let me know if there are other code related questions.

-Dan

CITY OF CORVALLIS
LIVABILITY CODE DEPARTMENTAL ADVISORY COMMITTEE
MEETING AGENDA

10:00 a.m. Thursday, April 23, 2015
Madison Avenue Meeting Room
500 SW Madison Avenue

I. Call to order

II. Review of April 7, 2015 meeting notes (to follow)

III. Continued Committee review and discussion of livability code language for exterior code gaps

IV. Initial Committee review and discussion of livability code language for fire safety and administrative provisions code gaps

V. Review of upcoming meeting schedule:
   a. Monday, May 11 at 9:00 a.m.
   b. Proposed: Likely June 3, time TBD
   c. All meetings are scheduled to occur in the Madison Avenue Meeting Room

VI. Other business

VII. Adjourn

MEMORANDUM

April 13, 2015

TO: Livability Code Departmental Advisory Committee

FROM: Community Development Staff

RE: Comparative Livability Standards and Suggested Starting Points for Livability Code Language Discussion – Fire Safety and Administrative Provisions

Included with this cover memo is a packet of information that will provide the basis for your upcoming discussion of livability code language development specific to fire safety and administrative provisions. We are anticipating that you may begin discussion of these items on April 23, following the completion of your work on raw exterior code language.

We planned originally to bring back refined language for each code element (interior, exterior and fire/administrative) as soon as you completed discussion of that element's raw language. However, given the length of prior Committee discussions and our sense from previous meetings that it will be helpful for you to consider the entire package of refined language as a whole, our current plan is to work through all of the refined language at one time, after you finish with the raw language for fire safety and administrative provisions. We will continue developing refined language as we go following each of your meetings.

On April 23 your discussion will continue to focus on raw language to close code gaps related to building and property exteriors, picking up again with section A., Exterior Weather/Waterproofing. If you work through all of the exterior code gap language and time allows you would begin a discussion of raw fire/administrative code gap language.

As is typical for the administrative section of most code documents, the language being presented for your consideration under this topic includes both code provisions and process descriptions (e.g., delivery of notice and orders; abatement procedures.) For that reason this meeting packet does not include a separate set of implementation guidelines as has been included in your prior packets. The two attachments to this packet include:

Attachment 1: A compilation of language gleaned from other existing code sources, with a suggested starting point for local code language for your discussion.

Attachment 2: For reference purposes, the Administrative Services Committee directed code gaps matrix that was previously provided to this LCDAC.

The fire safety section of Attachment 1 provides fire safety language from the codes of several of the same cities referenced in past packets. The language presented for consideration of administrative provisions has been drawn from codes that are being implemented in three other Oregon jurisdictions,

Beaverton, Salem and Portland. Staff selected language from these jurisdictions in order to provide the Advisory Committee with a range in the levels of detail and comprehensiveness as background for discussion of provisions that should be considered for Corvallis. As Attachment 1 was compiled in preparation for discussion of fire safety and administrative code provisions, staff reviewed the various code sources and then developed “starting point” language for LCDAC review and discussion. That starting point language appears in blue in the attachment.

Because of the interest most or all of you have expressed regarding the ways in which the Livability Code’s “grandfathering” provisions would be applied, we note that sections 9.02.11 and 9.02.12 of the attached language describe the Code’s applicability. Also, the compiled definitions of terms contained within the administrative provisions, as well as within the interior, exterior and fire safety provisions, are included at the end of the administrative provisions. Finally, it should also be noted that given time constraints and a need for additional staff discussions, the Penalties section that will be a part of the administrative provisions is not included in this packet. We will provide that language in advance of your actual discussion of those provisions.

A. Fire Safety

(a) Egress Door Locks Operable Without Keys, etc.

i. **Gresham PMC 702.3 Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by GRC Article 10.05 [*Gresham building code*].

ii. **Gresham PMC 702.4 Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

iii. **City of Beaverton**

1. **8.07.190 A**. Every dwelling shall have at least one exit door leading to the exterior, or in the case of a duplex or apartment, to the exterior or to an approved exit. Exit doors shall be able to be opened from the inside without any special knowledge or effort. Screen doors and storm doors must be able to be opened from the inside without any special knowledge or effort.
   B. In apartments, duplexes, single-room occupancies and social care facilities, exit doors in common corridors or passageways shall be able to be opened from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of any special knowledge or effort.

i. **Portland, Housing Maintenance Code 29.30.100 Doors.**

A. Every dwelling or dwelling unit shall have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment, to an exterior yard or court or to an approved exit. All such doors shall be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.
B. In hotels and apartment houses, exit doors in common corridors or other common passageways shall be openable from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.
C. Every door to the exterior of a dwelling unit shall be equipped with a lock designed to discourage unwanted entry and to permit opening from the inside without the use of a key or any special knowledge or effort.

ii. **Salem, RHC 59.155 Doors.**
(a) Every dwelling unit shall have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment house, to an exterior yard or court or to an approved exit. All such doors shall be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.
(b) In hotels, motels and apartment houses, exit doors in common corridors or other common passageways shall be openable from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.
(c)(5) Double cylinder dead bolts are not permitted on an exit door.
(d) Every interior door and doorframe shall be maintained in a sound condition for its intended purpose with the door fitting within the doorframe and having neither non-manufactured penetrations, nor any knob or lock requiring a key.

iii. **Salem, RHC 59.315. Additional Requirements for Doors.**
(c) Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.

Starting Point:

All means of egress doors shall be readily openable from the side from which egress is to be made without the use of a key or any special knowledge or effort.

(b) Unobsructed Paths of Travel

i. Gresham PMC 702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way.* Means of egress shall comply with GRC Article 10.25 [*Gresham building code*].

ii. Gresham PMC 702.2 Aisles. The required width of aisles in accordance with GRC Article 10.25 [*Gresham building code*] shall be unobstructed.

iii. Gresham PMC 702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

i. **Salem, RHC 59.210. Exits and Egress.**
(a) Every sleeping room shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full clear opening without the use of special knowledge, effort, or separate tools. Windows used to meet this requirement shall have a minimum net clear opening of at least twenty inches wide and at least twenty two inches high. Every window required for ventilation or emergency escape shall be capable of being easily opened and held open by window hardware. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.
(c) The required exit door and egress windows shall be free of encumbrances or obstructions that block access to the exit.
(d) Exit pathways that open into an enclosed yard or court shall have unimpeded access to the public way.

ii. **Salem, RHC 59.310. Emergency Exits.**
(b) Every fire escape or stairway, stair platform, corridor or passageway which may be one of the regular means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind.

Starting Point:

Every *accessible means of egress*, fire escape or stairway, stair platform, corridor or passageway which may be one of the regular *accessible means of egress* or means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

(c) Fire-resistive Assembly Maintenance

i. **Gresham PMC 703.1 Fire-resistance-rated assemblies.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

ii. **Gresham PMC 703.2 Opening protectives.** Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

1) **Salem, RHC**
   1. **59.155**
      (h) Doors which are part of a required exitway shall be so finished or marked that they are readily distinguishable from the adjacent construction.

(i) Fire doors in exitway corridors must close securely upon release and latch. Fire doors designed to remain closed must not be propped open at any time.

2. **59.310. Emergency Exits.**
(a) All required fire escapes shall be kept in good order and repair and shall be painted so as to prevent corrosion of any metal, in a manner approved by the Fire Marshal.
(c) Where doors to stair enclosures are required by the Building Code to be self-closing, the self-closing device shall be maintained in good working order and the doors shall not be wedged or propped open.

Starting Point:

Where required by the code in effect at the time of construction, the fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. The surfaces of all other interior walls, floors and ceilings shall be free of holes larger than four inches in diameter.

B. Administration

B E A V E R T O N	**Beaverton, Property Maintenance Code** i. 8.07.010 **Short Title**. BC 8.07.010 through 8.07.520 shall be known and may be cited as the "Residential Property Maintenance Code" and may be referred to herein as "this code." [BC 8.07.010, added by Ordinance No. 4448, 8/20/07] ii. 8.07.020 **Purpose**. This code is enacted to protect the health, safety and welfare of Beaverton residents, to prevent deterioration of existing housing, to preserve and enhance the quality of life in residential neighborhoods, and to prevent or reduce urban blight by establishing minimum residential property maintenance standards. [BC 8.07.020, added by Ordinance No. 4448, 8/20/07] iii. 8.07.030 **Scope, Conflict with State Law**. **A**. The provisions of this code shall apply to all residential property within the City of Beaverton. **B**. If a provision of this code conflicts with a provision of the building code as adopted by the City of Beaverton, the provision of the building code shall apply to the exclusion of the conflicting provision of this code. **C**. Except as provided otherwise by state or federal law, if a provision of this code conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal authority having jurisdiction over residential property in the City of Beaverton, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this code. [BC 8.07.030, added by Ordinance No. 4448, 8/20/07]

B E A V E R T O N B E A V E R T O N	i. 8.07.040 **Application of Other Laws**. Any repair, alteration, or addition to and change of occupancy in an existing building, or any change of use of residential property, shall be made in accordance with all applicable provisions of law, including, but not limited to, the building code, the Beaverton Code and the Beaverton Development Code. [BC 8.07.040, added by Ordinance No. 4448, 8/20/07] ii. 8.07.050 **Definitions**; Generally. Terms, words, phrases and their derivatives used, but not defined, in this code shall have the meanings defined in the Beaverton Development Code or in BC Titles 8 or 9, or, if not defined therein, shall have their commonly accepted meanings. If a conflict exists between definitions in the Beaverton Code or the Beaverton Development Code and this code, the definition provided in this code shall apply to actions taken pursuant to this code. [BC 8.07.050, added by Ordinance No. 4448, 8/20/07] iii. 8.07.060 **Definitions.** As used in this code, unless the context requires otherwise, the following mean: **Approved** – Meets the standards set forth by the municipal code, the community development code, the building code, or other standards referenced in those codes, or is approved by the code official. **Bathroom** – A room containing plumbing fixtures including a bathtub or shower. **Bedroom** – Any room or space used or intended to be used for sleeping purposes. **Building code** – The combined specialty codes described at ORS 455.010, as adopted and as may be amended by the City. **Code official** – The Code Enforcement Officer, Chief Building Official or other person authorized by the Mayor to enforce the provisions of this code. **Courtyard** – An open space bounded on three or more sides by walls of a building. **Dwelling** – Any structure containing a dwelling unit, including the following dwelling classifications: A. **Accessory dwelling unit**. An additional dwelling unit within an attached or detached single-family dwelling. B. **Apartment**. Any building or portion of a building containing three or more dwelling units that is intended to be occupied for residential living purposes by renting, leasing, letting, or hiring out, including condos. C. **Manufactured dwelling**. Including manufactured homes, mobile homes, and residential trailers. D. **Rowhouse**. An attached single-family dwellings unit as defined by the State Building Code. E. **Single-family dwelling**. A structure containing one dwelling unit, including adult foster care homes. F. **Single-room occupancy**. A one-room dwelling unit provided for human habitation in which some or all sanitary or cooking facilities are shared with other occupants. G. **Social care facilities**. Any building or portion of a building that is designed, built, rented, leased, let, hired out or otherwise occupied for group residential living purposes. Such facilities include, but are not limited to, retirement homes, assisted living facilities, residential care facilities, half-way houses, youth shelters, and homeless shelters.

B E A V E R T O N

H. **Townhouse**. An attached single-family dwellings unit as defined by the State Building Code.

I. **Two-family dwelling**. A structure containing two dwelling units, also known as a duplex.

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. Hotels used exclusively for transient occupancy are excluded from this definition of dwelling unit.

Exit – A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.

Floor area – The area of clear floor space in a room exclusive of fixed or built-in cabinets or appliances.

Habitable – Suitable for human habitation.

Habitable space – The area inside a structure available for living, sleeping, eating or cooking, not including attics, bathrooms, closets, garages, halls, laundry rooms, storage spaces, toilet rooms, or utility rooms.

Hazardous materials – Materials defined by the current fire code adopted by the Tualatin Valley Fire and Rescue District as hazardous.

Human habitation – The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

Occupant – Any individual living or sleeping in a dwelling, or having possession of a space within a dwelling.

Residential property – Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multifamily structures and mixed-use structures which have one or more dwelling units. Hotels used exclusively for transient occupancy are excluded from this definition of residential property. [ORS 105.425/Tigard]

Structure – A building constructed for any use. [BC 8.07.060, added by Ordinance No. 4448, 8/20/07]

iv. 8.07.070 **Severability**. The sections and subsections of this code are severable. If any part of this code is held unconstitutional or otherwise invalid, the remaining parts shall remain in force unless:

A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or

B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent. [BC 8.07.070, added by Ordinance No. 4448, 8/20/07]

v. **8.07.100 Housing Maintenance Requirements; Generally.**

A. A dwelling shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.

B. No person shall maintain or permit to be maintained any dwelling or residential property that does not comply with the requirements of this code.

C. An existing dwelling that does not comply with the provisions of this code and that does not

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comply with the standards of the applicable building code then in effect at the time of construction or subsequent alteration or repair shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.

D. The provisions of this code shall not be mandatory for an existing dwelling designated as a historic building when such dwelling is judged by the code official to be safe and its continued maintenance in historic condition to be in the public interest. [BC 8.07.100, added by Ordinance No. 4448, 8/20/07]

vi. **8.07.110 Minimum Standards for Human Habitation.**

No dwelling shall be habitable unless provided with current service for:

A. Electricity;
B. Water;
C. Sanitary sewer; and
D. Weekly removal and disposal of trash.

Temporary interruptions of service for routine maintenance or emergency repairs shall not constitute a violation of this section. [BC 8.07.110, added by Ordinance No. 4448, 8/20/07]

vii. **8.07.115 Vacant Dwellings.**

A. A vacant dwelling shall meet the standards of this code to be habitable.

B. Measures taken to secure a vacant dwelling from unauthorized entry, including boarding of windows and nailing or screwing doors into door frames, shall be removed before a vacant dwelling may be inhabited. [BC 8.07.115, added by Ordinance No. 4448, 8/20/07]

viii. 8.07.500 **Penalties**.

A. Except as otherwise provided in this section, violation of a provision of this code is a Class 1 civil infraction to be processed in accordance with the provisions of BC 2.10.010 through 2.10.050 punishable upon conviction by a fine of not more than $250.00. Each day of continuing violation shall be considered a separate offense.

B. Violation of BC 8.07.205 or 8.07.380 is a Class 2 civil infraction to be processed in accordance with the provisions of BC 2.10.010 through 2.10.050 punishable upon conviction by a fine of not more than $150.00. Each day of violation shall be considered a separate offense.

C. Violation of BC 8.07.225 is a Class 3 civil infraction to be processed in accordance with the provisions of BC 2.10.010 through 2.10.050 and punishable upon conviction by a fine of not more than $50.00. Each day of violation shall be considered a separate offense.

D. Violation of BC 8.07.110, 8.07.210, 8.07.310, 8.07.360 or 8.07.510 is a Class C misdemeanor, punishable upon conviction by a fine of not more than $6,250 and/or imprisonment not to exceed 30 days. Each day of violation shall be considered a separate offense. [BC 8.07.500, added by Ordinance No. 4448, 8/20/07]

ix. 8.07.510 **Prohibited Habitation**.

A. No person shall inhabit, remain in, or enter a dwelling or structure that has been duly posted with a notice to vacate or with an order forbidding occupancy pursuant to the Uniform Code for the Abatement of Dangerous Buildings as adopted by the City; provided, however, the building official may grant a person express written permission to enter said dwelling or structure for purposes reasonably related to repair or demolition.

B. No person shall remove or deface any notice to vacate or order forbidding occupancy duly posted on a dwelling or structure pursuant to the Uniform Code for the Abatement of Dangerous Buildings as adopted by the City until the required repairs, demolition or removal

B E A V E R T O N	have been completed and a certificate of occupancy issued pursuant to the provisions of the building code. [BC 8.07.510, added by Ordinance No. 4448, 8/20/07] x. 8.07.520 **Additional Remedies**. **A**. Any penalty or remedy imposed pursuant to this code is in addition to, and not in lieu of, any other civil, criminal or administrative penalty, sanction or remedy otherwise authorized by law. **B**. A violation of this code is a public nuisance and may be enjoined or abated by repair in accordance with the provisions of BC 5.05.200 through 5.05.260. **C**. A violation of this code is a public nuisance and may be enjoined or abated in accordance with the provisions of the Uniform Code for the Abatement of Dangerous Buildings. For purposes of the Uniform Code for the Abatement of Dangerous Buildings, this code shall be deemed a housing code. **D**. A court of competent jurisdiction may appoint a receiver pursuant to the Oregon Housing Receivership Act, ORS 105.420 to 105.455, to perform an abatement of residential property found in violation of this code. For purposes of the Oregon Housing Receivership Act, this code shall be deemed a housing code. **E**. A citation for a violation of this code shall not relieve the responsible party of the duty to maintain residential property in accordance with this code. The abatement of a violation pursuant to this code does not prejudice the right of any person to recover damages arising out of or related to the violation. **F**. If a citation alleging a violation of BC 8.07.110, 8.07.210, 8.07.310 or 8.07.320 is issued, and if the affected dwelling unit is or becomes vacant, no person shall reoccupy or permit reoccupancy of the dwelling unit until all repairs have been made by the responsible party and inspected by the code official. [BC 8.07.520, added by Ordinance No. 4448, 8/20/07]

S A L E M	**Salem, Property Maintenance Code** i. 50.005. **Short Title**. This chapter shall be known and may be cited as the Property Maintenance Code. (Ord No. 8-2000) ii. 50.010. **Purpose**. The council finds and declares that conditions tending to reduce the value of private property, that promote blight and deterioration, that are attractive nuisances creating a hazard to the health and safety of minors, that create a harborage for pests, may be injurious to the health, safety and general welfare of the public. (Ord No. 8-2000) iii. 50.015. **Scope**. This chapter is to protect the public health, safety and general welfare by regulating existing structures, residential and nonresidential, and existing premises by establishing minimum requirements and standards for structures and premises for the protection from the elements, life safety, other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners and occupants; and for administration, enforcement and penalties. (Ord No. 8-2000)

iv. 50.020. **Intent**. This chapter shall be construed to secure and 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 provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance as required herein. (Ord No. 8-2000)

v. **50.025. Definitions; Rules of Construction.**

(a) Unless the context otherwise specifically requires, for purposes of this Chapter, the following terms and phrases mean:

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(1) Abandoned Structure means a vacant structure that is an attractive nuisance.

(2) Ashes means the residue of the combustion of solid fuels.

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(3) Attractive Nuisance means buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors,

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vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.

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(4) Basement means that portion of a building or structure which is partly or completely below grade.

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(5) Boarded means the securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.

(6) Building means any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.

(7) Building Code means the specialty codes applicable in the City of Salem, as provided in SRC Chapter 56.

(8) Building Official means the administrator of the Building and Safety Division of the Community Development Department, or the administrator's designee.

(9) Bulk Solid Waste means discarded bedding, mattresses and furniture, junk, yard debris as defined in SRC 47.020(gg), uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.

(10) Deterioration means a lowering in the quality, condition or appearance of a building

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or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.

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(11) Derelict structure means a building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result

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of one or more of the following conditions:

(A) Is unoccupied and unsecured;

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(B) Is partially constructed;

(C) Is an abandoned structure or attractive nuisance;

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(D) Is in condition of deterioration;

(E) Has an infestation of pests;

(F) Has doors or windows boarded over, or;

(G) Other condition that in the opinion of the Health Officer is detrimental to public health, safety or welfare.

(12) Director means the City Manager, or the department head charged by the City

		Manager with the implementation and enforcement of this Chapter, or that department head's designee. **(13)** Dwelling Unit means a single unit within a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. As used in this Chapter, dwelling unit includes, as the context requires, single family dwellings, duplexes, triplexes, condominiums, residential trailers, mobile homes, manufactured homes, multi-family dwellings, and single units therein. **(14)** Extermination means the control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Health Officer. **(15)** Garbage means all classes of putrefactive and easily decomposable animal and vegetable matter, including, without limitation, wastes produced from the handling and preparation of food, and packaging originally used for foodstuffs. **(16)** Hazardous Solid Waste means any solid waste which, in the opinion of the Health Officer, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended. **(17)** Hazardous Thicket means blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous. **(18)** Health Officer means the City Manager, or the department head charged by the City Manager with the implementation and enforcement of this Chapter, or that department head's designee. **(19)** Hearings Officer means the person or persons appointed by the City Council to serve as the Hearings Officer pursuant to SRC 2.035. **(20)** Imminent Hazard means any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening. **(21)** Incipient Hazard means any condition that can become an imminent hazard if further deterioration is allowed to occur. **(22)** Indoor Fixture means any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures. **(23)** Indoor Furnishing means any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet. **(24)** Infestation means the presence of pests in large numbers that are harmful or bothersome within or adjacent to a building or structure or upon a premises. **(25)** Junk means articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this Chapter the term "junk" includes, but is not limited to: (a) any derelict motor vehicle, trailer, or boat, i.e, any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; (b) neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all
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		of its body parts intact, including fenders, hood, trunk, glass, and tires; or (c) wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; (d) machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; (e) any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; (f) any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; (g) any bulk solid waste; and (h) solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.
S A L E M		**(26)** Legally occupied means the use of a premises for a purpose authorized by law, including the building code and zone code. For the purposes of this Chapter, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this Chapter, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present. **(27)** Let for occupancy or let means to permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land. **(28)** Noxious Vegetation means weeds more than ten inches in height; grass more than ten inches in height; rank or dead vegetation; poison oak, poison hemlock, poison ivy; hazardous thickets; or other rank, noxious, and dangerous vegetation that is a health hazard; a fire hazard; or a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of the public right-of-way hazardous. This definition shall not include agriculture crops, endangered riparian grasses that have not come to seed, and wet land grasses that are neither a fire nor a traffic hazard. **(29)** Occupancy means the purpose for which a building, structure or premises is used or intended to be used. **(30)** Occupant means any person living or sleeping in a building or structure, or having possession of a space within a building or structure or possession of a premises. **(31)** Owner means the person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto; a lessee or tenant in possession. **(32)** Partially Constructed means an occupied or vacant structure, or portion thereof, has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.
S A L E M		**(33)** Person means an individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact. **(34)** Pests means animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin. **(35)** Premises means a lot, or parcel of land, including any buildings or structures thereon. **(36)** Rank Vegetation means any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied. **(37)** Receptacle means a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which

solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

(38) Recycling means the process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

(39) Remediation means the elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

(40) Rubbish means worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.

(41) Skilled Manner means executed in a proper manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

(42) Solid Waste means all waste, in solid, semisolid or liquid form including, but not limited to, garbage, rubbish, trash, ashes, street refuse, waste paper, corrugated material and cardboard; commercial, industrial, demolition and construction wastes; food waste as defined in SRC 47.020(i), small dead animals, infectious waste as defined in ORS 459.386(4) and other wastes. As used in this Chapter, solid waste does not include sewage, sewage sludge, or sewage hauled as an incidental part of a septic tank or cesspool cleaning service or materials that are used for fertilizer, for compost or composting or for other productive agricultural or horticultural purposes.

(43) Structure means that which is built or constructed; an edifice or building of any kind, including mobile or manufactured homes and mobile outbuildings; or any work that is built up as an addition to or fixture on a premises.

(44) Temporary means a period up to 6 months in any 12 month period.

(45) Unfit for Human Habitation means a building or structure that, as found by the Health Officer, is unfit for human habitation due to; unsanitary conditions, infestation, accumulation of filth or contamination, lacks of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

(46) Unoccupied means not legally occupied.

(47) Unsecured means unlocked or otherwise open to entry.

(48) Ventilation means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

(49) Waste Tire means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

(b) Words stated in the present tense in this Chapter include the future; the singular number includes the plural, and the plural includes the singular. Where terms are not defined in this Chapter and are defined in the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes. Terms not otherwise defined in this Chapter or in the state building, plumbing or mechanical codes shall have ordinarily accepted meanings. Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof."

(Ord No. 8-2000; Ord No. 33-05; Ord No. 31-06; Ord No. 72-07; Ord No. 26-11; Ord No. 12-14)

vi. **50.030. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the

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remaining portions of this chapter which shall continue in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable. (Ord No. 8-2000)

vii. **50.035. Application of Other Codes.** Nothing in this chapter shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Salem Revised Code, or the requirement to obtain all necessary permits and approvals. (Ord No. 8-2000)

viii. **50.040. Saving Clause.** This chapter 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. (Ord No. 8-2000)

ix. **50.045. Coordination of Enforcement.** Whenever inspections are necessary by the health officer and any other department, the health officer 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. (Ord No. 8-2000)

x. **50.050. Responsibility.**

(a) Unless otherwise provided for, the health officer shall be responsible for the enforcement all of the provisions of this chapter. The health officer may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this chapter. The health officer is authorized to designate an employee as deputy who shall exercise all the powers of the health officer during the temporary absence or disability of the health officer.

(b) Where conditions or prohibitions under this chapter are regulated by the Building Code, the Building Official shall be responsible for making such determination and taking appropriate action as provided therein. (Ord No. 8-2000)

xi. **50.055. Modifications.** Where there are extreme hardships involved in carrying out provisions of this chapter, the health officer shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured. (Ord No. 8-2000)

xii. **50.060. Failure to Obey Order of Health Officer.**

(a) It shall be unlawful for any person acting intentionally to refuse to obey an order by the Health Officer acting in the discharge or apparent discharge of official duty.

(b) It is no defense to a prosecution for a violation of this section that the Health Officer lacked legal authority to issue the order, provided the Health Officer was acting under color of official authority. (Ord No. 8-2000; Ord No. 33-05)

MAINTENANCE AND REPAIRS

xiii. **50.100. Required Maintenance.** All systems, devices and safeguards required by this Chapter or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants. (Ord No. 8-2000; Ord No. 33-05)

xiv. **50.105. Skilled Work Required.** All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a skilled manner. (Ord No. 8-2000)

DERELICT STRUCTURES

xv. **50.600. Derelict Structures Prohibited.** Derelict structures on any premises are hereby declared to be a public nuisance. (Ord No. 8-2000; Ord No. 33-05)

xvi. **50.605. Order to Vacate Buildings or Structures.**

(a) If the Health Officer finds a building or structure in violation of SRC 50.600, the Health Officer

may order that a placard be posted on the building or structure, ordering the building or structure vacated, and to order the owner to register the building or structure as provided in SRC 50.625 - 50.634. The placard shall contain the information required in SRC 50.815.

(b) Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

xvii. **50.610. Prohibited Habitation.** No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Health Officer. (Ord No. 8-2000; Ord No. 33-05)

S xviii. **50.615. Removal of Placard Prohibited.**

(a) The Health Officer shall remove a placard whenever the conditions that resulted in the order A to vacate the building or structure have been eliminated.

(b) No person shall deface or remove a placard without the approval of the Health Officer. (Ord L No. 8-2000; Ord No. 33-05)

xix. **50.620. Temporary Safeguards.** Notwithstanding any other provisions of this Chapter, whenever, E as determined by the Health Officer, a building or structure poses an imminent hazard or incipient hazard, the Health Officer may order necessary work to be performed, including the boarding of M openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and shall cause such other action to be taken that the Health Officer deems necessary to meet such condition. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

xx. **50.625. Derelict Structure Registration.** If the Health Officer determines that a building or structure is a derelict structure, the owner shall be required to register the building or structure within ten days of the Health Officer's issuance of an order to register. Registration shall be made on forms provided by the Health Officer, and shall include information relating to the location and ownership of the building or structure, the expected period of its vacancy, a plan for regular maintenance during the period of vacancy, and a plan for its re-occupancy and use, or its remediation or demolition. Any change in the information required to be provided pursuant to this section shall be given to the Health Officer not more than thirty days of the date of such change. When all conditions making the building or structure a derelict structure have been corrected, the owner shall contact the Health Officer and request an inspection to determine compliance. (Ord No. 8-2000; Ord No. 33-05)

xxi. **50.630. Derelict Structure Fees.**

(a) Every owner who, after receipt of an order under SRC 50.625, fails to register the building or structure within the required time set forth in the order, or registers the building or structure but S allows the building or structure to remain in a derelict condition, shall pay a monthly derelict structure fee. Payment of the fee is due on the fifteenth day of each month. Any payment of the A fee that is more than thirty days past due may be considered delinquent and subject to a penalty of $100 for every delinquent monthly payment.

L **(b)** In the event that the fees due under this section are delinquent for more than ninety days, or in the event the owner fails to register the building or structure as required by SRC 60.625, the E City Attorney, on request of the Health Officer, may file an action in the circuit court of the appropriate county for the recovery of any and all delinquent fees and penalties due under this M section, which shall be the total yearly fees plus all delinquent penalties.

(c) All fees imposed under this section are to be paid prior to the issuance of any permit required for the demolition, alteration or repair of the derelict building or structure.

(d) The City Council shall annually adopt a resolution establishing the amount of derelict structure fee.

(e) Unpaid Derelict Structure fees, and any unpaid late fees, may be entered into the city's lien

docket after 90 days, and a lien for the entire amount placed against the real property. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

xxii. **50.640. Abatement of Derelict Structure by Remediation.**

(a) In addition to, and not in lieu of, the abatement remedies provided for in SRC 50.800-50.880 and receivership authority in SRC 50.910, the Health Officer may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

(b) Upon receipt of such notice, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and shall, not less than fifteen days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant. Notice shall also be posted on or near the derelict structure and copies delivered to the affected neighborhood association. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.

(c) At the hearing, the Health Officer shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Health Officer's determination, and the owner and occupants shall be afforded a like opportunity to rebut the determination. Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue. The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the State of Oregon.

(d) The Hearings Officer shall order the conditions creating the derelict structure be remediated if the Health Officer demonstrates, by a preponderance of the evidence, that the building structure is a derelict structure.

(e) In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is in a condition unfit for human habitation, or in a condition that is an incipient hazard, based on the number and extent of the following factors:

(1) Dilapidation;
(2) Disrepair;
(3) Structural defects noted by the Building Official;
(4) Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;
(5) Uncleanliness or infestations of pests;
(6) Condition of sanitary facilities;
(7) The presence of a public nuisance; and
(8) The history of unlawful activity in or around the building or structure. (Ord No. 8-2000; Ord No. 33-05)

PUBLIC NUISANCES

xxiii. **50.800. Public Nuisance Prohibited.** No person shall cause, permit, or maintain a public nuisance on public or private property. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

xxiv. **50.805. Public Nuisances.** The following are specifically declared to be public nuisances, but this list shall not be deemed to be exclusive:

(a) Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety.

(b) The accumulation, exposure, or deposit of any garbage, rubbish, bulk solid waste, or solid waste on any public way; or any private street, alley, or lot; or into a stream, well, spring, brook,

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ditch, pond, river, or other inland waters within the city; or the placing of such substances in such position that high water or natural seepage will carry the same into such waters;

(c) Any physical condition of a premise considered an attractive nuisance, including, but not limited to abandoned wells, shafts, basements, unguarded machinery;

(d) An abandoned, unattended, or discarded icebox, refrigerator, or other container accessible to children which has an airtight door, or lock which may not be released for opening from the inside;

(e) Dangerous pilings and unprotected excavations;

(f) Any premises that has unsanitary plumbing fixtures, or plumbing fixtures that permit the spillage of effluent outside of an approved sanitary sewer system, or the escape of sewer odors and gases;

(g) The maintenance of premises which are in such a state or condition as to cause an offensive odor;

(h) The accumulation of feces or manure in piles or heaps, unless enclosed in containers capable of excluding flies and maintained in such a manner or condition that offensive odor is not emitted therefrom;

(i) The burning of any rubbish, garbage, rubber, cloth, or any other thing, the burning of which, or the smoke emitted from such burning, creates an offensive odor;

(j) The accumulation of stagnant water in which mosquitoes may breed;

(k) Violation of SRC 50.260 by keeping more than five cubic yards of junk on any residentially zoned property;

(l) Violation of SRC 50.600, "Derelict Structures";

(m) Violation of SRC 50.700, "Pest Infestation";

(n) Any building or structure that is in a condition that poses an imminent hazard to public health, safety or welfare.

(o) The keeping of chickens in violation of SRC 50.710(c). (Ord No. 8-2000; Ord No. 39-2000; Ord No. 33-05; Ord No. 12-14)

xxv. **50.810. Notice to Person Responsible.** Whenever the Health Officer has reasonable grounds to believe that a violation of 50.800 has occurred, a notice and order shall be served on the owner(s) and occupant(s). (Ord No. 8-2000)

xxvi. **50.815. Form of Notice.** Such notice prescribed in 50.810 shall:

(a) Be in writing;

(b) Include a description of the premises sufficient for identification;

(c) Include a statement of the reason or reasons why the notice is being issued;

(d) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the premises into compliance with the provisions of this chapter.

(e) Include a notice that the city may abate the nuisance pursuant to this chapter and that the person responsible shall be responsible for the costs of such abatement.

(f) Include instructions for an appeal. (Ord No. 8-2000)

xxvii. **50.820. Effective Date of Notice.** All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing if not personally served. (Ord No. 8-2000)

xxviii. **50.825. Method of Service.**

(a) Notices under this chapter shall be deemed to be properly served if a copy thereof is:

(1) Personally delivered to the owner(s) and occupant(s); or

(2) Sent by first class mail to the owner(s) and occupant(s) at their last known address; or

(3) Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address if they cannot be located.

(b) Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of a owner(s) or occupant(s) shall not render the notice void and in such case the notice shall be sufficient. (Ord No. 8-2000)

xxix. **50.830. Recording a Violation.** The city may record a notice of violation with the County Clerk. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be recorded. (Ord No. 8-2000)

xxx. **50.835. Abatement Procedures - Joint Responsibility.** If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance. (Ord No. 8-2000)

xxxi. **50.840. Abatement Procedures - by the City.**

(a) If within time allowed, the violation has not been corrected, the Health Officer may cause the violation to be corrected.

(b) The Health Officer shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a twenty percent charge for administrative overhead.

(c) The Health Officer or a person authorized by the Health Officer may enter upon the property to abate the nuisance only upon obtaining consent of the owner and occupant; upon obtaining an administrative warrant pursuant to SRC 4.190 through 4.225; or in an emergency pursuant to SRC 4.230. (Ord No. 8-2000; Ord No. 26-11)

xxxii. **50.845. Abatement Procedures - Assessment of Costs.**

(a) After abatement by the city, the Director of Finance, by first class mail, shall forward to the owner(s) and occupant(s) a notice stating:

(1) The total cost of correction, including the administrative overhead; and

(2) That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice.

(b) If the costs and administrative overhead are not paid within thirty days of the billing date, the Health Officer shall thereafter file with the Hearings Officer an itemized statement of costs and overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance.

(c) Upon filing of such statement of costs and overhead, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer, and cause notice thereof to be served via certified mail to the owner(s) and occupant(s).

(d) After the hearing, the Hearings Officer shall declare the correctness of such statement and declare the same to be a lien upon the property.

(e) An error in the contents or service of any notice 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. (Ord No. 8-2000; Ord No. 33-05)

xxxiii. **50.850. Abatement Procedures - Summary Abatement.** The abatement procedure provided by this chapter is not exclusive but is in addition to procedures provided by other laws. (Ord No. 8-2000)

xxxiv. **50.880. Collections.** Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims court or entered into the city's lien docket in the manner provided by SRC 20J.410 and a lien for the entire amount placed against the real property pursuant to SRC 20J.180. (Ord No. 8-2000; Ord No. 12-14)

PENALTIES

xxxv. **50.900. Violations.**

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		(a) Violations of SRC 50.060, SRC 50.610, and SRC 50.800 are misdemeanors, all other violations of this Chapter are infractions. **(b)** Violation of SRC 50.710 is an infraction, and is punishable as set forth in SRC 50.710(e)(1). **(c)** Violation of any other section of this Chapter is an infraction and is punishable by a fine of not less than $100 and not more than $250. The second and subsequent violation of the same provision of this Chapter in any one year period is punishable by a fine of not less than $250. **(d)** In addition to any other penalty provided by law, a person adjudged responsible for violation of any of the provisions of this Chapter may be ordered by the Hearings Officer or court to correct the violation. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)
S A L E M	xxxvi.	**50.910. Receivership Authority.** In addition to, and not in lieu of any other provision in this chapter, when the health officer finds residential property in violation of this chapter, and believes that the violation is a threat to the public's health, welfare and safety, and the owner has not acted in a timely Chapter manner to correct the violations, the health officer may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455). (Ord No. 8-2000)
	xxxvii.	**50.915. Civil Penalties.** **(a) Civil Penalty.** Any person who fails to comply with the requirements of this Chapter or who fails to comply with an enforcement order issued pursuant to this Chapter shall be subject to a civil penalty as provided in SRC Chapter 20J, not to exceed $2,000 per violation. Each day that a violation continues shall constitute a separate violation. **(b) Civil Penalty Against Agents.** Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, shall likewise be subject to a civil penalty. (Ord No. 12-14) **50.920. Appeals Generally.** Any person who is issued an order from the Health Officer or any person who is subject to a civil penalty, pursuant to this Chapter may appeal the decision to the Hearings Officer by following the process set forth in SRC Chapter 20J. The hearing on the appeal shall follow the contested case procedures set forth in SRC 20J.240 through 20J.430. (Ord No. 12-14)

	29.60.010 Administration Authority and Responsibility. The Director is hereby authorized to administer and enforce all of the provisions of this Title. In accordance with approved procedures, the Director may employ qualified officers, inspectors, assistants, and other
P O	employees as shall be necessary to carry out the provisions of this Title. The authority of the Director to enforce the provisions of this Title is independent of and in addition to the authority of other City officials to enforce the provisions of any other Title of the City Code.
R	**29.60.020 Authorization to Inspect.** (Amended by Ordinance No. 176955, effective October 9, 2002.) The Director is authorized to make
T L	inspection of property for the purposes of enforcing this Title. Wherever possible, inspections made by the personnel of the Bureau of Development Services or Fire shall be coordinated in order to avoid the issuance of multiple or conflicting orders.
A	**29.60.030 Enforcing Compliance.** To enforce any of the requirements of this Title, the Director may gain compliance by:

N D P O R T L A N D P O R T L A

A. Instituting an action before the Code Hearings Officer as set out in Title 22 of City code;
B. Causing appropriate action to be instituted in a court of competent jurisdiction; or
C. Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

29.60.040 Right of Entry; Inspection Warrants.
(Replaced by Ordinance No. 173248; amended by Ordinance Nos. 174225 and 176381, effective May 10, 2002.)
A. Right of Entry. The Director may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any building regulations, or whenever the Director has reasonable cause to believe that there exists in any structure or upon any property any condition which makes such property substandard as defined in any building regulations. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

1. Occupied Property. If any structure on the property is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant;

2. Unoccupied Property.

a. If the property is unoccupied, the Director shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant.

b. If structures on the property are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant; or

3. Open, Unoccupied Property. If any structure on the property is unoccupied and open:

a. The Director shall notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons. If the property is not secured within fifteen (15) days from the date notice is sent, the Director may secure the property as provided in PCC Chapter 29.20.

b. If the Director believes that a hazardous condition exists, the Director may immediately secure the property as provided in PCC Chapter 29.20. Following the summary abatement, the Director shall notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection or abatement warrant.

B. Grounds for Issuance of Inspection Warrants; Affidavit.

1. Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.

2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any building regulation exists with respect to the designated property, or an investigation is reasonably

N	believed to be necessary in order to discover or verify the condition of the property for conformity with building regulations.
D	**C.** Procedure for Issuance of Inspection Warrant. **1.** Examination. Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application. **2.** Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night. **3.** Police Assistance. In issuing an inspection warrant on unoccupied property, including abatement warrants pursuant to Section 29.60.060, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the Director or representative of the department inspecting the property in any way necessary to complete the inspection.
P O R T L A N D	**D.** Execution of Inspection Warrants **1.** Occupied Property. Except as provided in subsection 2. of this section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request. **2.** Unoccupied Property. In executing an inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1. of this section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property. **3.** Return. An inspection warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

Starting Point

Starting Point:

9.02.1. Short Title. CMC Sections _____ through Sections _____ shall be known and may be cited as the "Corvallis Livability Code" and may be referred to herein as "this code."

9.02.2. Scope. This code applies to all residential and nonresidential structures and all premises. This code establishes minimum requirements and standards for the protection of structures and premises from the elements, life safety and other hazards, and for their safe and sanitary maintenance; fixing the responsibility of owners and occupants; and, for administration, enforcement and penalties.

9.02.3. Intent. This code shall be construed to secure and ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises; to prevent deterioration of existing housing, to preserve and enhance the quality of life in residential neighborhoods, and to prevent or reduce urban blight by establishing minimum property maintenance and livability standards. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance as required herein.

9.02.4. Application of Other Laws.

(a) Nothing in this chapter shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Corvallis Municipal Code or the requirement to obtain all necessary permits and approvals.

(b) Any repair, alteration, or addition to and change of occupancy in an existing building, or any change of use of residential property, shall be made in accordance with all applicable provisions of law, including, but not limited to the Corvallis Municipal Code, the Corvallis Building Code and the Corvallis Land Development Code.

(c) Except as provided otherwise by federal, state or local law, if a provision of this code conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal authority having jurisdiction over residential property in the City of Corvallis, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this code. This Code is intended to supplement rather than conflict with the habitability standards and the assignment of landlord and tenant responsibilities of the state of Oregon Residential Landlord and Tenant Act.

(d) If a provision of this code conflicts with a provision of the adopted Corvallis Building Code, the provision of the Building Code shall apply to the exclusion of the conflicting provision of this code.

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

9.02.6. Saving Clause. This chapter 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.

9.02.7. Coordination of Enforcement. Whenever inspections are deemed necessary by the Director and any other department, the Director 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.

9.02.8. Responsibility.

(a) Unless otherwise provided for, the Director shall be responsible for the enforcement of all the provisions of this code. The Director may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this chapter. The Director is authorized to designate an employee as deputy who shall exercise all the powers of the Director during the temporary absence or disability of the Director.

(b) Where conditions or prohibitions under this chapter are regulated by the Building Code, the Building Official shall be responsible for making such determination and taking appropriate action as provided therein.

9.02.9. Modifications. Where there are extreme hardships involved in carrying out provisions of this chapter, the Director shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

S t a r t i n g

9.02.10. Failure to Obey Order of Director.

(a) It shall be unlawful for any person acting intentionally to refuse to obey an order by the Director acting in the discharge or apparent discharge of official duty.

(b) It is no defense to a prosecution for a violation of this section that the Director lacked legal authority to issue the order, provided the Director was acting under color of official authority.

9.02.11. Maintenance Requirements; Generally.

(a) No person shall maintain or permit to be maintained any structure or premises that does not comply with the requirements of this code.

(b) All structures shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.

(c) All systems, devices and safeguards required by this Code or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants.

(d) An existing structure that does not comply with the provisions of this code and that does not comply with the standards of the applicable building code then in effect at the time of construction or subsequent alteration or repair shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.

9.02.12. Historic Structures. The provisions of this code shall not be mandatory for an existing structure designated as a local or national historic resource when such structure is judged by the code official to be safe and its continued maintenance in historic condition to be in the public interest.

9.02.13. Skilled Work Required. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a skilled manner.

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DERELICT STRUCTURES

9.02.14. Derelict Structures Prohibited. Derelict structures on any premises are hereby declared to be a public nuisance.

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9.02.15. Order to Vacate Buildings or Structures.

(a) If the Director finds a building or structure in violation of CLC 9.02.14, the Director may order that a placard be posted on the building or structure, ordering the building or structure vacated. The placard shall contain the information required in CLC 9.02.23.

(b) Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order.

9.02.16. Prohibited Habitation. No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Director.

9.02.17. Removal of Placard Prohibited.

(a) The Director shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.

(b) No person shall deface or remove a placard without the approval of the Director.

9.02.18. Temporary Safeguards. Notwithstanding any other provisions of this code, whenever, as determined by the Director, a building or structure poses an imminent hazard or incipient hazard, the Director may order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and shall cause such other action to be taken that the Director deems necessary to meet such condition.

9.02.19. Abatement of Derelict Structure by Remediation.

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(a) In addition to, and not in lieu of, the abatement remedies provided for in CLC 9.02.20 - CLC 9.02.31and receivership authority in CLC 9.02.33, the Director may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

(b) Upon receipt of such notice, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and shall, not less than fifteen days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant. Notice shall also be posted on or near the derelict structure and copies delivered to the affected neighborhood association. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.

(c) At the hearing, the Director shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Director's determination, and the owner and occupants shall be afforded a like opportunity to rebut the determination. Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue. The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the State of Oregon.

(d) The Hearings Officer shall order the conditions creating the derelict structure be remediated if the Director demonstrates, by a preponderance of the evidence, that the building structure is a derelict structure.

(e) In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is in a condition unfit for human habitation, or in a condition that is an incipient hazard, based on the number and extent of the following factors:

Point	**(1)** Dilapidation; **(2)** Disrepair; **(3)** Structural defects noted by the Building Official; **(4)** Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury; **(5)** Uncleanliness or infestations of pests; **(6)** Condition of sanitary facilities; **(7)** The presence of a public nuisance; and **(8)** The history of unlawful activity in or around the building or structure. **PUBLIC NUISANCES** **9.02.20. Public Nuisance Prohibited.** No person shall cause, permit, or maintain a public nuisance on public or private property. **9.02.21. Public Nuisances.** The following are specifically declared to be public nuisances: Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety, where such thing, condition, or act is or exists contrary to the provisions of this code. **9.02.22 Notice to Person Responsible.** Whenever the Director has reasonable grounds to believe that a violation of CLC 9.02.20 has occurred, a notice and order shall be served on the owner(s) and occupant(s). **9.02.23. Form of Notice.** Such notice prescribed in CLC 9.02.22 shall: a) Be in writing; b) Include a description of the premises sufficient for identification; c) Include a statement of the reason or reasons why the notice is being issued; d) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the premises into compliance with the provisions of this chapter. e) Include a notice that the city may abate the nuisance pursuant to this chapter and that the person responsible shall be responsible for the costs of such abatement. f) Include instructions for an appeal.
Start	**9.02.24. Effective Date of Notice.** All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing if not personally served. **9.02.25. Method of Service.** a) Notices under this chapter shall be deemed to be properly served if a copy thereof is: **(1)** Personally delivered to the owner(s) and occupant(s); or **(2)** Sent by first class mail to the owner(s) and occupant(s) at their last known address; or **(3)** Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address if they cannot be located. b) Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of the owner(s) or occupant(s) shall not render the notice void and in such case the notice shall be sufficient. **9.02.26. Recording a Violation.** The city may record a notice of violation with the County Clerk. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be recorded.

9.02.27. Abatement Procedures - Joint Responsibility. If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance.

9.02.28. Abatement Procedures - by the City.

a) If within time allowed, the violation has not been corrected, the Director may cause the violation to be corrected.
b) The Director shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a twenty percent charge for administrative overhead.
c) The Director or a person authorized by the Director may enter upon the property to abate the nuisance only upon obtaining consent of the owner and occupant; or upon obtaining an administrative warrant pursuant to CMC 1.15 or CLC 9.02.44.

9.02.29. Abatement Procedures - Assessment of Costs.

a) After abatement by the city, the Director of Finance, by first class mail, shall forward to the owner(s) and occupant(s) a notice stating:
(1) The total cost of correction, including the administrative overhead; and
(2) That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice.
b) If the costs and administrative overhead are not paid within thirty days of the billing date, the Director shall thereafter file with the Hearings Officer an itemized statement of costs and overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance.
c) Upon filing of such statement of costs and overhead, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer, and cause notice thereof to be served via certified mail to the owner(s) and occupant(s).
d) After the hearing, the Hearings Officer shall declare the correctness of such statement and declare the same to be a lien upon the property.
e) An error in the contents or service of any notice 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.

9.02.30. Abatement Procedures - Summary Abatement. The abatement procedure provided by this chapter is not exclusive but is in addition to procedures provided by other laws.

9.02.31. Collections. Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims court or entered into the city's lien docket in the manner provided by _____ and a lien for the entire amount placed against the real property pursuant to _____.

PENALTIES

9.02.32. Violations.

9.02.33. Receivership Authority. In addition to, and not in lieu of any other provision in this chapter, when the Director finds residential property in violation of this chapter, and believes that the violation is a threat to the public's health, welfare and safety, and the owner has not acted in a timely manner to correct the violations, the Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

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APPEALS

9.02.35. Appeals Generally. Any person who is issued an order from the Director or any person who is subject to a civil penalty, pursuant to this Chapter may appeal the decision to the Livability Code Board of Appeals.

9.02.36. Livability Code Board of Appeals.

(a) In order to hear and decide appeals of orders, decisions or determinations made by the Community Development Director relative to the application and interpretation of this code, there shall be and is hereby created a Rental Housing Code Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to this code and who are not employees of the jurisdiction. The Housing Division Manager shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board. The Rental Housing Code Board of Appeals shall be appointed by the Mayor and shall meet as required to carry out its duties. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Community Development Director.

(b) The Rental Housing Code Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

9.02.37. Filing of Appeal. Any person upon whom a notice and order is served under this code shall have the right of appeal from the notice and order to the Rental Housing Board of Appeals. An appeal must be submitted to the Community Development Director within seven days, plus three days for mailing, from the date of the notice and order.

9.02.38. Appeal Fee. Any appeal submitted under this chapter shall include a $50.00 filing fee.

9.02.___ Scope of Appeal. Appeals may be filed regarding notices, orders, interpretations and decisions made by the Director relative to this code.

9.02.39. Form of Appeal. An appeal must be in writing and include the following:

1. Name of person filing the appeal.
2. Copy of the notice and order.
3. Copy of the section of this code which is being appealed.
4. A complete explanation of the appeal.
5. What is requested of the Rental Housing Board of Appeals.

9.02.40. Appeal Procedure.

(a) The Community Development Director shall confirm that the appeal meets the filing criteria.

(b) If the filing criteria have not been met, the person filing the appeal will be so notified and the Rental Housing Board of Appeals will not be convened. The Community Development Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow the appellant to resubmit an appeal that has been deemed incomplete. Only one extension may be granted.

(c) If the filing criteria are met, the Community Development Director shall schedule a meeting of the board within 30 days of the filing of the appeal. The hearing shall be held not later than 30 days after the filing of the appeal.

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9.02.41. Administration Authority and Responsibility. The Director is hereby authorized to administer and enforce all of the provisions of this code. In accordance with approved procedures, the Director may employ qualified officers, inspectors, assistants, and other employees as shall be necessary to carry out the provisions of this Code. The authority of the Director to enforce the provisions of this Code is independent of and in addition to the authority of other City officials to enforce the provisions of any other Code of the City Code.

9.02.42. Authorization to Inspect. The Director is authorized to make inspection of property for the purposes of enforcing this Code.

9.02.43. Enforcing Compliance. To enforce any of the requirements of this Code, the Director may gain compliance by:

(a) Instituting an action before the Hearings Officer; or
(b) Causing appropriate action to be instituted in a court of competent jurisdiction; or
(c) Imposing criminal or civil penalties; or
(d) Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

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RIGHT OF ENTRY; INSPECTION WARRANTS

9.02.44. Right of Entry.

(a) The Director may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any building regulations, or whenever the Director has reasonable cause to believe that there exists in any structure or upon any property any condition which makes such property substandard as defined in any building regulations. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

1. Occupied Property. If any structure on the property is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant;

2. Unoccupied Property.

a. If the property is unoccupied, the Director shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant.

b. If structures on the property are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant; or

3. Open, Unoccupied Property. If any structure on the property is unoccupied and open:

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a. The Director shall notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons. If the property is not secured within fifteen (15) days from the date notice is sent, the Director may secure the property as provided in _____.

b. If the Director believes that a hazardous condition exists, the Director may immediately secure the property as provided in _____. Following the summary abatement, the Director shall notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection or abatement warrant.

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(b) The Director may seek approval for an inspection warrant without first requesting entry or making contact with an owner or occupant, if, at the time, facts or circumstances reasonably show that the purpose of the inspection or investigation might be frustrated if entry were sought without a warrant.

9.02.45. Grounds for Issuance of Inspection Warrants; Affidavit.

(a) Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.

(b) Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any Livability Code regulation exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with Livability Code regulations.

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9.02.46. Procedure for Issuance of Inspection Warrant.

(a) Examination. Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

(b) Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 8:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

(c) Police Assistance. In issuing an inspection warrant on unoccupied property, including abatement warrants pursuant to _____, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the Director or representative of the department inspecting the property in any way necessary to complete the inspection.

9.02.47. Execution of Inspection Warrants

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(a) Occupied Property. Except as provided in subsection (b) of this section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

(b) Unoccupied Property. In executing an inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection (a) of this section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.

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(c) Return. An inspection warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

9.02.48. DEFINITIONS

a) Unless the context otherwise specifically requires, for purposes of this Code, the following terms and phrases mean:

1) **Abandoned Structure** means a vacant structure that is an attractive nuisance.
2) **Abatement of a nuisance.** The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.
3) **Accessible Means of Egress** shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: *A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way*.
4) **Accessory Structure** means any structure not intended for human occupancy. Accessory structures may or may not be attached to a primary structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways.
5) **Agent. A person authorized by another to act in his/her behalf.**
6) **Approved** – Meets the standards set forth by the municipal code, the community development code, the building code, or other standards referenced in those codes, or is approved by the code official.
7) **Ashes** means the residue of the combustion of solid fuels.
8) **Attic** means the unfinished, non-habitable part of the residential structure between the roof and the ceiling immediately below.
9) **Attractive Nuisance** means buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.
10) **Basement** means that portion of a building or structure which is partly or completely below grade.
11) **Bathroom** – A room containing plumbing fixtures including a bathtub or shower.
12) **Bedroom** – Any room or space used or intended to be used for sleeping purposes.
13) **Boarded** means the securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings, following the standards of Appendix A of this code, that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.
14) **Building** means any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.
15) **Building Code** means the specialty codes adopted and as may be amended by the City of Corvallis, as provided in CMC Chapter 9.01.
16) **Building Official** means the administrator of the Development Services Division of the Community Development Department, or the administrator's designee.
17) **Bulk Solid Waste** means discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.
18) **Code Official** means the Code Compliance Supervisor, Code Compliance Specialist, Housing & Neighborhood Services Division Manager, or other person authorized by the Community Development Director to enforce the provisions of this code.

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19) **Deterioration** means a lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.
20) **Derelict structure** means a building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:
    (A) Is unoccupied and unsecured;
    (B) Is partially constructed;
    (C) Is an abandoned structure or attractive nuisance;
    (D) Is in condition of deterioration;
    (E) Has an infestation of pests;
    (F) Has doors or windows boarded over, or;
    (G) Other condition that in the opinion of the Director is detrimental to public health, safety or welfare.
21) **Director** means the Community Development Director charged by the City Manager with the implementation and enforcement of this code, or that department head's designee.
22) **Dwelling** means any structure containing one or more dwelling unit.
23) **Dwelling Unit** means a single unit within a dwelling providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. As used in this code, dwelling unit includes, as the context requires, single family dwellings, duplexes, triplexes, condominiums, residential trailers, mobile homes, manufactured homes, multi-family dwellings, and single units therein.
24) **Exit** means a continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.
25) **Exterior Property** means the areas of a property which are outside the exterior walls and roof of a building. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, yards, gardens, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.
26) **Extermination** means the control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Director.
27) **Hazardous Solid Waste** means any solid waste which, in the opinion of the Director, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.
28) **Habitable** means suitable for human habitation.
29) **Habitable space** means a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.
30) **Hazardous Thicket** means blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous.
31) **Hearings Officer** means the person or persons appointed by the City Manager to serve in that capacity.
32) **Human habitation** – The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

n g	33) **Imminent Hazard** means any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening. 34) **Incipient Hazard** means any condition that can become an imminent hazard if further deterioration is allowed to occur. 35) **Indoor Fixture** means any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures. 36) **Indoor Furnishing** means any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet. 37) **Infestation** means the presence of pests in large numbers that are harmful or bothersome within or adjacent to a building or structure or upon a premises. 38) **Junk** means articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this Code the term "junk" includes, but is not limited to: (a) any derelict motor vehicle, trailer, or boat, i.e, any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; (b) neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or (c) wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; (d) machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; (e) any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; (f) any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; (g) any bulk solid waste; and (h) solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items. 39) **Landlord** means the owner or lessor of a dwelling unit, a building, or a premises, including a person authorized by the owner or lessor to manage the premises or to enter into a rental agreement. 40) **Legally occupied** means the use of a premises for a purpose authorized by law, including the building code and zone code. For the purposes of this Code, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this Code, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present. 41) **Let for occupancy** or **let** means to permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land. 42) **Maintained compost** means a small portion of a property set aside for the purpose of methodically encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer or amendment for the soil on the property. A maintained compost shows clear indicators that the organic materials placed there are being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition does not constitute maintained compost.
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S t a r t i n g	

Point Starting	43) **Must** as used in this code, is mandatory 44) **Naturescape.** Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering. 45) **Noxious Vegetation** means weeds more than ten inches in height; grass more than ten inches in height; rank or dead vegetation; poison oak, poison hemlock, poison ivy; hazardous thickets; or other rank, noxious, and dangerous vegetation that is a health hazard; a fire hazard; or a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of the public right-of-way hazardous. This definition shall not include agriculture crops, endangered riparian grasses that have not come to seed, and wet land grasses that are neither a fire nor a traffic hazard. 46) **Occupancy** means the purpose for which a building, structure or premises is used or intended to be used. 47) **Occupant** means any person, including an owner, tenant or operator, using a building or any part of a building for its lawful, intended use or having possession of a space within a building or structure or possession of a premises. 48) **Owner** means the person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto; a lessee or tenant in possession. 49) **Partially Constructed** means an occupied or vacant structure, or portion thereof, has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit. 50) **Person** means an individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact. 51) **Pests** means animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin. 52) **Premises** means a lot, or parcel of land, including any buildings or structures thereon. 53) **Rank Vegetation** means any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied. 54) **Receptacle** means a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal. 55) **Recycling** means the process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization. 56) **Remediation** means the elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal. 57) **Repair** means the reconstruction or renewal of any part of an existing structure for the purpose of its maintenance. 58) **Residential property** – Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multifamily structures and mixed-use structures

Point Starting Point	which have one or more dwelling units. Hotels used exclusively for transient occupancy are excluded from this definition of residential property. 59) **Rubbish** means worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises. 60) **Shall** as used in this Code, is mandatory. 61) **Skilled Manner** means executed in a proper manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work. 62) **Solid Waste** shall have the same meaning as provided under CMC 4.01.010. 63) **Structure** means that which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner. 64) **Temporary** means a period up to 6 months in any 12 month period. 65) **Unfit for Human Habitation** means a building or structure that, as found by the Director, is unfit for human habitation due to; unsanitary conditions, infestation, accumulation of filth or contamination, lacks of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants. 66) **Unoccupied** means not legally occupied. 67) **Unsecured.** Any structure in which doors, windows, or apertures are open or able to be opened from the outside so as to allow access by unauthorized persons; unlocked or otherwise open to entry. 68) **Ventilation** means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space. 69) **Waste Tire** means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect. **(b)** Words stated in the present tense in this code include the future; the singular number includes the plural, and the plural includes the singular. Where terms are not defined in this code and are defined in the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes. Terms not otherwise defined in this Code or in the state building, plumbing or mechanical codes shall have ordinarily accepted meanings. Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this Code, they shall be construed as though they were followed by the words "or any part thereof."

City of Astoria Property Maintenance Code
http://astoria.or.us/page/149

City of Gresham Property Maintenance Code (2006 IPMC)
https://greshamoregon.gov/city/city-departments/community-development/code-enforcement/template.aspx?id=5274

City of Beaverton Property Maintenance Code
http://www.codepublishing.com/or/beaverton/html/Beaverton08/Beaverton0807.html

City of Portland Housing Code
https://www.portlandonline.com/auditor/index.cfm?c=28732

City of Salem, Property Maintenance Code
http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CCUQFjAB&url=http%3A%2F%2Fwww.cityofsalem.net%2FDepartments%2FLegal%2FSalem%2520Revised%2520Codes%2FProperty%2520Maintenance.pdf&ei=9gcKVfbzOsicoQSTwoDQDg&usg=AFQjCNFLxAw_y6f_p7NGkfs8AyhwmQ0n7g

City of Salem, OR Rental Housing Code 5-2014
http://webcache.googleusercontent.com/search?q=cache:eulXp3tWrtgJ:www.cityofsalem.net/Departments/Legal/Salem%2520Revised%2520Codes/Housing%2520Code.pdf+&cd=6&hl=en&ct=clnk&gl=us

IPMC 2012 https://law.resource.org/pub/us/code/ibr/icc.ipmc.2012.html

City of Eugene Rental Housing Code
http://eugene-or.gov/rentalhousing

Comprehensive Recap of Livability Code Gaps for December 17, 2014 Administrative Services Committee Consideration

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Interior Lighting	Lack of adequate interior lighting of emergency exit paths may result in inability to exit safely in an emergency.	Adopt standards requiring maintenance of adequate interior lighting of exit discharge paths.	Renter-occupied residential properties	**Continue**
Interior Ventilation	Lack of requirements for maintenance of ventilation systems in bathrooms, kitchens or for clothes dryers may result in mold growth and surface degradation.	Adopt standards and performance criteria for the maintenance of interior ventilation systems.	Renter-occupied residential properties	**Continue**
Electrical Systems	Lack of requirement to replace electrical system components damaged by exposure to leaks or flooding may result in hazardous situation.	Adopt standards requiring replacement of electrical equipment and devices if exposed to water, with some exceptions.	Renter-occupied residential properties	**Continue**
	Lack of requirements for ground fault interrupt outlets in bathrooms, kitchens, etc. may result in hazardous situation.	Require installation of ground fault interrupt outlets in bathrooms, kitchens, etc.	Renter-occupied residential properties	**Continue**
Plumbing Systems	There is no performance standard for or definition of "hot water," which may prevent the production of a temperature adequate for bathing and cleaning.	Adopt a measurable temperature standard for water system performance.	Renter-occupied residential properties	**Continue**
Interior Sanitation	There are no clear standards for the maintenance of sanitary conditions in residential building interiors, which may present living situations that are unhealthy and/or unsafe.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Continue**
	Lack of standards requiring the maintenance or repair of bathroom and kitchen surfaces, making it difficult to keep them from becoming unsanitary, which may lead to unhealthy living situations.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Stop (get at in prior language if unsanitary)**
Heating	There is no requirement for heat in bathrooms which may make it difficult to maintain a comfortable and dry, mold-free environment.	Adopt standards for heat in bathrooms and other habitable areas not currently covered by the Rental Housing Code.	Renter-occupied residential properties	**Continue (focus on definition of habitable areas)**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Interior Security	There is no requirement for properly functioning door knobs/latches, and no standards for adequate door or window hardware, which may lead to inadequate occupant safety (ingress and egress).	Adopt maintenance requirements for doors and door hardware, including deadbolts, and for windows and window hardware to be maintained to a level sufficient to provide security and safe exiting for occupants.	Renter-occupied residential properties	**Continue**
Exterior Weather- and Waterproofing	There are no requirements for the prevention of air leakage under, through or around windows or doors, which may increase a resident's discomfort and/or costs for heating and cooling.	Adopt requirements for building envelopes and openings to be sound, in good repair and weather tight in order to prevent wind from entering a structure.	All structure and occupancy types	**Continue (rentals only)**
	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	**Continue**
Exterior Sanitation	There are no standards that prevent the accumulation of inadequately/improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	**Continue (1st focus on indoor furniture outdoors)**
Solid Waste Removal	There are no provisions to assign responsibility between landlords and tenants for the removal of solid waste from a property. This leads to complaints of over-accumulation of contained and uncontained solid waste.	Adopt assignments of responsibility between landlords and tenants for the provision of containers, containment and removal of solid waste from premises	Renter-occupied residential properties	**Continue**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Building and Accessory Structure Maintenance	There are no standards requiring general maintenance of buildings and accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.	Adopt requirements that primary and accessory structures be maintained sound and in good repair, and that exterior surfaces be maintained.	All structure and occupancy types	**Continue**
	There are no standards requiring maintenance of exterior decks, handrails and stairs in one- and two-family dwellings. This may lead to conditions that may soon deteriorate but that are not yet dangerous.	Adopt requirements that decks, stairs and handrails be maintained in a safe condition.	All structure and occupancy types	**Continue**
Exterior Lighting	There are no requirements for the maintenance of exterior lighting in areas such as parking lots or walkways in and around apartment buildings. This has generated concerns regarding personal safety and security.	Adopt standards for the maintenance of exterior lighting in the described circumstances.	Renter-occupied properties; consider including all non-owner occupied properties	**Continue**
Graffiti	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Adopt requirements for the prompt abatement of graffiti-defaced property as an obligation of the affected property owner.	All public and private property of all types	**Stop**
	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Consider the development of a collaborative abatement program with involvement of stakeholders, paint companies, and community volunteers.	All public and private property of all types	**Continue**
Fire Safety	There are no maintenance standards for door locks that are operable without keys or special knowledge from the egress side of a doorway. This may create situations in which occupants are unable to exit a building in an emergency. (Partially addressed in Interior Security section above.)	Adopt standards requiring door locks that are operable from the egress side without keys or special knowledge.	All structure and occupancy types	**Continue**

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Fire Safety (continued)	There are no standards for the maintenance of emergency paths of travel and escape openings in one- and two-family dwellings. This may create situations in which occupants are unable to exit a building in an emergency.	Adopt standards requiring the maintenance of clear, unobstructed paths of travel and emergency escape openings for the purpose of safe ingress/egress.	All structure and occupancy types	**Continue**
	There are no standards for the maintenance or repair of fire-resistant surfaces (e.g., drywall) and assemblies (e.g. ceilings, walls between garages and living space). This may create hazardous situations if surfaces and assemblies are damaged and not returned to a fire-resistant state.	Adopt standards for the maintenance of fire-resistant surfaces and assemblies.	All structure and occupancy types	**Continue**
Occupancy Limits	There are no standards that specify how much space a dwelling unit must provide for eating, sleeping or living. This may lead to overcrowding of rooms, and in the overloading of dwelling units resulting in neighborhood impacts such as parking.	Adopt standards for minimum square footage allocation requirements to establish maximum occupancy loads in sleeping and living spaces within a dwelling unit.	Renter-occupied residential properties	**Stop**
General Maintenance (also discussed above)	There are no code provisions for the maintenance of structures. With no required maintenance the City is unable to address decline until the condition of a structure constitutes a dangerous building.	Adopt standards for the maintenance of structures to prevent decay that will constitute a dangerous building.	All structure and occupancy types	**Continue within context of areas discussed earlier**
Administration	There are inconsistencies between the three City codes that contain livability elements administered by the Housing and Neighborhood Services Division. This results in the application of different definitions, notices, compliance provisions, and penalties, leading to a process that is difficult for community members to understand, and that is relatively complex for City staff to administer.	Adopt a single code that pulls existing livability elements from the Corvallis Municipal Code, Rental Housing Code and Land Development Code; integrate additional code standards that result from the current consideration process into the resulting code document; adopt a single set of administrative provisions to guide the implementation of the resulting livability code.	N/A	**Continue**

MEMORANDUM

April 21, 2015

TO: Livability Code Departmental Advisory Committee

FROM: Kent Weiss, Housing & Neighborhood Services Manager

RE: Meeting notes and refined language

Attached for your review are meeting notes that reflect the discussion of the Committee at your April 7 meeting. We will plan to review them with you when we meet April 23. These notes provide considerably more (and in our analysis, too much) detail when compared to those from your March 25 meeting. We are working with the notes transcriber to find a middle ground that will provide enough detail for the committee to track the evolution of code language as well as questions, concerns and statements of support, but not so much detail that the reader is challenged to follow the conversation.

Also attached is refined language for the final four interior code gap issues we discussed April 7. As we reminded the committee at the end of the meeting, we will provide you with refined language as we continue to work through this review process, but will plan to hold off discussion of that refined language until we have worked through discussion of starting language for each of the three gap areas (interior, exterior and administrative). Once we reach the point at which refined language is on your agenda we will repackage it in comprehensive form for final discussion.

We'll see you this Thursday at 10:00.

Attachments: April 7 meeting notes
Refined language for plumbing, interior sanitation, heating and interior security

City of Corvallis Community Development Department
Livability Code Departmental Advisory Committee
Notes for the meeting of April 7, 2015
Meeting time: 10:00 a.m.
Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Carl Carpenter, Holly Sears, Jerry Duerksen, Jim Moorefield, Karen Levy Keon, Ken Gibb, Trish Daniels

Staff present: Bob Loewen, Chris Westfall, Kent Weiss

I. Call to order at 10:01.

II. Review of March 25, 2015 meeting notes

Gibb asked for comments, changes or additions regarding the March 25 meeting notes. Comments included:

- "Grandfathering" – frequent mentions of this topic are not noted, it is only mentioned under interior lighting but was more overarching.
- City Council's goal of housing affordability is left out.
- The suggested alternative language regarding using Albany code language for electrical systems is not included.
- It will be helpful to the committee and ASC if the meeting notes are formatted to show bullet points of the comments made in discussions e.g., more clarification for the record when there is a concern.

Gibb asked for any other thoughts from the group about the level of detail in the notes.

Staff noted that "grandfathering" wasn't mentioned multiple times because it will be addressed when discussion turns to the Administration element. The committee wanted to address it on a variety of topics across the sections. As these notes will be reviewed by the ASC members, they should clearly reflect a concern or objection.

Regarding the interior electrical standards, questions still remain about the electrical components that are exposed to water and what each one applies to. Staff will review that and bring back more information for future follow up conversations when the interiors section is revisited, so that is not going to go off the table.

All thoughts and suggestions will be taken under advisement in developing the next round of meeting notes, and those notes will try to reflect the conversations in more detail.

Progress to date: 3 items were reviewed in the last meeting. There are still 4 interior items and 7 exterior items to be discussed and not likely that all will be handled at this meeting. To manage time effectively, Staff suggested the group check in after about 15 minutes of conversation on each item to determine where the conversation is headed. The group can determine whether to continue the discussion if they are at a point where Staff can develop some clarifying language or if follow up information is needed to move on. This process should make the conversation productive and as succinct as possible to move forward.

Gibb noted that Carl Carpenter had provided comments related to exterior standards via e-mail on April 6, which Weiss forwarded to the committee. (Those comments are attached to these meeting notes.)

Beginning a discussion of new language Weiss noted that the approach will be similar to the process from last time: staff will provide background information briefly, talk about the language that is provided as a starting point, and then answer any technical type of questions.

III. Review and discussion of Livability Code language: Interior Code Gaps

Plumbing Systems

Westfall referred the committee to Attachment 3, the Gaps Matrix; the plumbing system is on page 1 of Attachment 3. Currently, there is no performance standard for, or definition, of "hot water," which may prevent the production of a temperature adequate for bathing and cleaning. In reviewing other jurisdictions' existing code language, and the Oregon Revised Statutes, a range of temperature and pressure performance standards exist that range from 110 -120 degrees of hot water production. Salem code identifies a pressure performance to provide the ability to get adequate water for cleaning. Last point made, the 120 degree standard matches up with the new building code construction. Concerns or points raised were:

1. A question regarding the "scope" of the gap was raised. Is was just water temperature and now PSI and 10 minutes of hot water are included? It appears that the gap is only defining the temperature of the water.
   Staff - gap is not just in temperature but a performance standard, with the objective of providing adequate hot water for bathing and cleaning. The goal is to set a performance standard that is quantifiable.

2. How is pressure measured?
   Staff -Pressure is regulated at several points along the supply system; one of the most relevant in a residential dwelling is at the meter. Multi units would have interior pressure regulating devices upstream of the meter. There are no tools to measure by just turning on the tap.

3. All three components, temperature, pressure and length of time, seem necessary to determine whether hot water is delivered. Part of the testimony presented by the Collaboration project's Livability Work Group included people who were not able to take even a 5-minute shower.
   Staff - The testimony did not identify the cause, just the need to address the initial problem.

4. Does new construction address the 15 PSI and the 10 minutes?
   Staff- Code language identifies what hot water temperatures are with an upper limit but not a lower limit. However, these are not intended to be building codes but livability standards, not specifically for new construction or revision of construction, just livability standards.

5. If code exists, then why address livability? No gap exists with the code already, why is pH not included?
   Staff - The gap exists regarding inadequate hot water. Code language from other jurisdictions was provided as a starting point for discussion. Staff suggests that to get to the gap identified as "hot water" you need pressure and availability for a length of time.

6. When a structure is built it must be maintained to the code that applied to it through the life of that structure, is that correct?

   Staff - No, that is why a Livability Code is needed. It is not that the Livability Code would be supplanting the Building Code. The Livability Code would be a trigger for City involvement if complaints are received regarding ongoing maintenance.

7. The committee is addressing gaps that aren't thoroughly fleshed out and at each point, City staff make recommendations that make a comprehensive Livability Code that are based on sound research that are benchmarked against what other jurisdictions are doing. Does dealing with "pressure" present a major problem to deal with? If things don't seem to be a major problem and they seem to be comprehensive in the interest of livability and safety can the committee come to a threshold of agreeing or disagreeing?

8. The minutes of December 17th captured lengthy discussions with ASC about these gaps, maybe reviewing those would be helpful? It doesn't seem that these three minor elements: temperatures, pressure, duration, were brought up in that three hour meeting.

   Staff's responsibility is to provide advice about these gaps. The advice is that hot water has three components to it; otherwise, one thing by itself is meaningless. This language is appropriate.

9. A concern is that in each section, it seems staff are taking the most restrictive elements of each gap, putting them into the *Starting Point* language and what we are getting is restrictive and more laborious code language than any of them. Some include PSI, some include water temperature, some don't have water temperature but they have the running time. I don't think any of them have all three. So again are all three really necessary?
   Staff – This is for the group's consideration. ASC will review whatever this committee decides and the record will show if committee members did not agree with what Staff drafted. Then ASC will be the decision maker.

10. Is the code language that is being developed more restrictive than necessary?
    Staff - to our knowledge, the standards in the draft language do not exceed any existing standard in the Building Code.

The meeting notes will attempt to reflect the diversity of opinions.

Interior Sanitation

There are two elements to the interior sanitation gaps: 1) standards for maintaining the conditions in the dwelling and assignment of responsibility for those standards; 2) Interior surface sanitation. ASC would like the two combined into one element, preventing the accumulation of solid waste and the maintenance of sanitary surfaces. Concerns or points made:

1. Staff – In reviewing the minutes, it was going to be a broader more encompassing definition of unsanitary and that's how the surfaces would get rolled in to the unsanitary conditions, rather than being explicitly stated in code language.

2. Would the language in Section A. 1 – 4 cover the surfaces?
   Staff – Correct. The items in section A. 1 - 4 are those which should be corrected. Below that are mechanisms which Staff are proposing based on other language reviewed. These are measures and standards which occupants and property owners would understand.

3. This does not appear to be the direction that was given to the committee, ASC wanted to stop looking at sanitary surfaces, the minutes state, "because it would be too subjective." Requiring surfaces to not be unsanitary seemed to be too subjective. ASC wanted broader language that would then encompass that gap.

4. Regardless of how this draft is presented, there was a discussion of "what is sanitary, what does sanitary mean?" A lengthy discussion that concluded with, it will be defined in code. And this is the defining of it in code at this meeting. You can't enforce something if you don't have a definition of it.
   Staff – Staff referred to documentation for examples of what might be considered for operating guidelines. Sample language that would identify which elements in 1 through 4 would not meet a basic definition of clean and sanitary, and then assign occupant responsibility or landlord responsibility. The ASC charge for this element as Staff understood it, was for the committee to provide a standard and definition and then identify which party is responsible for maintaining which element.

5. Paragraph B seems that it should put some responsibility on occupants. There were long conversations regarding this, and the committee wanted to make sure that not just the owner was responsible that everything was in good repair. It appears that B and C delineate those responsibilities.

Staff - In the gaps matrix it states, "adopt standards for sanitary conditions and assign responsibilities between landlords and tenants."

6. In reference to Section B, is that something that is usually in a property rental agreement, and that is already covered there? This code should not creep into what are already in agreements and are already in a private contract between two parties. It seems that this is something that would be in there.
Staff - will be guidance language for people for who don't use standard forms; from prior testimony a large number of the concerns have been for these issues. In reference to ORS 90 and local code, ORS is a separately enforced set of statutes; to go through enforcement can be an onerous process. The intent of that the committee is doing is to provide a local mechanism to get relief as these situations that arise.

7. In reference to organization in the reading, the topic of this section B is sanitation, things being sanitary. Section C, subset b and c, are about maintenance kind of things as opposed to sanitation. That appears to be two different topics. Section C is "this is what good repair looks like" but that is not a sanitation issue. The things above in section B are then about sanitation. Section C goes beyond just defining responsibility, it adds other things the parties are responsible for. So re-organizing the sections to be more consistent would be helpful.

8. In Section C, subsection A, "maintain the shared and public areas of the structure clean and sanitary," the way it reads "shared and public" may lead to different interpretation. The meaning that it references seems to be those areas in multi-family buildings that are shared, like hallways or common spaces, or lobbies. But "shared" could refer to the common areas in the interior of a unit that are shared by multiple parties. What is the intent?
Staff – The intent is to have common spaces outside of private units be the responsibility of the landlord, and spaces inside the units be the responsibility of the tenant. In reference to Section C, subsection b and c, those are to reflect back to element 4 of A.4 "provides a surface exposed or concealed which is conducive to the growth or mildew." Sections B and C identify maintaining those surfaces, so it isn't the expectation that the occupant is going to repair a torn vinyl floor. So b and c of subsection C are identified as sanitation standards for achieving A.4.

9. Suggestion that b and c each begin with the phrase "per whatever section, section A.4", so that's it clear that these relate particularly to that condition. That may also address the possible misunderstanding of the phrase "shared and common."

10. The burden is on the landlord to maintain conditions to achieve a "clean and sanitary condition" and then b and c tell describe what the City is looking for. The occupants are required to maintain what they control in a "clean and sanitary" condition so why not stipulate the requirements that meet the" clean and sanitary conditions" that the occupant is required to maintain? How is a landlord to know if they have satisfied the expectation in terms of "provides a surface" that is "not conducive to this growth of mold?" The occupant does not have that standard.

11. But the tenants have to maintain it in a "clean and sanitary" condition that is "not conducive to mold,"so there is something that allows the landlord and tenants to understand where their division is.

12. Why did the ASC stop if they wanted the committee to continue with this? Subsections b and c go beyond the direction of ASC but even if you remove that, you are getting at it anyway. A.4 gives the landlord some flexibility to do what he wants in the best interest of his own property and gives him some flexibility to meet that standard. It seems that peeling, flaking, and chipping paint seem beyond the clean and sanitary purview to me.

13. It appears that, even if b and c are removed, those requirements still remain. The provisions allow some flexibility for those landlords or property owners to comply. They could probably figure out that if you have torn up laminate, that situation is conducive to mold.
Staff – that was the direction given by ASC, to provide standards that are as clear and objective as staff could come up with. And so to do that, in the language provided, prohibiting surfaces that are

conducive to mold defines how staff would determine whether someone satisfied the minimum standard.

14. What would it mean if someone is in compliance with it? In other words, how are we and the landlord or the occupant going to evaluate "has that expectation been satisfied?"
    Staff - Landlord and tenant are both required to maintain the areas that are their assigned responsibilities in a clean and sanitary manner. Sub C and b/c then identify standards that staff would use to evaluate that. Those are the areas that we're anticipating, based on the conversations that came up through ASC, where it was most ambiguous.

15. It sounds like maybe those could be guidelines; those would be good guidelines.

16. It seems clear what we are really saying is "landlord you need to provide these X surfaces in X condition, when you rent the unit and renter you need to keep them clean." But it's hard to keep them clean if they are full of cracks and holes and peeling. It is the tenant's responsibility to keep it clean, but it's the landlord's responsibility to make that possible.

    Staff – we will take this information and you will see it reflected in the next round.

Heating

Staff noted that the gap that was identified was "there is no requirement for heat in bathrooms which may make it difficult to maintain a dry, mold free environment". The task is to adopt standards for heat in bathrooms and other habitable areas not currently covered by the Rental Housing Code and to continue discussion of defining "habitable areas." Section A language is currently in the Rental Housing Code in terms of minimum standards; other spaces, as in Section C are then added. Concerns or points made:

1. Clarify language in Section B where it states "no portable unvented open flame" - maybe to clarify, make it "portable or unvented open flame devices may not be used." Would that be clearer?
   Staff - in internal discussions there has been recognition that layman's language vs. administrative language may not align. From an administrative perspective, to use the word "may" indicates a permissive stance where "No, not, or never any" provide specificity. This identifies "none of these" at all.

2. Does current code require that bathrooms and kitchens to be heated?
   Staff- There is no requirement.

3. Then why would this be a requirement for livability if it's not required in new construction?
   Staff – That was the direction received from the ASC.

4. These are not livable spaces, all livable spaces is understandable. Kitchens and bathrooms are not livable spaces.

5. There was testimony from people complaining about how miserable their rental properties were because their kitchens were freezing and bathrooms were freezing.

6. The point is that if you are not requiring it for new construction to be built to this standard but afterwards you need to meet these standards, this doesn't make sense. If the Livability Code exceeds what the Building Division otherwise requires at the time of construction, then we have to go back and install something one month later after it's approved for occupancy? That doesn't make sense.
   Staff – The discussion that led to Section C gap assignment is based on the testimony received about concerns from tenants, this is for tenant occupied spaces, not owner occupied. That was the discussion that evolved from the ASC meetings. The distinctions are nuanced, under the Building

Code, habitable space is a term specific to areas that encompass living activity, toilet rooms and kitchen rooms are not identified as habitable space. Therefore, they are not included in the areas that are considered to be habitable under heat requirements. The tenant occupied space conversations pointed to the fact the City does not have the ability to require a safe means of heat in some of these other spaces if it isn't provided by the landlord. So then people were coming forward identifying that they are using temporary sources of heat such as portable electric heaters in their bathrooms that are cold or in the kitchens that are also cold; leaving their oven door open or using propane heaters. Staff have encountered spaces where tenants were using propane BBQs to heat their space because they don't have the means to provide heat to those spaces.

Gibb - The notes will reflect the discussion about what the Building Code does or does not require at the time of construction. There is a gap identified, the group has reviewed some language addressing that gap as identified. There are two conversations: 1) Should this be a standard that should be enacted? 2) Should the focus initially be on responding to the gap as identified and the language that has been presented here?

7. Is there a reason to not expand the definition of habitable, to bring bathrooms into that under the Rental Housing Code?
   Staff – Part of the task in looking at codes such as the Rental Housing Code and a new Livability Code is maintaining alignment of definitions. One of the confusing elements in the administrative sections is definitions of terms that differ. If the City adopts definitions that conflict with what the State based building codes identify for habitable space it could be problematic. We are then confusing contractors, landlords, groups like this, where we are discussing habitable space and that is a defined statewide term under State code. By using the common definition of habitable space and then adding these other spaces staff are looking for consistency between codes.

8. That makes sense. So is this language already included in the Rental Housing Code, if so, why don't' we just take the Rental Housing Code language and add bathrooms to that? It already speaks to heat in habitable areas, so just add the term "and bathrooms."
   Staff –And not include any other spaces here?

9. So if it is already in the Rental Housing Code and we are asked to expand the definition of "habitable" and I understand why that makes perfect sense why we wouldn't do that, why not then add bathrooms to the Rental Housing Code or when it talks about heat and habitable spaces?

10. Perhaps add "for the purposes of this code only" the definition of habitable space is being expanded?
    Staff – What staff looked at was to address the issue in a holistic approach to identify: here are the rooms, the locations in which these standards would be applicable, and here is how you might accomplish the standard? From the ASC conversations there was a need for clarifications, i.e. in order to maintain that 68 degrees minimum temperature, what would contribute to that and what would NOT contribute to that. Part of that is in the Rental Housing Code and part of that isn't currently. This is the best practices research that Staff have gleaned from other jurisdictions and local current codes to provide a recommendation for one way to address those gaps.

11. One clarification for being able to maintain the 68 degrees minimum is for the doors to be open, in any spaces that don't have their own heat, like a typical kitchen for instance.
    Staff – The expectation here is that the space is capable of maintaining that temperature year round under typical conditions of use.

12. If this going to be a concern at every juncture, what good does it do to have this set of building codes and that set of building codes when they're not compatible? As a group should we maybe take that out of our conversation, because we weren't challenged to do this thing based on Building Code for new construction, it was to fill the gaps among existing codes? Does it make sense to do away with that part or should we use that as comparison every time we discuss anything?

Gibb – This is a good acknowledgment of the difference between Building Code and an on-going Livability Code, and explains some of the rationale that is in place. In this case, language would differentiate between what is required in new construction vs. what a Livability Code will require. This will be included in our staff communication with ASC and referenced in the meeting notes. It could be in the end ASC says we don't want to do this standard. The focus should still be what language would work best assuming you want to continue the standard in a Livability Code.

13. Should we go forward with "should" vs. "shall?" If we have a difference between Building Code and Livability Code perhaps we revert to "should?"
    Staff – As mentioned earlier, code language that uses "should" is suggestive, but not enforceable.

14. Codes represent a community standard, these are basic minimum standards for decent and safe living conditions. Do the building codes we have now get reviewed periodically or just when the State standard is updated?
    Staff – We are obligated to update building codes locally when the State changes. It's typically on a three year cycle. The State reviews and updates based on code development changes.

15. Those are basic minimum standards but it doesn't preclude a jurisdiction from requiring higher standards for their new construction, correct?
    Staff- A local jurisdiction would be precluded from exceeding state standards, they are min-max codes. What it doesn't preclude is a local jurisdiction from identifying other non-building code standards, property maintenance codes or livability codes that are not specifically included in Building Codes.

16. Regarding heat in the kitchen, if the community felt it really needs to be required, we couldn't put it in the Building Code but we could put it in our Livability Code or some other code?
    Staff – Correct.

17. Were kitchens discussed in the December 17th ASC meeting? The actual heading of this code section is "Heating" and then in parenthesis, bathrooms. So it's pretty explicit that it is to pertain only to bathrooms. Including kitchens appears to be beyond what the ASC intention was. In regard to the discussion about the Livability Code standard and adding the standard for the Rental Housing Code that does not include bathrooms, one suggestion would be to just add the words "and bathrooms."
    Staff – An approach that has been discussed is identifying Rental Housing Code language that would be subsumed by the Livability Code. At this point, staff are not sure what the outcome might be but in terms of what is specifically in the current Rental Housing Code, it is the majority of A, although not verbatim; B, C and D are not specifically in the current Rental Housing Code standards. Again, it is intended that the Rental Housing Code would be subsumed into the Livability Code.

Windows, Security

Westfall - Security is an element within the current Rental Housing Code; the gap is to "adopt maintenance standards for doors and door hardware, deadbolts, etc., to be maintained to a level sufficient to provide security and safe exiting for occupants." Even though current Rental Housing Code standards specify security of those entrance points, the performance of those security items and how staff would evaluate it is not specified. That is what the language excerpted from the examples from other jurisdictions brings forward, and which led to the Starting Point recommendations. Concerns or points made:

1. Does new construction require deadbolts?
   Staff – There is language specifying that if you are going to install security, how each security item should function, but there is no requirement that deadbolt be there.

2. So Building Code for new construction does not say that doors must have locks?
   Staff – The requirement of the current Building Code is that if you have a security device, that it not require any special knowledge or a key from the inside to get out. That is in place, a requirement for the presence of security devices is not, other than in the current Rental Housing Code.

3. What about using alternative language found in the Albany Property Maintenance Code at 18.32.10 with the change to say "shall" instead of "should". It would read "All exterior doors, door assemblies, 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." That would sum up what the intent of ASC is and at the same time provide some flexibility for the landlord to put on their rental unit what they feel would be the most adequate equipment for that. This language would keep it simple and provide that flexibility.
   Staff – that was reviewed along with the guidelines from ASC that included deadbolts so staff included the specificity of deadbolts in order to identify how they are going to function, and a performance standard for those items. There is draft language, under A.2, which requires "locks for all entrances, dwellings units, and sleeping units shall tightly secure the door to discourage unwanted entry." Staff were looking at responding to the testimony received through ASC's meetings about doors that have locks that don't actually align with the jam or don't meet the strike. The doors and locks are there, but don't actually perform the designed function.

3. It seems that "tightly secure the door" would satisfy the concern. If the security device is not working or there's a huge gap, then it is not tightly securing the door.

4. Is that sufficient? Or do we need to specify dead bolt. It seems that "tightly secure" the door gets at the intent of the gap.
   Staff – In reference to A sub ii, "all exterior doors, door assemblies, and hardware shall be maintained in good condition," what staff have experienced and identified through the ASC testimony is that it is possible to have doors that lock, but that do not have the ability to secure or prevent entry, and no requirement to maintain those locking devices so they actually function properly. Staff have seen examples where the lock on the doorknob may secure the door, there could be a hasp, or a throw bolt, or other devices that require special knowledge to operate or that are not maintained in a way in which the operator, the occupant, can easily operate them. Staff have encountered situations where people have modified the locking device so that the door can only be closed, but a tenant may not be able to actually open that door. Staff have encountered some situateions where the entrance door is locked and doesn't function as an 'in-out' door anymore, because the lock is not maintained or the door is nailed shut.

5. In reference to the staff comment regarding hasps, throw bolts and required special knowledge: where is that term "special knowledge" defined?
   Staff – To clarify the context, types of situations encountered in the field where it may not be a functional door for people were included. Staff see hasps and throw bolts being utilized. The Building Code identifies that for the means of egress doors, "egress doors shall readily open and allow for movement from inside the dwelling unit without the use of a key or special knowledge or effort." So that is where the special knowledge language comes from.

6. Special knowledge is a concern. We should not be saying that we are trying to make code here that says you can't use a chain, or you can't use a throw bolt, or you can't use a hasp. I cannot find where "special knowledge" is defined.
   Staff – We will define "special knowledge" in revised language.

7. We have discussed what Building Code does or does not require, and I worry that hypothetically, with something as important and complicated as a heating system, fixing that or retrofitting that depending on the building can be a complicated thing. Locks, even if the

Building Code doesn't require locking doors, the ability to add a lock that's functional that meets certain requirements post-construction does not come close to having the complexity of a heating system. So there may not end up being any conflict; I don't know of anyone who owns a building that doesn't put locks on the doors. The fact that there isn't a code requirement in this case doesn't worry me, because adding a lock is not that hard.

8. This really gets at the heart of what it means to have a livable place, it's your physical security, first of all for your person and frankly a lot of crime. We don't want people breaking into our houses. There really does need to be a secure lock protection from the outside and if there is a fire or some other emergency where it's dark, everybody needs to be able to get out pretty readily without having to think about it.

9. We all support the security of the houses and for all of the doors, it's the degree and the number of locks that I have questions about. The term special knowledge is something I also question.
   Staff – Staff will provide a state interpretation that identifies what is understood to be special knowledge. The current Oregon Structural Specialty Code identifies that "manually operated bolts or surface bolts are not permitted on entrances." Whether they are identified as requiring special knowledge or not, these are the ones that specifically are not permitted for entrance locks.

Gibb – I'm hearing a suggestion for language from the Albany Code and it will be noted; I heard a request for a definition of special knowledge and an interpretation; I heard concerns whether a deadbolt should be required or not. Any other issues?

10. How would historic homes be affected by this? Taking that into consideration if a historic home were to be rented.
    Staff – Staff are anticipating those typically would fall under the administrative provisions, looking there for guidance on alterations to historic homes.

Exterior Weather and Waterproofing

Westfall – The discussion of exterior standards will be structured in the same way staff did for interiors. The matrix items are included in each section under discussion to provide reference to look back to, and again we have developed potential standards for your beginning discussions. The two parts in this Section 1 identify maintenance provisions to prevent wind from entering a structure, and also to maintain the exterior envelope in order to prevent water from entering into a structure. The exterior building envelope - roof, walls and exterior components would need to provide protection from the elements. The language is intended to provide a starting point for identifying how to get to a point where staff have the ability to say, determine whether a condition would prevent intrusion of wind or water into the structure. Staff looked at different ways of identifying that and arrived at the term "weather tight," which captures both wind and water. Rather that writing two separate sets of standards for how to deal with water and wind, the language for both has been combined into one response. The operating guideline for this section provides definitions as well as guidelines. The term "weather tight" is being defined as a specific term, meaning in this case, secure against wind, rain and natural elements. Concerns or points made:

1. In reading the matrix, wind is to apply to rentals only and water to all structures. But that is not the starting point language.
   Staff - Staff would appreciate the committee's thoughts on how all of this works together.

2. Under temporary measures, the draft language states that tarps can only be used for so much time. Is that appropriate, and does it consider how much time it might take to repair some of these issues, especially if it involves painting or replacing a roof, repairs that are weather

dependent? Is that a guidelines issue or a code issue - the time someone has to address the condition?
Staff – What was discussed in the ASC meetings was specific to those questions. It's not captured here. As discussed with ASC, operationally staff expect to have guidelines that identify that if a complaint led to a determination that there are surface treatment failures, staff would provide a notice that repairs would need to be completed within a specific time frame, determined based on an examination of what the conditions are. Practically, if the owner has lined up a contractor to get the work done, but the contractor can't get the work done because of extenuating circumstances, staff would likely extend a completion date in that case vs one in which we have had no contact or no effort to make repairs.

3. The code should have a maximum time limit with certain accommodations for any type of exterior repair, a time limit within a year's period. At least to show substantial progress.
Staff – The City's case tracking mechanism will allow for forecasting deadlines and tracking progress.

4. There should be flexibility in this, not only in the guidelines but also in the code language so people who are not hearing this conversation or don't know of the flexibility and are nervous seeing 30 days. If there is flexibility something should be written into this that says "or longer if substantial progress is made." Especially as this is the only standard with a time limit, so it really stands out.
Staff – In the Rental Housing Code time frame standards are specified in the code language and then the operating guidelines clarify that where the owner of the building has an arrangement with a contractor to perform the work but there is a delay, flexibility may be applied. It references the code to reflect that. Staff cannot gain compliance based on an operational guideline or policy. It has to be based on language found in code.

5. Why is there a time line here and not anywhere else?
Staff – Due to the temporary measures for an emergency such as a broken window, the immediate response that the window is boarded up, but that is not the repair, it is a temporary measure. The time limit is needed because some things, besides being maintenance issues, become blighting issues. This is what the ASC heard in discussions about these places that are perpetually tarped or perpetually under repair but never actually completed. That is the intent of the time limit.

   Gibb – maybe we need more conversation about temporary measures timelines vs. repair timelines. Is there any more conversation about that?

6. Does this language reflect any remedies for those types of properties, such as the one on Grant, the this type thing? That was a difficult one to enforce; is that something that is going to substantially give the City the tools to remedy it? So when this Livability Code is put in place, will Grant go away at some point?
Staff – Today staff only have code authority to ensure that a structure can be addressed if it constitutes a dangerous building or attractive nuisance. There is no code to require building maintenance in order to prevent units from reaching a point of failure. The language as proposed in the starting point here would address those issues if staff received complaints. We anticipate that when the code comes into effect, the City will receive a spike in complaints regarding properties that people had previously given up complaining about. There are units like that scattered throughout the community.

7. The group discussed 30 vs. 45 days to remedy. Under glazing an owner would have 30 days to deal with a broken window, correct?
Staff - Yes. The code would look for quick resolution to avoid a blighting influence.

8. If a tree feel on top of a house and the roof is penetrated, then a tarp would then come under temporary measures?
   Staff – Yes. The distinction can be clarified.

9. In 4, glazing, it says glass window panes or approved substitute. What is an approved substitute? What is the definition of an approved substitute?
   Staff – In the interior provisions we included in our operational guidelines an explanation of what we intended by approved and if you read through the Building Code, the Livability Code and Rental Housing Code, approved means there is prescriptive language that specifies how to achieve a code standard. That is prescriptive code. Then there are options for the official administering the code to look at alternate approaches that would meet the intent of the prescriptive code. An approved substitute for glass might include other translucent elements such as plexiglass. The market also has new abandoned property materials that are coming out that are much different than boarding up a building with plywood. They are practically indestructible form of a plexiglass for securing windows so some elements of just plexiglass.

10. The concern is in regard to putting up a translucent plexiglass after the pane has been broken three times, and then being told by the City that it is not a suitable substitute.
    Staff – One would need to confirm acceptability before using an alternate material.

11. If a window has optional weather glass with a crack that doesn't violate the weather-tight or air infiltration standard, is there a requirement for that pane to be replaced?
    Staff – The window envelope would to be secured one way or the other whether the broken glass is in the interior sash or the outside storm window.

Gibb - In the interest of time, I'm doing a check in and thinking we are a point to break for the evening. Staff will follow up with meeting notes.

IV. Review of upcoming meeting schedule. Meeting dates and times were listed in the agenda; staff asked about tentatively adding a meeting on Tuesday or Wednesday May 26 or 27th 9 am to 12 noon. Staff will conduct a Doodle poll and include more options.

V. Other business. There was no other business.

VI. Adjournment. The meeting was adjourned at 12:05.

A. EXTERIOR WEATHER/WEATHERPROOFING

Starting Point: It is the responsibility of the owner of every property to maintain every building and structure on the property in a manner that complies with the following requirements:

1) Roofs and Drainage. All roofs, flashing, vent stacks and boots, and chimneys shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls, attic or interior portion of the building~~ and shall channel rainwater in an approved manner to an approved point of disposal~~. ~~Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair~~. ~~Roof drains, gutters and downspouts of a building or structure shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration~~.

2) Exterior Walls and Exposed Surfaces. Every exterior wall and weather-exposed exterior surface or attachment of a building or structure shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building. a) All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. ~~Peeling, flaking and chipped paint shall be eliminated and surfaces repainted~~. b) All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weathertight. c) Exterior metal surfaces shall be protected from rust and corrosion. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

3) Windows and Doors. Every window, sash, door and frame of a building shall be kept in sound condition, good repair and weathertight. Every exterior door, skylight, and window shall comply with the following: a) Every exterior door~~, door hinge, door knob, door lock, and strike plate~~ shall be maintained in good condition. b) Every exterior door, when closed, shall fit reasonably well within its frame and be weathertight. c) Every doorframe shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering a building. d) Every window sash shall be in sound condition and good repair and fit weathertight within its frame. e) Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude wind and rain from entering a building.

4) Glazing. Every window sash of a building exterior envelope shall be fully supplied with glass window panes or an approved substitute without open cracks and holes. All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect. 5) Basement

Comment [CC1]: This was not directed by ASC as a gap they wanted closed. It should be removed.

Comment [CC2]: This is over-reaching regulation that was not directed by ASC as a gap they wanted closed. It should be removed.

Comment [CC3]: This was not directed by ASC as a gap they wanted closed. It should be removed

Comment [CC4]: This proposed regulation is too vague and over-reaching and was not directed by ASC as a gap they wanted closed. It should be removed.

Comment [CC5]: This proposed wording was not directed by ASC as a gap they wanted to be closed. It should be removed.

Comment [CC6]: What is the definition of "an approved substitute?

Comment [CC7]: This statement is too vague. If the window casing has OPTIONAL storm windows installed and either the window or the storm window has a crack, does this proposed regulation require the glass to be replaced?

hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. 6) Temporary Measures. The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or a door, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building notice.

B. EXTERIOR SANITATION

Starting Point: All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner of every property shall maintain the structures, premises and all common areas of the exterior property in compliance with these requirements. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. The exterior property and premises and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

1) ~~Holes~~, tanks~~, and child traps~~. Remove, or fill where filling will abate the nuisance~~, all holes~~, cisterns, open cesspools, open or unsanitary septic tanks, ~~excavations~~, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.

~~2) Unsecured structures. Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any unsecured structure so as to prevent access by unauthorized persons through such openings. No requirement imposed under this section shall constitute relief from or an exemption to compliance with the provisions of ___TBD_____ for 'weathertight' standards.~~

~~3) Rat harborage. Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.~~

~~4) Emergency access routes. Remove and keep removed all brush, vines, overgrowth and other entangling or rank vegetation located within 10 feet of a structure or within 10 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.~~

~~5) Thickets that conceal hazards. Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be: a) Concealing trash and debris; or b) Creating rat harborage;~~ or ~~c) Creating harborage for people involved in criminal or prohibited activity or for products used for criminal activity~~.

6) Trash and debris. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise: a) All ~~garbage~~, offal, dead animals, animal and human waste, and waste materials ~~(All garbage shall be stored as specified in CMC Section 4.01.050);~~ b) Accumulations of litter, glass~~, scrap materials (such as wood, metal, paper, and plastics~~), junk, combustible materials, stagnant water, ~~or~~

Comment [CC8]: Too vague. . .All holes have little to do with exterior sanitation. Reword or remove the sentence.

Comment [CC9]: Too vague. . . who sells "child traps"

Comment [CC10]: Too vague. . .holes of what dimension?

Comment [CC11]: Too vague. . . the definition as "an area in which excavating has been done or is in progress". Reword or remove sentence.

Comment [CC12]: This paragraph is too vague

Comment [CC13]: This was not directed by ASC as a gap that they wanted closed. The statement is too vague. Where is the state/county health department data that identifies the dangerous epidemic? My BBQ grill would probably meet the criteria as a rat shelter that would require removal.

Comment [CC14]: This was not directed by ASC as a gap that they wanted closed. Where is the data/report from fire department or other emergency personnel that this is a gap that requires closure?

Comment [CC15]: This was not directed by ASC as a gap they wanted closed. I have tenants who pick the blackberries on my property. The issue is not the blackberries, it is the trash and debris. So why not just keep the focus on the trash and debris?

Comment [CC16]: . . Again, where is the state/county health department data that identifies the dangerous epidemic? Remove the wording

Comment [CC17]: Why would anyone hide in blackberries? Where is the police department data that identifies the dangerous condition?

Comment [CC18]: If there is guidance in the Corvallis Municipal Codes. . . where is the gap?

Comment [CC19]: Too vague. . . Some tenants collect scrap materials to sell. Are we suggesting that we impinge on their ability to earn a livelihood?

~~trash; c) All dead bushes, dead trees, and stumps with the exception of such material which: i) Is being maintained as part of a naturescaped property; ii) Does not result in a nuisance as otherwise defined in this chapter; and iii) Is located on a property which is otherwise substantially in compliance with this chapter; d) All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property per the provisions in CMC Section 2.19.150; e) Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and f) Accumulations of clothing and any other items not designed for outdoor storage~~.

7) Storage of non-trash items. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise: a) Accumulations of wood pallets. ~~b) Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester, per the provisions in CMC Chapter 5.05, Dutch Elm Disease. c) Accumulations of vehicle parts or tires. d) All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.~~ e) All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration. f) All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration ~~and is reasonably expected to be used at the property~~. g) All recycling materials except for reasonable accumulations (~~amounts consistent with a policy of regular removal~~ and CMC Section 4.1.070) that are stored in a well-maintained manner. ~~h) All other non-trash items which: i) Are of a type or quantity inconsistent with normal and usual use; or ii) Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.~~

C. SOLID WASTE REMOVAL

Starting Point: All exterior property and premises, and the interior of every structure, shall be free from any accumulation of solid waste. ~~Approved receptacles for solid waste shall be provided and utilized for the containment and disposal of solid waste in accordance with the provisions of CMC Chapter 4.01.~~

~~1) Every occupant of a structure shall dispose of solid waste by placing all such material in an approved solid waste disposal facility or approved receptacles.~~

2) The Landlord of any multi-family dwelling shall: a) Provide, in a location accessible to all dwelling units, ~~at least one thirty-two gallon solid waste receptacle for each dwelling unit or at least one receptacle with a cumulative capacity that allows for thirty-two gallons per dwelling unit, into which solid waste from the dwelling unit may be emptied for storage between days of collection.~~

Comment [CC20]: If there is guidance in the Corvallis Municipal Codes. . . where is the gap? This sentence is over-reach and should be removed.

Comment [CC21]: This was not directed by ASC as a gap they wanted closed. Their direction was to look at how to control inadequate/improperly stored personal possessions in the yards. Remove the sentence.

Comment [CC22]: If the provision is in the Corvallis Municipal Code. . . there is no gap. Why are we recommending inclusion in the livability code? Remove sentence.

Comment [CC23]: This was not directed by ASC as a gap they wanted closed. Where is the state/county health department data that identifies the dangerous rat harborage epidemic? Who wil have to certify that my blackberries are "rat-free"? Remove sentence.

Comment [CC24]: Too vague. Would this wording prevent hanging clothes outside to dry? Remove sentence.

Comment [CC25]: If a provision exist in the Corvallis Municipal Codes. . . there is not an enforcement gap. Why are we recommending inclusion in the livability code? Remove sentence.

Comment [CC26]: Too vague. This was not discussed by ASC as a gap they wanted closed. Remove sentence.

Comment [CC27]: Too vague. This was not discussed by ASC as a gap they wanted closed. Remove sentence.

Comment [CC28]: Too vague. Who certifies that the furniture is reasonably expected to be used? Remove sentence.

Comment [CC29]: Too vague. What is the policy of regular removal?. . . one day?. . .one week?. . .one month? My tenants who are "scrapers" collect until they have enough scraps to make it economical to recycle.

Comment [CC30]: Over-Reach. . . This was not specifically directed by ASC as a gap they wanted closed. Remove sentence.

Comment [CC31]: This is too vague. . . will my covered car that I am trying to rebuild impede passage of fire and other emergency personnel? Impeding emergency personnel was not a gap that ASC directed they wanted closed. Remove sentence.

Comment [CC32]: Why am I required to ensure solid waste is removed from my rental property while my "owner-Occupied" neighbor IS NOT?

Comment [CC33]: If a provision exist in the Corvallis Municipal Code. . . there is not an ...

Comment [CC34]: Corvallis Municipal Code Section 4.01.050 already states this requirement. If a provision exists in the Corvallis Municipal Code ...

~~Notwithstanding the minimum capacity and number of receptacles herein established, receptacles must be of sufficient capacity to prevent the overflow of solid waste from occurring;~~ b) Subscribe to and pay for weekly solid waste management services~~, including recycling and yard waste service~~, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

3) The Landlord of any 1 and2 family dwelling, except as otherwise provided by written agreement between the landlord and the tenant, shall: a) Provide, in a location accessible to each dwelling unit, at ~~least one thirty-two gallon receptacle for each dwelling unit or at least one receptacle with a cumulative capacity that allows for thirty-two gallons per dwelling unit, into which solid waste from the dwelling units may be emptied for storage between days of collection.~~ Notwithstanding the minimum capacity and number of receptacles herein established, receptacles must be of sufficient capacity to prevent the overflow of solid from occurring ~~b) Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis.~~ Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

Comment [CC35]: Where is the data that validates that "one 32 gallon receptacle" is required for each dwelling. Currently Republic Services provides 20, 35, 65, 90 gallon receptacles and offers weekly or every other week pick-ups.

Comment [CC36]: This is a voluntary option that is provided by Republic Services. Why are we making it mandatory?

Comment [CC37]: Who is in "control of 1 or 2 family dwellings"? Oregon Landlord-Tenant Law states that the tenant is in control. Why is the tenant not responsible for solid waste disposal?

Comment [CC38]: Where is the data that validates that "one 32 gallon receptacle" is required for each dwelling. Currently Republic Services provides 20, 35, 65, 90 gallon receptacles and offers weekly or every other week pick-ups.

Comment [CC39]: This is a voluntary options.

Comment [CC40]: Corvallis Municipal Code 4.01.080 allows for private disposal of solid waste provided there is no leakage or litter upon the streets. Why are we directing subscription to weekly service?

D. BUILDING/ACCESSORY STRUCTURE MAINTENANCE

Starting Point: It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

1) General. The exterior of a building or structure shall be maintained in good repair and structurally sound so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.

2) Required Maintenance. All systems, devices and safeguards required by this Chapter or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants.

Comment [CC41]: This statement is too vague. The statement includes both interior and exterior requirements in a section dedicated to exterior issues.

3) Skilled Work Required. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a skilled manner.

4) Foundations and Structural Members. a) Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration. All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of ~~insects~~, rodents or pests. b) All supporting structural members in every building and

Comment [CC42]: Impossible to accomplish and an unattainable requirement. Remove the word "insect".

structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

5) Exterior Walls and Exposed Surfaces. Every exterior wall of a building and all weather-exposed exterior surface or attachment of a building shall be free of holes, breaks, loose or rotting boards or timbers and maintained weathertight and properly surface coated where required to prevent deterioration. Every section of exterior brick, stone, masonry or other veneer applied to a building shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

6) Chimneys. Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of a structure shall be permanently sealed using approved materials.

7) Roofs. All building roofs shall be structurally sound and weathertight.

~~8) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration. When any building or structure is found to be missing a decorative feature, the City Manager or designee may require the missing decorative feature to be replaced with a similar material of similar size, shape, color and texture.~~

9) Accessory Structures. Every accessory structure, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair. ~~Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.~~

10) 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.

Comment [CC43]: This is over-reach. . .Decorative features have nothing to do with "sound and good repair". Remove sentences.

Comment [CC44]: This was not directed by ASC as a gap they wanted closed. Remove Sentence.

Comment [CC45]: This was not directed by ASC as a gap they wanted closed. Land has nothing to do with the gap for general maintenance of buildings and accessory structures. Remove words.

Comment [CC46]: This was not directed by ASC as a gap they wanted closed. Land has nothing to do with the gap for general maintenance of buildings and accessory structures. Remove words

E. DECKS, STAIRS AND HANDRAILS MAINTENANCE

Starting Point: It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:

1) Every exterior stairway, deck, porch and balcony and attachment to stairways, decks, porches and balconies shall be: a) Maintained so as to be safe to use and capable of supporting the loads to which it is subjected; b) Kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, rotten, deteriorated or loose.

2) Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good repair, and capable of supporting the loads to which it is subjected. a) Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced; b) Where not otherwise required by original building codes, exterior stairs of more than three risers which are designed and intended to be used as part of the regular access to a building or structure shall have handrails. When required to be installed under this section, handrails shall be constructed so that they meet the applicable building code requirements in effect at the time this work is being performed; c) Where not otherwise required by original building codes, porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guardrails. When required to be installed under this section, guardrails shall be constructed so that they meet the applicable building code requirements in effect at the time this work is being performed.

Comment [CC47]: What is the current building code for handrails? Beaverton and Gresham code requires handrails when there are more than 4 risers.

F. EXTERIOR LIGHTING

Starting Point: It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:

~~1) All exterior sidewalks, walkways, stairways, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.~~

Comment [CC48]: This paragraph does not relate to the exterior lighting gap that the ASC directed Staff to close. It should not be included.

2) Exterior site lighting required by the land development code or the building code at the time of development shall be maintained or, if removed, shall be replaced.

~~G. GRAFFITI~~

~~Starting Point: No code language development foreseen. To be considered as an administrative program.~~

Refined Livability Code language for plumbing systems, interior sanitation, heating, and interior security based on discussion by the Livability Code Departmental Advisory Committee on April 7, 2015.

The refined language below is provided in a markup version relative to the "Starting Point" language discussed by the Committee on April 7. This refined language will be discussed following the completion of consideration of raw language for interiors, exteriors and administration.

Refined Language: Plumbing Systems

(a) Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space shall be responsible to provide and maintain each building and *dwelling unit*[2] in accordance with these standards:

- **a.** All sinks, lavatory basins, bathtubs and showers within a dwelling shall be supplied with both hot and cold running water facilities which are installed in an *approved*[6] manner, properly maintained, properly connected and have a water pressure of at least fifteen psi.
- **b.** Water heating facilities shall be supplied for each *dwelling unit*[2]. Water heating facilities within a *dwelling unit*[2] shall be capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit for at least 10 minutes at each hot water outlet.

Refined Language: Interior Sanitation

(a) The interior of every structure that is rented, leased or let for residential occupancy shall be maintained in good repair, in a *clean and sanitary* condition, free from any accumulation of *rubbish*, garbage or solid wastes. For purposes of this section, the term *"clean and sanitary"* shall mean free from and any material or condition that:

1. Provides a breeding place for insects, rodents or vermin; or
2. Produces dangerous or offensive gases or odors; or
3. Blocks exits, hallways, corridors or *Accessible Means of Egress*[3]; or
4. Provides a surface, *exposed or concealed*[8], which is conducive for the growth of mold or mildew.

(a) Occupants shall keep that part of the ~~structure~~ dwelling unit which they occupy or control in a *clean and sanitary* condition.

(b) Every *Landlord*[1] of any ~~structure, building or premises~~dwelling who rents, leases or lets a *dwelling unit*[2] within any such space shall:

- a. Maintain the ~~shared~~ common halls, stairways, utility rooms and areas, and similar public areas of the ~~structure~~ dwelling in a *clean and sanitary* condition; and,~~.~~
- b. Pursuant to Section (a)(4) of this code but not withstanding the requirement under Section (b) of this code that the occupants shall keep such spaces in a clean and sanitary condition, provide and maintain all interior surfaces in good repair, including windows and doors, as follows: Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered; Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected; Walls, floors, ceilings, cabinets and interior doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch; and,~~.~~
- c. Pursuant to Section (a)(4) of this code but not withstanding the requirement under Section (b) of this code that the occupants shall keep such spaces in a clean and sanitary condition, be~~Be~~ responsible to ensure that every toilet compartment, bathroom, and kitchen floor surface of every *dwelling unit*[2] is constructed and maintained to be *substantially impervious to water*[9] and to permit the floor to be kept in a *clean and sanitary* condition.

Refined Language: Heat

(a) Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space shall be responsible to provide and maintain every *dwelling unit*[2] with permanent heating facilities capable of maintaining a year-round room temperature of not less than 68°F (20°C) in all habitable rooms and~~,~~ all bathrooms~~, and all kitchens~~.

- **a.** Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
- **b.** No portable, unvented or open flame fuel burning devices may be used to meet the heat requirements of this code.
- **c.** All heating devices or appliances shall be of an *approved*[6] type.
- **d.** Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68°F (20°C) in all habitable rooms and~~,~~ all bathrooms~~, and all kitchens~~.

Refined Language: Interior Security

(a) Every *Landlord*[1] of any structure, building or premises who rents, leases or lets a *dwelling unit*[2] within any such space shall be responsible to provide and maintain all exterior doors, windows or hatchways for every *dwelling unit*[2] with devices designed to provide security for the *occupants* and property within.

- **a.** Every entrance door to a *dwelling unit*[2] shall be provided with a door knob and a deadbolt lock, and keys for same, designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.
  - **i.** Deadbolt locks shall have a minimum lock throw of not less than 1 inch (25 mm) and shall be installed according to the manufacturer's specifications.
  - ii. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door to discourage unwanted entry.
  - **iii.** For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.
- b. Operable windows located in whole or in part within 10 feet above ground level or a walking surface below that provide access to a *dwelling unit*[2] shall be equipped with a window sash locking device.
- c. Basement hatchways that provide access to a *dwelling unit*[2] shall be equipped with devices that secure the unit from unauthorized entry.

CITY OF CORVALLIS
LIVABILITY CODE DEPARTMENTAL ADVISORY COMMITTEE
MEETING AGENDA

9:00 a.m. Monday, May 11, 2015
Madison Avenue Meeting Room
500 SW Madison Avenue

I. Call to order

II. Review of April 23, 2015 meeting notes (to follow)

III. Continued Committee review and discussion of livability code language for exterior code gaps

IV. Initial Committee review and discussion of livability code language for fire safety and administrative provisions code gaps

V. Review of upcoming meeting schedule:
   a. Wednesday, June 3 at 9:30 a.m.
   b. If needed: June 4, 10:00 a.m.
   c. All meetings are scheduled to occur in the Madison Avenue Meeting Room

VI. Other business

VII. Adjourn

MEMORANDUM

May 1, 2015

TO: Livability Code Departmental Advisory Committee

FROM: Ken Gibb, Community Development Director

RE: Discussion items and material for the Committee's May 11, 2015 meeting

Included with this cover memo is a packet of information that provides background for the Committee's upcoming meeting on Monday, May 11. That meeting, which is scheduled for three hours, will begin with continuing discussion of Livability Code exterior standards, and once that element is complete, will move to fire safety and administrative provisions. Raw language for your discussion of administrative provisions was included in your April 23 meeting packet; because the draft penalty language was still under development at that time, we did not include that element. The penalty language has been completed and has been included in the final draft administrative provisions; a reprint of the fire safety element as well as the entire draft administrative provisions Code section are attached here (Attachment 1) so that Committee members do not need to go back and forth between packets.

The majority of the content of the draft administrative provisions reflects code compliance authority already granted elsewhere in the Municipal Code and Rental Housing Code. As directed by the Administrative Services Committee, this authority language is being pulled into the Livability Code so that the Code may be administered as a stand-alone set of standards and authorities. One new authority included in the draft administrative provisions is found in the penalties section under 9.02.32 c., Civil Penalties. This section introduces a "progressive enforcement" concept and approach that was originally recommended by the Collaboration's Livability Work Group, and then supported in concept by both the Property Maintenance Code Advisory Group and the Administrative Services Committee. The section also introduces the use of a hearings officer to hear protests regarding the conditions for which civil penalties are imposed, a systematic approach expected to streamline and expedite the process of achieving compliance.

As contemplated this progressive enforcement system, based on one used successfully in Eugene, would impose compliance responses in a graduated way which would typically begin with a correction notice followed by a notice of violation. However, based on the severity of the violation, prior history, and other factors intended to appropriately gauge the City's response, the City's approach following confirmation of a violation may move forward more aggressively. The Development Services Division is preparing to implement this approach, which has been received positively by the Division's Stakeholder Advisory Group, as well as by the Administrative Services Committee. To help the Committee understand the "how" of the City's approach to applying progressive enforcement, and to implementing the package of administrative provisions, we are also providing a draft set of implementation guidelines for your information (Attachment 2). Again, these guidelines are not exhaustive and will be expanded and/or adjusted as needed over time.

Points of Clarification

Staff would like to provide clarification on a few issues that have arisen during prior meetings. The first, which arose at the end of your last meeting, relates to the definitions of the terms "single family" and "multifamily" that are found in the Livability Code. As noted in discussion, the definitions of those terms within the Livability Code are consistent with the definitions found in the City's Building Code. As we have noted, specificity and consistency between the language in this code and other existing codes will be helpful to those who are carrying out code compliance work as well as those looking to bring properties into compliance.

Another point of discussion has been the perspective voice by some members that the draft code language under review represents "mission creep," an expressed example of which is the language drafted to address inadequate hot water. As noted during the discussion of that standard, the fact for some that the draft language includes standards not only for temperature, but also for pressure and duration, was beyond the ASC-directed scope. In response staff explained that simply requiring a minimum achievable hot water temperature was meaningless (and therefore didn't address the identified gap) if the water merely dripped from a faucet because of a lack of system pressure, or lasted less than a minute or two for a shower due to a lack of system capacity. It appeared that some committee members were in concurrence with that assessment. Other examples of perceived "mission creep" have also been cited, and in response I would simply suggest that our goal is to write effective and enforceable code provisions that fully address identified code gaps, using model language from the codes of other Oregon communities.

Finally, some Committee members have expressed concern that there are existing provisions in other City codes that address some of the standards under discussion for the Livability Code, and that to understand what is being drafted the Committee must review those other code provisions. We have noted that with the exception of the Rental Housing Code, which will be subsumed into the Livability Code once it is adopted, other City codes that mention an element under consideration for the Livability Code do not achieve closure of the ASC-identified gaps. To help clarify and move the discussion forward we are attaching the Rental Housing Code (Attachment 3) as well as provisions from the City's Municipal Code (Attachments 4a – c) that mention Livability Code elements you are considering, with margin notes describing how they apply and are being drafted into that Livability Code. To help illustrate that existing Municipal Code language does not close the gaps identified by the Administrative Services Committee, we are also attaching the original code gaps matrix (Attachment 5) that was first provided to the Collaboration's Livability Work Group.

Supplemental Packet/Next Meeting(s)

We will distribute a supplemental meeting packet, which will include refined exterior language from your April 23 meeting, as well as notes of that meeting, prior to May 11. As noted in previous staff reports, we are providing this refined language in pieces as we move through your reviews, but will plan to compile it into one Code document for your final review. The final language will take two forms: one a redline/strikeout version so that changes from the raw language can be tracked, and one a clean version for ease of review.

We have reserved the Madison Avenue Meeting Room for what we hope will be your final meeting on Wednesday, June 3, from 9:30 to 12:30. In the event that additional time is needed for the Committee to complete its work we have also reserved the room for Thursday, June 4, from 10:00 to 1:00.

Code Language Development
FIRE SAFETY

A. Fire Safety

(a) Egress Door Locks Operable Without Keys, etc.

i. **Gresham PMC 702.3 Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by GRC Article 10.05 [*Gresham building code*].

ii. **Gresham PMC 702.4 Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

iii. **City of Beaverton**

1. **8.07.190 A**. Every dwelling shall have at least one exit door leading to the exterior, or in the case of a duplex or apartment, to the exterior or to an approved exit. Exit doors shall be able to be opened from the inside without any special knowledge or effort. Screen doors and storm doors must be able to be opened from the inside without any special knowledge or effort.
   B. In apartments, duplexes, single-room occupancies and social care facilities, exit doors in common corridors or passageways shall be able to be opened from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of any special knowledge or effort.

i. **Portland, Housing Maintenance Code 29.30.100 Doors.**

A. Every dwelling or dwelling unit shall have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment, to an exterior yard or court or to an approved exit. All such doors shall be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.

B. In hotels and apartment houses, exit doors in common corridors or other common passageways shall be openable from the inside with one

hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.
C. Every door to the exterior of a dwelling unit shall be equipped with a lock designed to discourage unwanted entry and to permit opening from the inside without the use of a key or any special knowledge or effort.

ii. **Salem, RHC 59.155 Doors.**
(a) Every dwelling unit shall have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment house, to an exterior yard or court or to an approved exit. All such doors shall be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.
(b) In hotels, motels and apartment houses, exit doors in common corridors or other common passageways shall be openable from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.
(c)(5) Double cylinder dead bolts are not permitted on an exit door.
(d) Every interior door and doorframe shall be maintained in a sound condition for its intended purpose with the door fitting within the doorframe and having neither non-manufactured penetrations, nor any knob or lock requiring a key.

iii. **Salem, RHC 59.315. Additional Requirements for Doors.**
(c) Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.

Starting Point:

All means of egress doors shall be readily openable from the side from which egress is to be made without the use of a key or any special knowledge or effort.

(b) Unobsructed Paths of Travel

i. Gresham PMC 702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way.* Means of egress shall comply with GRC Article 10.25 [*Gresham building code*].

ii. Gresham PMC 702.2 Aisles. The required width of aisles in accordance with GRC Article 10.25 [*Gresham building code*] shall be unobstructed.

iii. Gresham PMC 702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of

keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

i. **Salem, RHC 59.210. Exits and Egress.**
(a) Every sleeping room shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full clear opening without the use of special knowledge, effort, or separate tools. Windows used to meet this requirement shall have a minimum net clear opening of at least twenty inches wide and at least twenty two inches high. Every window required for ventilation or emergency escape shall be capable of being easily opened and held open by window hardware. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.
(c) The required exit door and egress windows shall be free of encumbrances or obstructions that block access to the exit.
(d) Exit pathways that open into an enclosed yard or court shall have unimpeded access to the public way.

ii. **Salem, RHC 59.310. Emergency Exits.**
(b) Every fire escape or stairway, stair platform, corridor or passageway which may be one of the regular means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind.

Starting Point:

Every *accessible means of egress*, fire escape or stairway, stair platform, corridor or passageway which may be one of the regular *accessible means of egress* or means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

(c) Fire-resistive Assembly Maintenance

i. **Gresham PMC 703.1 Fire-resistance-rated assemblies.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

ii. **Gresham PMC 703.2 Opening protectives.** Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be

maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

1) **Salem, RHC**

1. **59.155**
   (h) Doors which are part of a required exitway shall be so finished or marked that they are readily distinguishable from the adjacent construction.
   (i) Fire doors in exitway corridors must close securely upon release and latch. Fire doors designed to remain closed must not be propped open at any time.
2. **59.310. Emergency Exits.**
   (a) All required fire escapes shall be kept in good order and repair and shall be painted so as to prevent corrosion of any metal, in a manner approved by the Fire Marshal.
   (c) Where doors to stair enclosures are required by the Building Code to be self-closing, the self-closing device shall be maintained in good working order and the doors shall not be wedged or propped open.

Starting Point:

Where required by the code in effect at the time of construction, the fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. The surfaces of all other interior walls, floors and ceilings shall be free of holes larger than four inches in diameter.

Code Language Development
ADMINISTRATION

B. Administration

B E A V E R T O N	**Beaverton, Property Maintenance Code** i. 8.07.010 **Short Title**. BC 8.07.010 through 8.07.520 shall be known and may be cited as the "Residential Property Maintenance Code" and may be referred to herein as "this code." [BC 8.07.010, added by Ordinance No. 4448, 8/20/07] ii. 8.07.020 **Purpose**. This code is enacted to protect the health, safety and welfare of Beaverton residents, to prevent deterioration of existing housing, to preserve and enhance the quality of life in residential neighborhoods, and to prevent or reduce urban blight by establishing minimum residential property maintenance standards. [BC 8.07.020, added by Ordinance No. 4448, 8/20/07] iii. 8.07.030 **Scope, Conflict with State Law**. **A**. The provisions of this code shall apply to all residential property within the City of Beaverton. **B**. If a provision of this code conflicts with a provision of the building code as adopted by the City of Beaverton, the provision of the building code shall apply to the exclusion of the conflicting provision of this code. **C**. Except as provided otherwise by state or federal law, if a provision of this code conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal authority having jurisdiction over residential property in the City of Beaverton, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this code. [BC 8.07.030, added by Ordinance No. 4448, 8/20/07] i. 8.07.040 **Application of Other Laws**. Any repair, alteration, or addition to and change of occupancy in an existing building, or any change of use of residential property, shall be made in accordance with all applicable provisions of law, including, but not limited to, the building code, the Beaverton Code and the Beaverton Development Code. [BC 8.07.040, added by Ordinance No. 4448, 8/20/07]
B E A V E R T	ii. 8.07.050 **Definitions**; Generally. Terms, words, phrases and their derivatives used, but not defined, in this code shall have the meanings defined in the Beaverton Development Code or in BC Titles 8 or 9, or, if not defined therein, shall have their commonly accepted meanings. If a conflict exists between definitions in the Beaverton Code or the Beaverton Development Code and this code, the definition provided in this code shall apply to actions taken pursuant to this code. [BC 8.07.050, added by Ordinance No. 4448, 8/20/07] iii. 8.07.060 **Definitions.** As used in this code, unless the context requires otherwise, the following mean: **Approved** – Meets the standards set forth by the municipal code, the community development code, the building code, or other standards referenced in those codes, or is approved by the code official. **Bathroom** – A room containing plumbing fixtures including a bathtub or shower.

ON BEAVERTON	**Bedroom** – Any room or space used or intended to be used for sleeping purposes. **Building code** – The combined specialty codes described at ORS 455.010, as adopted and as may be amended by the City. **Code official** – The Code Enforcement Officer, Chief Building Official or other person authorized by the Mayor to enforce the provisions of this code. **Courtyard** – An open space bounded on three or more sides by walls of a building. **Dwelling** – Any structure containing a dwelling unit, including the following dwelling classifications: A. **Accessory dwelling unit**. An additional dwelling unit within an attached or detached single-family dwelling. B. **Apartment**. Any building or portion of a building containing three or more dwelling units that is intended to be occupied for residential living purposes by renting, leasing, letting, or hiring out, including condos. C. **Manufactured dwelling**. Including manufactured homes, mobile homes, and residential trailers. D. **Rowhouse**. An attached single-family dwellings unit as defined by the State Building Code. E. **Single-family dwelling**. A structure containing one dwelling unit, including adult foster care homes. F. **Single-room occupancy**. A one-room dwelling unit provided for human habitation in which some or all sanitary or cooking facilities are shared with other occupants. G. **Social care facilities**. Any building or portion of a building that is designed, built, rented, leased, let, hired out or otherwise occupied for group residential living purposes. Such facilities include, but are not limited to, retirement homes, assisted living facilities, residential care facilities, half-way houses, youth shelters, and homeless shelters. H. **Townhouse**. An attached single-family dwellings unit as defined by the State Building Code. I. **Two-family dwelling**. A structure containing two dwelling units, also known as a duplex. **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. Hotels used exclusively for transient occupancy are excluded from this definition of dwelling unit. **Exit** – A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way. **Floor area** – The area of clear floor space in a room exclusive of fixed or built-in cabinets or appliances. **Habitable** – Suitable for human habitation. **Habitable space** – The area inside a structure available for living, sleeping, eating or cooking, not including attics, bathrooms, closets, garages, halls, laundry rooms, storage spaces, toilet rooms, or utility rooms. **Hazardous materials** – Materials defined by the current fire code adopted by the Tualatin Valley Fire and Rescue District as hazardous. **Human habitation** – The use of a structure, portion of the structure, or space, in which any person

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remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

Occupant – Any individual living or sleeping in a dwelling, or having possession of a space within a dwelling.

Residential property – Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multifamily structures and mixed-use structures which have one or more dwelling units. Hotels used exclusively for transient occupancy are excluded from this definition of residential property. [ORS 105.425/Tigard]

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Structure – A building constructed for any use. [BC 8.07.060, added by Ordinance No. 4448, 8/20/07]

iv. 8.07.070 **Severability**. The sections and subsections of this code are severable. If any part of this code is held unconstitutional or otherwise invalid, the remaining parts shall remain in force unless:

A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or

B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent. [BC 8.07.070, added by Ordinance No. 4448, 8/20/07]

v. **8.07.100 Housing Maintenance Requirements; Generally.**

A. A dwelling shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.

B. No person shall maintain or permit to be maintained any dwelling or residential property that does not comply with the requirements of this code.

C. An existing dwelling that does not comply with the provisions of this code and that does not comply with the standards of the applicable building code then in effect at the time of construction or subsequent alteration or repair shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.

D. The provisions of this code shall not be mandatory for an existing dwelling designated as a historic building when such dwelling is judged by the code official to be safe and its continued maintenance in historic condition to be in the public interest. [BC 8.07.100, added by Ordinance No. 4448, 8/20/07]

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vi. **8.07.110 Minimum Standards for Human Habitation.**

No dwelling shall be habitable unless provided with current service for:

A. Electricity;
B. Water;
C. Sanitary sewer; and
D. Weekly removal and disposal of trash.

Temporary interruptions of service for routine maintenance or emergency repairs shall not constitute a violation of this section. [BC 8.07.110, added by Ordinance No. 4448, 8/20/07]

vii. **8.07.115 Vacant Dwellings.**

A. A vacant dwelling shall meet the standards of this code to be habitable.

B. Measures taken to secure a vacant dwelling from unauthorized entry, including boarding of

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windows and nailing or screwing doors into door frames, shall be removed before a vacant dwelling may be inhabited. [BC 8.07.115, added by Ordinance No. 4448, 8/20/07]

viii. 8.07.500 **Penalties**.

A. Except as otherwise provided in this section, violation of a provision of this code is a Class 1 civil infraction to be processed in accordance with the provisions of BC 2.10.010 through 2.10.050 punishable upon conviction by a fine of not more than $250.00. Each day of continuing violation shall be considered a separate offense.

B. Violation of BC 8.07.205 or 8.07.380 is a Class 2 civil infraction to be processed in accordance with the provisions of BC 2.10.010 through 2.10.050 punishable upon conviction by a fine of not more than $150.00. Each day of violation shall be considered a separate offense.

C. Violation of BC 8.07.225 is a Class 3 civil infraction to be processed in accordance with the provisions of BC 2.10.010 through 2.10.050 and punishable upon conviction by a fine of not more than $50.00. Each day of violation shall be considered a separate offense.

D. Violation of BC 8.07.110, 8.07.210, 8.07.310, 8.07.360 or 8.07.510 is a Class C misdemeanor, punishable upon conviction by a fine of not more than $6,250 and/or imprisonment not to exceed 30 days. Each day of violation shall be considered a separate offense. [BC 8.07.500, added by Ordinance No. 4448, 8/20/07]

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ix. 8.07.510 **Prohibited Habitation**.

A. No person shall inhabit, remain in, or enter a dwelling or structure that has been duly posted with a notice to vacate or with an order forbidding occupancy pursuant to the Uniform Code for the Abatement of Dangerous Buildings as adopted by the City; provided, however, the building official may grant a person express written permission to enter said dwelling or structure for purposes reasonably related to repair or demolition.

B. No person shall remove or deface any notice to vacate or order forbidding occupancy duly posted on a dwelling or structure pursuant to the Uniform Code for the Abatement of Dangerous Buildings as adopted by the City until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the building code. [BC 8.07.510, added by Ordinance No. 4448, 8/20/07]

x. 8.07.520 **Additional Remedies**.

A. Any penalty or remedy imposed pursuant to this code is in addition to, and not in lieu of, any other civil, criminal or administrative penalty, sanction or remedy otherwise authorized by law.

B. A violation of this code is a public nuisance and may be enjoined or abated by repair in accordance with the provisions of BC 5.05.200 through 5.05.260.

C. A violation of this code is a public nuisance and may be enjoined or abated in accordance with the provisions of the Uniform Code for the Abatement of Dangerous Buildings. For purposes of the Uniform Code for the Abatement of Dangerous Buildings, this code shall be deemed a housing code.

D. A court of competent jurisdiction may appoint a receiver pursuant to the Oregon Housing Receivership Act, ORS 105.420 to 105.455, to perform an abatement of residential property found in violation of this code. For purposes of the Oregon Housing Receivership Act, this code shall be deemed a housing code.

E. A citation for a violation of this code shall not relieve the responsible party of the duty to maintain residential property in accordance with this code. The abatement of a violation pursuant to this code does not prejudice the right of any person to recover damages arising out

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N	of or related to the violation. **F**. If a citation alleging a violation of BC 8.07.110, 8.07.210, 8.07.310 or 8.07.320 is issued, and if the affected dwelling unit is or becomes vacant, no person shall reoccupy or permit reoccupancy of the dwelling unit until all repairs have been made by the responsible party and inspected by the code official. [BC 8.07.520, added by Ordinance No. 4448, 8/20/07]

S A L E M	**Salem, Property Maintenance Code** i. 50.005. **Short Title**. This chapter shall be known and may be cited as the Property Maintenance Code. (Ord No. 8-2000) ii. 50.010. **Purpose**. The council finds and declares that conditions tending to reduce the value of private property, that promote blight and deterioration, that are attractive nuisances creating a hazard to the health and safety of minors, that create a harborage for pests, may be injurious to the health, safety and general welfare of the public. (Ord No. 8-2000) iii. 50.015. **Scope**. This chapter is to protect the public health, safety and general welfare by regulating existing structures, residential and nonresidential, and existing premises by establishing minimum requirements and standards for structures and premises for the protection from the elements, life safety, other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners and occupants; and for administration, enforcement and penalties. (Ord No. 8-2000) iv. 50.020. **Intent**. This chapter shall be construed to secure and 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 provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance as required herein. (Ord No. 8-2000) v. **50.025. Definitions; Rules of Construction.** **(a)** Unless the context otherwise specifically requires, for purposes of this Chapter, the following terms and phrases mean:
S A L E M	**(1)** Abandoned Structure means a vacant structure that is an attractive nuisance. **(2)** Ashes means the residue of the combustion of solid fuels. **(3)** Attractive Nuisance means buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act. **(4)** Basement means that portion of a building or structure which is partly or completely below grade. **(5)** Boarded means the securing of an unoccupied building or structure against entry by the

		placement of material such as plywood, boards, or other similar material over openings that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied. **(6)** Building means any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes. **(7)** Building Code means the specialty codes applicable in the City of Salem, as provided in SRC Chapter 56. **(8)** Building Official means the administrator of the Building and Safety Division of the Community Development Department, or the administrator's designee. **(9)** Bulk Solid Waste means discarded bedding, mattresses and furniture, junk, yard debris as defined in SRC 47.020(gg), uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle. **(10)** Deterioration means a lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance. **(11)** Derelict structure means a building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions: **(A)** Is unoccupied and unsecured; **(B)** Is partially constructed; **(C)** Is an abandoned structure or attractive nuisance; **(D)** Is in condition of deterioration; **(E)** Has an infestation of pests; **(F)** Has doors or windows boarded over, or; **(G)** Other condition that in the opinion of the Health Officer is detrimental to public health, safety or welfare. **(12)** Director means the City Manager, or the department head charged by the City Manager with the implementation and enforcement of this Chapter, or that department head's designee. **(13)** Dwelling Unit means a single unit within a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. As used in this Chapter, dwelling unit includes, as the context requires, single family dwellings, duplexes, triplexes, condominiums, residential trailers, mobile homes, manufactured homes, multi-family dwellings, and single units therein. **(14)** Extermination means the control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Health Officer. **(15)** Garbage means all classes of putrefactive and easily decomposable animal and vegetable matter, including, without limitation, wastes produced from the handling and preparation of food, and packaging originally used for foodstuffs. **(16)** Hazardous Solid Waste means any solid waste which, in the opinion of the Health Officer, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.
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		(17) Hazardous Thicket means blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous. **(18)** Health Officer means the City Manager, or the department head charged by the City Manager with the implementation and enforcement of this Chapter, or that department head's designee. **(19)** Hearings Officer means the person or persons appointed by the City Council to serve as the Hearings Officer pursuant to SRC 2.035. **(20)** Imminent Hazard means any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening. **(21)** Incipient Hazard means any condition that can become an imminent hazard if further deterioration is allowed to occur. **(22)** Indoor Fixture means any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures. **(23)** Indoor Furnishing means any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet. **(24)** Infestation means the presence of pests in large numbers that are harmful or bothersome within or adjacent to a building or structure or upon a premises. **(25)** Junk means articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this Chapter the term "junk" includes, but is not limited to: (a) any derelict motor vehicle, trailer, or boat, i.e, any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; (b) neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or (c) wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; (d) machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; (e) any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; (f) any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; (g) any bulk solid waste; and (h) solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items. **(26)** Legally occupied means the use of a premises for a purpose authorized by law, including the building code and zone code. For the purposes of this Chapter, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this Chapter, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present. **(27)** Let for occupancy or let means to permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land. **(28)** Noxious Vegetation means weeds more than ten inches in height; grass more than ten
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S A L E M		inches in height; rank or dead vegetation; poison oak, poison hemlock, poison ivy; hazardous thickets; or other rank, noxious, and dangerous vegetation that is a health hazard; a fire hazard; or a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of the public right-of-way hazardous. This definition shall not include agriculture crops, endangered riparian grasses that have not come to seed, and wet land grasses that are neither a fire nor a traffic hazard. **(29)** Occupancy means the purpose for which a building, structure or premises is used or intended to be used. **(30)** Occupant means any person living or sleeping in a building or structure, or having possession of a space within a building or structure or possession of a premises. **(31)** Owner means the person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto; a lessee or tenant in possession. **(32)** Partially Constructed means an occupied or vacant structure, or portion thereof, has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit. **(33)** Person means an individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact. **(34)** Pests means animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin. **(35)** Premises means a lot, or parcel of land, including any buildings or structures thereon. **(36)** Rank Vegetation means any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied. **(37)** Receptacle means a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal. **(38)** Recycling means the process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization. **(39)** Remediation means the elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal. **(40)** Rubbish means worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises. **(41)** Skilled Manner means executed in a proper manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work. **(42)** Solid Waste means all waste, in solid, semisolid or liquid form including, but not limited to, garbage, rubbish, trash, ashes, street refuse, waste paper, corrugated material and cardboard; commercial, industrial, demolition and construction wastes; food waste as defined in SRC 47.020(i), small dead animals, infectious waste as defined in ORS 459.386(4) and other wastes. As used in this Chapter, solid waste does not include sewage, sewage
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sludge, or sewage hauled as an incidental part of a septic tank or cesspool cleaning service or materials that are used for fertilizer, for compost or composting or for other productive agricultural or horticultural purposes.

(43) Structure means that which is built or constructed; an edifice or building of any kind, including mobile or manufactured homes and mobile outbuildings; or any work that is built up as an addition to or fixture on a premises.

(44) Temporary means a period up to 6 months in any 12 month period.

(45) Unfit for Human Habitation means a building or structure that, as found by the Health Officer, is unfit for human habitation due to; unsanitary conditions, infestation, accumulation of filth or contamination, lacks of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

(46) Unoccupied means not legally occupied.

(47) Unsecured means unlocked or otherwise open to entry.

(48) Ventilation means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

(49) Waste Tire means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

(b) Words stated in the present tense in this Chapter include the future; the singular number includes the plural, and the plural includes the singular. Where terms are not defined in this Chapter and are defined in the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes. Terms not otherwise defined in this Chapter or in the state building, plumbing or mechanical codes shall have ordinarily accepted meanings. Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof."

(Ord No. 8-2000; Ord No. 33-05; Ord No. 31-06; Ord No. 72-07; Ord No. 26-11; Ord No. 12-14)

vi. **50.030. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter which shall continue in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable. (Ord No. 8-2000)

vii. **50.035. Application of Other Codes.** Nothing in this chapter shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Salem Revised Code, or the requirement to obtain all necessary permits and approvals. (Ord No. 8-2000)

viii. **50.040. Saving Clause.** This chapter 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. (Ord No. 8-2000)

ix. **50.045. Coordination of Enforcement.** Whenever inspections are necessary by the health officer and any other department, the health officer 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. (Ord No. 8-2000)

x. **50.050. Responsibility.**

(a) Unless otherwise provided for, the health officer shall be responsible for the enforcement all of the provisions of this chapter. The health officer may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the

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administration of this chapter. The health officer is authorized to designate an employee as deputy who shall exercise all the powers of the health officer during the temporary absence or disability of the health officer.

(b) Where conditions or prohibitions under this chapter are regulated by the Building Code, the Building Official shall be responsible for making such determination and taking appropriate action as provided therein. (Ord No. 8-2000)

xi. **50.055. Modifications.** Where there are extreme hardships involved in carrying out provisions of this chapter, the health officer shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured. (Ord No. 8-2000)

xii. **50.060. Failure to Obey Order of Health Officer.**

(a) It shall be unlawful for any person acting intentionally to refuse to obey an order by the Health Officer acting in the discharge or apparent discharge of official duty.

(b) It is no defense to a prosecution for a violation of this section that the Health Officer lacked legal authority to issue the order, provided the Health Officer was acting under color of official authority. (Ord No. 8-2000; Ord No. 33-05)

MAINTENANCE AND REPAIRS

xiii. **50.100. Required Maintenance.** All systems, devices and safeguards required by this Chapter or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants. (Ord No. 8-2000; Ord No. 33-05)

xiv. **50.105. Skilled Work Required.** All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a skilled manner. (Ord No. 8-2000)

DERELICT STRUCTURES

xv. **50.600. Derelict Structures Prohibited.** Derelict structures on any premises are hereby declared to be a public nuisance. (Ord No. 8-2000; Ord No. 33-05)

xvi. **50.605. Order to Vacate Buildings or Structures.**

(a) If the Health Officer finds a building or structure in violation of SRC 50.600, the Health Officer may order that a placard be posted on the building or structure, ordering the building or structure vacated, and to order the owner to register the building or structure as provided in SRC 50.625 - 50.634. The placard shall contain the information required in SRC 50.815.

(b) Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

xvii. **50.610. Prohibited Habitation.** No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Health Officer. (Ord No. 8-2000; Ord No. 33-05)

xviii. **50.615. Removal of Placard Prohibited.**

(a) The Health Officer shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.

(b) No person shall deface or remove a placard without the approval of the Health Officer. (Ord No. 8-2000; Ord No. 33-05)

xix. **50.620. Temporary Safeguards.** Notwithstanding any other provisions of this Chapter, whenever, as determined by the Health Officer, a building or structure poses an imminent hazard or incipient hazard, the Health Officer may order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and shall cause such other action to be taken that the Health Officer deems necessary to meet such condition.

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(Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

xx. **50.625. Derelict Structure Registration.** If the Health Officer determines that a building or structure is a derelict structure, the owner shall be required to register the building or structure within ten days of the Health Officer's issuance of an order to register. Registration shall be made on forms provided by the Health Officer, and shall include information relating to the location and ownership of the building or structure, the expected period of its vacancy, a plan for regular maintenance during the period of vacancy, and a plan for its re-occupancy and use, or its remediation or demolition. Any change in the information required to be provided pursuant to this section shall be given to the Health Officer not more than thirty days of the date of such change. When all conditions making the building or structure a derelict structure have been corrected, the owner shall contact the Health Officer and request an inspection to determine compliance. (Ord No. 8-2000; Ord No. 33-05)

xxi. **50.630. Derelict Structure Fees.**

(a) Every owner who, after receipt of an order under SRC 50.625, fails to register the building or structure within the required time set forth in the order, or registers the building or structure but allows the building or structure to remain in a derelict condition, shall pay a monthly derelict structure fee. Payment of the fee is due on the fifteenth day of each month. Any payment of the fee that is more than thirty days past due may be considered delinquent and subject to a penalty of $100 for every delinquent monthly payment.

(b) In the event that the fees due under this section are delinquent for more than ninety days, or in the event the owner fails to register the building or structure as required by SRC 60.625, the City Attorney, on request of the Health Officer, may file an action in the circuit court of the appropriate county for the recovery of any and all delinquent fees and penalties due under this section, which shall be the total yearly fees plus all delinquent penalties.

(c) All fees imposed under this section are to be paid prior to the issuance of any permit required for the demolition, alteration or repair of the derelict building or structure.

(d) The City Council shall annually adopt a resolution establishing the amount of derelict structure fee.

(e) Unpaid Derelict Structure fees, and any unpaid late fees, may be entered into the city's lien docket after 90 days, and a lien for the entire amount placed against the real property.

(Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

xxii. **50.640. Abatement of Derelict Structure by Remediation.**

(a) In addition to, and not in lieu of, the abatement remedies provided for in SRC 50.800-50.880 and receivership authority in SRC 50.910, the Health Officer may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

(b) Upon receipt of such notice, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and shall, not less than fifteen days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant. Notice shall also be posted on or near the derelict structure and copies delivered to the affected neighborhood association. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.

(c) At the hearing, the Health Officer shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Health Officer's determination, and the owner and occupants shall be afforded a like opportunity to rebut the determination. Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems

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material, relevant, and probative of the matters in issue. The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the State of Oregon.

(d) The Hearings Officer shall order the conditions creating the derelict structure be remediated if the Health Officer demonstrates, by a preponderance of the evidence, that the building structure is a derelict structure.

(e) In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is in a condition unfit for human habitation, or in a condition that is an incipient hazard, based on the number and extent of the following factors:

(1) Dilapidation;
(2) Disrepair;
(3) Structural defects noted by the Building Official;
(4) Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;
(5) Uncleanliness or infestations of pests;
(6) Condition of sanitary facilities;
(7) The presence of a public nuisance; and
(8) The history of unlawful activity in or around the building or structure. (Ord No. 8-2000; Ord No. 33-05)

PUBLIC NUISANCES

xxiii. **50.800. Public Nuisance Prohibited.** No person shall cause, permit, or maintain a public nuisance on public or private property. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

xxiv. **50.805. Public Nuisances.** The following are specifically declared to be public nuisances, but this list shall not be deemed to be exclusive:

(a) Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety.

(b) The accumulation, exposure, or deposit of any garbage, rubbish, bulk solid waste, or solid waste on any public way; or any private street, alley, or lot; or into a stream, well, spring, brook, ditch, pond, river, or other inland waters within the city; or the placing of such substances in such position that high water or natural seepage will carry the same into such waters;

(c) Any physical condition of a premise considered an attractive nuisance, including, but not limited to abandoned wells, shafts, basements, unguarded machinery;

(d) An abandoned, unattended, or discarded icebox, refrigerator, or other container accessible to children which has an airtight door, or lock which may not be released for opening from the inside;

(e) Dangerous pilings and unprotected excavations;

(f) Any premises that has unsanitary plumbing fixtures, or plumbing fixtures that permit the spillage of effluent outside of an approved sanitary sewer system, or the escape of sewer odors and gases;

(g) The maintenance of premises which are in such a state or condition as to cause an offensive odor;

(h) The accumulation of feces or manure in piles or heaps, unless enclosed in containers capable of excluding flies and maintained in such a manner or condition that offensive odor is not emitted therefrom;

(i) The burning of any rubbish, garbage, rubber, cloth, or any other thing, the burning of which, or the smoke emitted from such burning, creates an offensive odor;

(j) The accumulation of stagnant water in which mosquitoes may breed;

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(k) Violation of SRC 50.260 by keeping more than five cubic yards of junk on any residentially zoned property;
(l) Violation of SRC 50.600, "Derelict Structures";
(m) Violation of SRC 50.700, "Pest Infestation";
(n) Any building or structure that is in a condition that poses an imminent hazard to public health, safety or welfare.
(o) The keeping of chickens in violation of SRC 50.710(c). (Ord No. 8-2000; Ord No. 39-2000; Ord No. 33-05; Ord No. 12-14)

xxv. **50.810. Notice to Person Responsible.** Whenever the Health Officer has reasonable grounds to believe that a violation of 50.800 has occurred, a notice and order shall be served on the owner(s) and occupant(s). (Ord No. 8-2000)

xxvi. **50.815. Form of Notice.** Such notice prescribed in 50.810 shall:
(a) Be in writing;
(b) Include a description of the premises sufficient for identification;
(c) Include a statement of the reason or reasons why the notice is being issued;
(d) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the premises into compliance with the provisions of this chapter.
(e) Include a notice that the city may abate the nuisance pursuant to this chapter and that the person responsible shall be responsible for the costs of such abatement.
(f) Include instructions for an appeal. (Ord No. 8-2000)

xxvii. **50.820. Effective Date of Notice.** All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing if not personally served. (Ord No. 8-2000)

xxviii. **50.825. Method of Service.**
(a) Notices under this chapter shall be deemed to be properly served if a copy thereof is:
(1) Personally delivered to the owner(s) and occupant(s); or
(2) Sent by first class mail to the owner(s) and occupant(s) at their last known address; or
(3) Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address if they cannot be located.
(b) Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of a owner(s) or occupant(s) shall not render the notice void and in such case the notice shall be sufficient. (Ord No. 8-2000)

xxix. **50.830. Recording a Violation.** The city may record a notice of violation with the County Clerk. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be recorded. (Ord No. 8-2000)

xxx. **50.835. Abatement Procedures - Joint Responsibility.** If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance. (Ord No. 8-2000)

xxxi. **50.840. Abatement Procedures - by the City.**
(a) If within time allowed, the violation has not been corrected, the Health Officer may cause the violation to be corrected.
(b) The Health Officer shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a twenty percent charge for administrative overhead.
(c) The Health Officer or a person authorized by the Health Officer may enter upon the property to abate the nuisance only upon obtaining consent of the owner and occupant; upon obtaining an administrative warrant pursuant to SRC 4.190 through 4.225; or in an emergency pursuant to SRC

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4.230. (Ord No. 8-2000; Ord No. 26-11)

xxxii. **50.845. Abatement Procedures - Assessment of Costs.**

(a) After abatement by the city, the Director of Finance, by first class mail, shall forward to the owner(s) and occupant(s) a notice stating:

(1) The total cost of correction, including the administrative overhead; and

(2) That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice.

(b) If the costs and administrative overhead are not paid within thirty days of the billing date, the Health Officer shall thereafter file with the Hearings Officer an itemized statement of costs and overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance.

(c) Upon filing of such statement of costs and overhead, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer, and cause notice thereof to be served via certified mail to the owner(s) and occupant(s).

(d) After the hearing, the Hearings Officer shall declare the correctness of such statement and declare the same to be a lien upon the property.

S **(e)** An error in the contents or service of any notice 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 a valid lien against the property. (Ord No. 8-2000; Ord No. 33-05)

xxxiii. **50.850. Abatement Procedures - Summary Abatement.** The abatement procedure provided by

L this chapter is not exclusive but is in addition to procedures provided by other laws. (Ord No. 8-2000)

E xxxiv. **50.880. Collections.** Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims

M court or entered into the city's lien docket in the manner provided by SRC 20J.410 and a lien for the entire amount placed against the real property pursuant to SRC 20J.180. (Ord No. 8-2000; Ord No. 12-14)

PENALTIES

xxxv. **50.900. Violations.**

(a) Violations of SRC 50.060, SRC 50.610, and SRC 50.800 are misdemeanors, all other violations of this Chapter are infractions.

(b) Violation of SRC 50.710 is an infraction, and is punishable as set forth in SRC 50.710(e)(1).

(c) Violation of any other section of this Chapter is an infraction and is punishable by a fine of not less than $100 and not more than $250. The second and subsequent violation of the same provision of this Chapter in any one year period is punishable by a fine of not less than $250.

(d) In addition to any other penalty provided by law, a person adjudged responsible for violation of any of the provisions of this Chapter may be ordered by the Hearings Officer or court to correct the violation. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

S xxxvi. **50.910. Receivership Authority.** In addition to, and not in lieu of any other provision in this chapter, when the health officer finds residential property in violation of this chapter, and

A believes that the violation is a threat to the public's health, welfare and safety, and the owner has not acted in a timely Chapter manner to correct the violations, the health officer may apply to a

L court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455). (Ord No. 8-2000)

E xxxvii. **50.915. Civil Penalties.**

(a) Civil Penalty. Any person who fails to comply with the requirements of this Chapter or who

M fails to comply with an enforcement order issued pursuant to this Chapter shall be subject to a civil penalty as provided in SRC Chapter 20J, not to exceed $2,000 per violation. Each day that a

violation continues shall constitute a separate violation.

(b) Civil Penalty Against Agents. Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, shall likewise be subject to a civil penalty. (Ord No. 12-14)

50.920. Appeals Generally. Any person who is issued an order from the Health Officer or any person who is subject to a civil penalty, pursuant to this Chapter may appeal the decision to the Hearings Officer by following the process set forth in SRC Chapter 20J. The hearing on the appeal shall follow the contested case procedures set forth in SRC 20J.240 through 20J.430. (Ord No. 12-14)

P O R T L A N D

29.60.010 Administration Authority and Responsibility.

The Director is hereby authorized to administer and enforce all of the provisions of this Title. In accordance with approved procedures, the Director may employ qualified officers, inspectors, assistants, and other employees as shall be necessary to carry out the provisions of this Title. The authority of the Director to enforce the provisions of this Title is independent of and in addition to the authority of other City officials to enforce the provisions of any other Title of the City Code.

29.60.020 Authorization to Inspect.

(Amended by Ordinance No. 176955, effective October 9, 2002.) The Director is authorized to make inspection of property for the purposes of enforcing this Title. Wherever possible, inspections made by the personnel of the Bureau of Development Services or Fire shall be coordinated in order to avoid the issuance of multiple or conflicting orders.

29.60.030 Enforcing Compliance.

To enforce any of the requirements of this Title, the Director may gain compliance by:

A. Instituting an action before the Code Hearings Officer as set out in Title 22 of City code;

B. Causing appropriate action to be instituted in a court of competent jurisdiction; or

C. Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

29.60.040 Right of Entry; Inspection Warrants.

(Replaced by Ordinance No. 173248; amended by Ordinance Nos. 174225 and 176381, effective May 10, 2002.)

A. Right of Entry. The Director may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any building regulations, or whenever the Director has reasonable cause to believe that there exists in any structure or upon any property any condition which makes such property substandard as defined in any building regulations. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

1. Occupied Property. If any structure on the property is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant;

2. Unoccupied Property.

a. If the property is unoccupied, the Director shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the

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Director may attempt to obtain entry by obtaining an inspection warrant.

b. If structures on the property are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant; or

3. Open, Unoccupied Property. If any structure on the property is unoccupied and open:

a. The Director shall notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons. If the property is not secured within fifteen (15) days from the date notice is sent, the Director may secure the property as provided in PCC Chapter 29.20.

b. If the Director believes that a hazardous condition exists, the Director may immediately secure the property as provided in PCC Chapter 29.20. Following the summary abatement, the Director shall notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection or abatement warrant.

B. Grounds for Issuance of Inspection Warrants; Affidavit.

1. Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.

2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any building regulation exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with building regulations.

C. Procedure for Issuance of Inspection Warrant.

1. Examination. Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

2. Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

3. Police Assistance. In issuing an inspection warrant on unoccupied property, including abatement warrants pursuant to Section 29.60.060, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the Director or representative of the department inspecting the property in any way necessary to complete the inspection.

D. Execution of Inspection Warrants

T L A N D	**1.** Occupied Property. Except as provided in subsection 2. of this section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request. **2.** Unoccupied Property. In executing an inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1. of this section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property. **3.** Return. An inspection warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

S t a r t i n g	**Starting Point:** **9.02.1. Short Title**. CMC Sections _____ through Sections _____ shall be known and may be cited as the "Corvallis Livability Code" and may be referred to herein as "this code." **9.02.2. Scope**. This code applies to all residential and nonresidential structures and all premises. This code establishes minimum requirements and standards for the protection of structures and premises from the elements, life safety and other hazards, and for their safe and sanitary maintenance; fixing the responsibility of owners and occupants; and, for administration, enforcement and penalties. **9.02._3. Intent**. This code shall be construed to secure and ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises; to prevent deterioration of existing housing, to preserve and enhance the quality of life in residential neighborhoods, and to prevent or reduce urban blight by establishing minimum property maintenance and livability standards. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance as required herein. **9.02.4. Application of Other Laws.** (a) Nothing in this chapter shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Corvallis Municipal Code or the requirement to obtain all necessary permits and approvals. (b) Any repair, alteration, or addition to and change of occupancy in an existing building, or any change of use of residential property, shall be made in accordance with all applicable provisions of law, including, but not limited to the Corvallis Municipal Code, the Corvallis Building Code and the Corvallis Land Development Code. (c) Except as provided otherwise by federal, state or local law, if a provision of this code conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal

authority having jurisdiction over residential property in the City of Corvallis, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this code. This Code is intended to supplement rather than conflict with the habitability standards and the assignment of landlord and tenant responsibilities of the state of Oregon Residential Landlord and Tenant Act.

(d) If a provision of this code conflicts with a provision of the adopted Corvallis Building Code, the provision of the Building Code shall apply to the exclusion of the conflicting provision of this code.

P o i n t

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

9.02.6. Saving Clause. This chapter 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.

9.02.7. Coordination of Enforcement. Whenever inspections are deemed necessary by the Director and any other department, the Director 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.

9.02.8. Responsibility.

(a) The Director is hereby authorized to administer and enforce all of the provisions of this code. The authority of the Director to enforce the provisions of this Code is independent of and in addition to the authority of other City officials to enforce the provisions of any other Code of the City Code.

(b) The Director may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this chapter. The Director is authorized to designate an employee as deputy who shall exercise all the powers of the Director during the temporary absence or disability of the Director.

(c) Where conditions or prohibitions under this chapter are regulated by the Building Code, the Building Official shall be responsible for making such determination and taking appropriate action as provided therein.

S t a r t i

9.02.9. Modifications. Where there are extreme hardships involved in carrying out provisions of this chapter, the Director shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

9.02.10. Failure to Obey Order of Director.

(a) It shall be unlawful for any person acting intentionally to refuse to obey an order by the Director acting in the discharge or apparent discharge of official duty.

(b) It is no defense to a prosecution for a violation of this section that the Director lacked legal authority to issue the order, provided the Director was acting under color of official authority.

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9.02.11. Maintenance Requirements; Generally.

(a) No person shall maintain or permit to be maintained any structure or premises that does not comply with the requirements of this code.

(b) All structures shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.

(c) All systems, devices and safeguards required by this Code or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants.

(d) An existing structure that does not comply with the provisions of this code and that does not comply with the standards of the applicable building code then in effect at the time of construction or subsequent alteration or repair shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.

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9.02.12. Historic Structures. The provisions of this code shall not be mandatory for an existing structure designated as a local or national historic resource when such structure is judged by the code official to be safe and its continued maintenance in historic condition to be in the public interest.

9.02.13. Skilled Work Required. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a skilled manner.

DERELICT STRUCTURES

9.02.14. Derelict Structures Prohibited. Derelict structures on any premises are hereby declared to be a public nuisance.

9.02.15. Order to Vacate Buildings or Structures.

(a) If the Director finds a building or structure in violation of CLC 9.02.14, the Director may order that a placard be posted on the building or structure, ordering the building or structure vacated. The placard shall contain the information required in CLC 9.02.23.

(b) Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order.

9.02.16. Prohibited Habitation. No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Director.

9.02.17. Removal of Placard Prohibited.

(a) The Director shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.

(b) No person shall deface or remove a placard without the approval of the Director.

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9.02.18. Temporary Safeguards. Notwithstanding any other provisions of this code, whenever, as determined by the Director, a building or structure poses an imminent hazard or incipient hazard, the Director may order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and shall cause such other action to be taken that the Director deems necessary to meet such condition.

a r t i n g P o i n t

9.02.19. Abatement of Derelict Structure by Remediation.

(a) In addition to, and not in lieu of, the abatement remedies provided for in CLC 9.02.20 - CLC 9.02.31and receivership authority in CLC 9.02.33, the Director may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

(b) Upon receipt of such notice, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and shall, not less than fifteen days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant. Notice shall also be posted on or near the derelict structure and copies delivered to the affected neighborhood association. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.

(c) At the hearing, the Director shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Director's determination, and the owner and occupants shall be afforded a like opportunity to rebut the determination. Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue. The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the State of Oregon.

(d) The Hearings Officer shall order the conditions creating the derelict structure be remediated if the Director demonstrates, by a preponderance of the evidence, that the building structure is a derelict structure.

(e) In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is in a condition unfit for human habitation, or in a condition that is an incipient hazard, based on the number and extent of the following factors:

(1) Dilapidation;
(2) Disrepair;
(3) Structural defects noted by the Building Official;
(4) Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;
(5) Uncleanliness or infestations of pests;
(6) Condition of sanitary facilities;
(7) The presence of a public nuisance; and
(8) The history of unlawful activity in or around the building or structure.

PUBLIC NUISANCES

9.02.20. Public Nuisance Prohibited. In addition to the provision of CLC 9.02.14, n o person shall cause, permit, or maintain a public nuisance on public or private property.

9.02.21. Public Nuisances. The following are specifically declared to be public nuisances: Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety, where such thing, condition, or act is or exists contrary to the provisions of this code.

9.02.22 Notice to Person Responsible. Whenever the Director has reasonable grounds to believe that a violation of CLC 9.02.20 has occurred, a notice and order shall be served on the owner(s) and occupant(s).

9.02.23. Form of Notice. Such notice prescribed in CLC 9.02.22 and CLC 9.02.15(a) shall:

Starting Point	a) Be in writing; b) Include a description of the premises sufficient for identification; c) Include a statement of the reason or reasons why the notice is being issued; d) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the premises into compliance with the provisions of this chapter. e) Include a notice that the city may abate the nuisance pursuant to this chapter and that the person responsible shall be responsible for the costs of such abatement. f) Include instructions for an appeal. **9.02.24. Effective Date of Notice.** All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing if not personally served. **9.02.25. Method of Service.** a) Notices under this chapter shall be deemed to be properly served if a copy thereof is: **(1)** Personally delivered to the owner(s) and occupant(s); or **(2)** Sent by first class mail to the owner(s) and occupant(s) at their last known address; or **(3)** Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address if they cannot be located. b) Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of the owner(s) or occupant(s) shall not render the notice void and in such case the notice shall be sufficient. **9.02.26. Recording a Violation.** The city may record a notice of violation with the County Recorder. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be recorded. **9.02.27. Abatement Procedures - Joint Responsibility.** If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance. **9.02.28. Abatement Procedures - by the City.** a) If within time allowed under CLC 9.02.23(d), the violation has not been corrected, the Director may cause the violation to be corrected. b) The Director shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a _____ percent charge for administrative overhead. c) The Director or a person authorized by the Director may enter upon the property to abate the nuisance only upon obtaining consent of the owner and occupant; or upon obtaining an administrative warrant pursuant to CMC 1.15 or CLC 9.02.44. **9.02.29. Abatement Procedures - Assessment of Costs.** a) After abatement by the city, the Director of Finance, by first class mail, shall forward to the owner(s) and occupant(s) a notice stating: **(1)** The total cost of correction, including the administrative overhead; and **(2)** That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice. b) If the costs and administrative overhead are not paid within thirty days of the billing date, the Director shall thereafter file with the Hearings Officer an itemized statement of costs and

	overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance. c) Upon filing of such statement of costs and overhead, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer, and cause notice thereof to be served via certified mail to the owner(s) and occupant(s). d) After the hearing, the Hearings Officer shall declare the correctness of such statement and declare the same to be a lien upon the property. e) An error in the contents or service of any notice 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.
S t a r t i n g	**9.02.30. Abatement Procedures - Summary Abatement.** The abatement procedure provided by this chapter is not exclusive but is in addition to procedures provided by other laws. **9.02.30.5. Receivership Authority.** In addition to, and not in lieu of any other provision in this chapter, when the Director finds residential property in violation of this chapter, and believes that the violation is a threat to the public's health, welfare and safety, and the owner has not acted in a timely manner to correct the violations, the Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455). **9.02.31. Collections.** Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims court or entered into the city's lien docket in the manner provided by _____ and a lien for the entire amount placed against the real property pursuant to _____.
P o i n t	**PENALTIES** **9.02.32 Penalties** a) **Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or directive of the code official shall be subject to the provisions of CLC 9.02.32(a) through CLC 9.02.32(c). a. **Separate violations.** i. Each day's violation of a provision herein constitutes a separate offense. ii. The abatement of a nuisance or violation shall not constitute a penalty for violating this code but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance or violation. b. **Misdemeanors and Infractions.** i. Any person who shall violate any of the provisions herein or fail to comply therewith or who shall violate or fail to comply with any order made there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Hearings Officer, the Livability Code Board of Appeals or by a court of competent jurisdiction within the time fixed herein shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor or infraction, as specified under CLC 9.02.32(b)(ii). 1. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified each day that prohibited conditions are maintained shall constitute a separate

	offense. 2. Upon conviction of a misdemeanor offense, any person shall be liable for the fines and terms of imprisonment provided for under CMC 5.03.160.040. 3. Upon conviction of an infraction offense, any person shall be liable for the fines and terms of imprisonment provided for under CLC 9.02.30(ii)(4). ii. Violation of the provisions of this code shall be as classified under CMC 5.03.160.030 and shall be designated as follows: 1. Violation of CLC 9.02.___ through CLC 9.02.___ Solid Waste is a **Class A misdemeanor** *($2,500 and 1 year imprisonment*). 2. Violation of CLC 9.02.20 Public Nuisance is a **Class B misdemeanor** *($1,000 and 6 months imprisonment*). 3. Violation of CLC 9.02.___ through CLC 9.02.___ Fire Safety provisions; CLC 9.02.10 Failure to Obey; and CLC 9.02.16 Prohibited Habitation is a **Class C misdemeanor** *($500 and 30 days imprisonment*). 4. Violation of every provision of this code not otherwise provided for herein is deemed an infraction punishable upon conviction by a fine of not more or less than: a. 1st offense shall be $250<>$100; b. 2nd offense for violation of same provision of this code within 24 month period shall be $500<>$250; c. 3rd offense for violation of same provision of this code within 24 month period shall be $500<>$500; d. 4 or more offenses for violation of same provision of this code within 24 month period shall constitute a **Class A misdemeanor** *($2,500 and 1 year imprisonment*). iii. **Declaration of infraction.** Notwithstanding CLC 9.02.32(a)(b)(ii)(1-3), any violation of the provisions of this code may be declared to be an infraction pursuant to the procedure provided in CMC Section 5.03.160. c. **Civil Penalties.** In addition to and not in lieu of any other means of enforcement or any other penalty provided by law, any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or directive of the code official may incur a civil penalty in an amount as specified in CLC 9.2.32(c)(vii), plus administrative fee and any cost of service or recording costs. i. **Purpose.** The purpose of a civil penalty is to provide an efficient, convenient, and practical system to enforce a violation of this code and to provide an opportunity for a prompt protest, hearing, and decision on the imposition of a civil penalty. ii. **Civil Penalty Against Agents.** Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, shall likewise be subject to a civil penalty. iii. **Procedure for issuing civil penalty.** A civil penalty shall be imposed under this section by issuance of a notice of penalty. A civil penalty may be imposed for each day the violation continues or remains. The notice of penalty shall be provided in the manner as described in CLC 9.02.32 (c)(iv). iv. **Notice of Civil Penalty.** If a civil penalty is imposed, the code official shall issue a Notice of Civil Penalty to the person responsible for the code violation.
Starting Point	

Starting Point	1. The Notice of Civil Penalty shall include: a. reference to the applicable code provision(s); b. a statement of the basis of the violation; c. a statement of the amount of the civil penalty; d. a statement of the party's right to protest the civil penalty to a Hearings Officer; and e. a statement that a delinquent civil penalty may become a lien on property. 2. The Notice of Civil Penalty shall be served on the person responsible for the code violation by: a. personal service; or, b. Posted in a conspicuous place in, on or about the structure or premises affected by such notice; or, c. sent by US first class mail or US certified mail, return receipt requested, to the person's last known address; i. Failure of the recipient to sign for the certified mail shall not make the notice void. ii. Notice served by mail shall be deemed received three days after the date mailed to an address within Oregon or seven days to an address outside of Oregon. iii. Notice served by mail shall be concurrently posted in a conspicuous place in, on or about the structure or premises affected by such notice. 3. If the violation relates to real property and the person responsible for the violation is not the owner of the property, an informational copy of the Notice of Civil Penalty shall be sent to the owner of the property by first class mail at the same time as service on the person responsible. v. **Protest of Civil Penalty.** A person issued a Notice of Civil Penalty may protest the existence of a violation or the circumstances involved in the presence of a violation that resulted in imposition of a civil penalty to a Hearings Officer pursuant to CLC 9.02.___. 1. If after a hearing in which the Hearings Officer determines that a violation did or does exist, the Hearings Officer may reduce the original penalty imposed after considering reasonable mitigating factors as determined by the Hearings Officer. a. The civil penalty imposed by the Hearings Officer shall not be less than amount provide under CLC 9.02.__. b. The Hearings Officer may not reduce the civil penalty by any amount if a violation has not been corrected and inspected by the city. vi. **Collection of Civil Penalty.** The civil penalty shall become final upon expiration of the time for filing a protest or, if a protest is filed and the Hearings Officer affirms the civil penalty, the civil penalty shall become final upon issuance of the Hearings Officer decision. The civil penalty shall be delinquent if not paid within 30 days from the date the civil penalty becomes final. a. A late payment charge shall begin to accrue from the date of

delinquency.

b. If the civil penalty is imposed on the owner of the property where the violation occurred, and is delinquent, the notice and late payment charge shall be entered in the docket of city liens pursuant to _____ and may record in the Benton County deed records. When entered in the city lien docket, the notice shall constitute a lien upon the property in violation of the code.

c. The lien shall be enforced in the same manner as liens for_____. Failure to pay may result in foreclosure in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.

d. An error in the name of the owner shall not void the lien, nor shall a failure to receive the notice render the lien void, but it shall remain a valid lien against the property.

Starting Point

vii. **Amount of Civil Penalty.** The code official is authorized to impose civil penalties in the amounts as follows, and the Hearings Officer may allow reductions consistent with CLC 9.02.__ and operational guidelines to the amounts as follows (penalty imposed/reduction by Hearings Officer to not less than):

1. Violation of a provision of this code may be subject to a Civil Penalty no less than $50.00 and not exceeding $5,000.00 per offense, or in the case of a continuing offense, not more than $1,000.00 for each day of the offense;
2. In imposing a penalty authorized by this section, the code official shall consider:
   a. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
   b. Any prior violations of statutes, rules, orders, and permits;
   c. The gravity and magnitude of the violation;
   d. Whether the violation was repeated or continuous;
   e. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
   f. The violator's cooperativeness and efforts to correct the violation; and
   g. Any relevant rule of this or other City code.

APPEALS

9.02.35. Appeals Generally. Any person who is issued an order from the Director or any person who is subject to a civil penalty, pursuant to this Chapter may appeal the decision to the Livability Code Board of Appeals.

9.02.36. Livability Code Board of Appeals.

(a) In order to hear and decide appeals of notices, orders, decisions or determinations made by the Director relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to this code and who are not employees of the jurisdiction. The Housing & Neighborhood Services Division Manager shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board. The Board of

Appeals shall be appointed by the Mayor and shall meet as required to carry out its duties. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Director.

(b) The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

S t a r t i n g P o i n t

9.02.37. Filing of Appeal. Any person upon whom a notice, order, interpretation or decision is served under this code shall have the right of appeal from the notice, order, interpretation or decision to the Board of Appeals. An appeal must be submitted to the Director within seven days, plus three days for mailing, from the date of the notice and order.

9.02.38. Appeal Fee. Any appeal submitted under this chapter shall include a $50.00 filing fee.

9.02.___ Scope of Appeal. Appeals may be filed regarding technical matters of notices, orders, interpretations and decisions made by the Director relative to this code.

9.02.39. Form of Appeal. An appeal must be in writing and include the following:

1. Name of person filing the appeal.
2. Copy of the notice and order.
3. Copy of the section of this code which is being appealed.
4. A complete explanation of the appeal.
5. What is requested of the Board of Appeals.

9.02.40. Appeal Procedure.

(a) The Director shall confirm that the appeal meets the filing criteria.

(b) If the filing criteria have not been met, the person filing the appeal will be so notified and the Board of Appeals will not be convened. The Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow the appellant to resubmit an appeal that has been deemed incomplete. Only one extension may be granted.

(c) If the filing criteria is met, the Director shall schedule a meeting of the board within 30 days of the filing of the appeal. The hearing shall be held not later than 30 days after the filing of the appeal.

9.02.42. Authorization to Inspect. The Director is authorized to make inspection of property for the purposes of enforcing this code. Wherever possible, inspections made by the personnel of the Housing & Neighborhood Services Division shall be coordinated with the personnel of the Development Services Division or Fire Department in order to avoid the issuance of multiple or conflicting orders.

9.02.43. Enforcing Compliance. To enforce any of the requirements of this Code, the Director may gain compliance by:

(a) Instituting an action before the Hearings Officer; or

(b) Causing appropriate action to be instituted in a court of competent jurisdiction; or

(c) Imposing criminal or civil penalties; or

(d) Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

RIGHT OF ENTRY; ADMINISTRATIVE WARRANTS

9.02.44. Right of Entry.

(a) The Director may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this code, or whenever the

Starting Point	Director has reasonable cause to believe that there exists in any structure or upon any property any condition which makes such property substandard as defined in any regulations of this code. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken: **1.** Occupied Property. If any structure on the property is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant; **2.** Unoccupied Property. **a.** If the property is unoccupied, the Director shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant. **b.** If structures on the property are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection warrant; or **3.** Open, Unoccupied Property. If any structure on the property is unoccupied and open: **a.** The Director shall notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons. If the property is not secured within fifteen (15) days from the date notice is sent, the Director may secure the property as provided in CLC 9.02.18. **b.** If the Director believes that a hazardous condition exists, the Director may immediately secure the property as provided in CLC 9.02.18. Following the summary abatement, the Director shall notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an inspection or abatement warrant. (b) The Director may seek approval for an inspection warrant without first requesting entry or making contact with an owner or occupant, if, at the time, facts or circumstances reasonably show that the purpose of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.
	9.02.45. Grounds for Issuance of Inspection Warrants; Affidavit.
Point	(a) Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant. (b) Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any Livability Code regulation exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with Livability Code regulations.
	9.02.46. Procedure for Issuance of Inspection Warrant.

Staff Point	(a) Examination. Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application. (b) Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 8:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night. (c) Police Assistance. In issuing an inspection warrant on private property, including abatement warrants pursuant to CLC 9.02.28, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the Director or representative of the department inspecting the property in any way necessary to complete the inspection. **9.02.47. Execution of Inspection Warrants** (a) Occupied Property. Except as provided in subsection (b) of this section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request. (b) Unoccupied Property. In executing an inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection (a) of this section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property. (c) Return. An inspection warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within 10 business days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant, unless executed, is void. **9.02.48. DEFINITIONS** **a)** Unless the context otherwise specifically requires, for purposes of this Code, the following terms and phrases mean: 1) **Abandoned Structure** means a vacant structure that is an attractive nuisance. 2) **Abatement of a nuisance.** The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance. 3) **Accessible Means of Egress** shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: *A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way*. 4) **Accessory Structure** means any structure not intended for human occupancy. Accessory structures may or may not be attached to a primary structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways. **5) Agent.** A person authorized by another to act in his/her behalf. 6) **Approved** – Meets the standards set forth by the municipal code, the community development code, the building code, or other standards referenced in those codes, or is approved by the code official.

S t a r t i n g P o i n t S t a r t

7) **Ashes** means the residue of the combustion of solid fuels.
8) **Attic** means the unfinished, non-habitable part of a structure between the roof and the ceiling immediately below.
9) **Attractive Nuisance** means buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.
10) **Basement** means that portion of a building or structure which is partly or completely below grade.
11) **Bathroom** – A room containing plumbing fixtures including a bathtub or shower.
12) **Bedroom** – Any room or space used or intended to be used for sleeping purposes.
13) **Boarded** means the securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings, following the standards of Appendix A of this code, that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.
14) **Building** means any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.
15) **Building Code** means the specialty codes adopted and as may be amended by the City of Corvallis, as provided in CMC Chapter 9.01.
16) **Building Official** means the administrator of the Development Services Division of the Community Development Department, or the administrator's designee.
17) **Bulk Solid Waste** means discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.
18) **Code Official** means the Code Compliance Supervisor, Code Compliance Specialist, Housing & Neighborhood Services Division Manager, or other person authorized by the Community Development Director to enforce the provisions of this code.
19) **Deterioration** means a lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.
20) **Derelict structure** means a building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:
    (A) Is unoccupied and unsecured;
    (B) Is partially constructed;
    (C) Is an abandoned structure or attractive nuisance;
    (D) Is in condition of deterioration;
    (E) Has an infestation of pests;
    (F) Has doors or windows boarded over, or;
    (G) Other condition that in the opinion of the Director is detrimental to public health, safety or welfare.
21) **Director** means the Community Development Director charged by the City Manager with the implementation and enforcement of this code, or that department head's designee.
22) **Dwelling** means any structure containing one or more dwelling unit.
23) **Dwelling Unit** means a single unit within a dwelling providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. As used in this code, dwelling unit includes, as the context requires,

i	single family dwellings, duplexes, triplexes, condominiums, residential trailers, mobile homes, manufactured homes, multi-family dwellings, and single units therein.
n	24) **Exit** means a continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.
g	25) **Exterior Property** means the areas of a property which are outside the exterior walls and roof of a building. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, yards, gardens, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.
	26) **Extermination** means the control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Director.
	27) **Hazardous Solid Waste** means any solid waste which, in the opinion of the Director, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.
P	28) **Habitable** means suitable for human habitation.
o	29) **Habitable space** means a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.
i	30) **Hazardous Thicket** means blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful
n	activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous.
t	31) **Hearings Officer** means the person or persons appointed by the City Manager to serve in that capacity and to pass on matters stipulated for quasi-judicial review under this code.
	32) **Human habitation** – The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.
	33) **Imminent Hazard** means any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.
	34) **Incipient Hazard** means any condition that can become an imminent hazard if further deterioration is allowed to occur.
	35) **Indoor Fixture** means any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.
	36) **Indoor Furnishing** means any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.
	37) **Infestation** means the presence of pests in large numbers that are harmful or bothersome within or adjacent to a building or structure or upon a premises.
	38) **Junk** means articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this Code the term "junk" includes, but is not limited to: (a) any derelict motor vehicle, trailer, or boat, i.e, any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; (b) neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts

required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or (c) wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; (d) machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; (e) any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; (f) any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; (g) any bulk solid waste; and (h) solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

39) **Landlord** means the owner or lessor of a dwelling unit, a building, or a premises, including a person authorized by the owner or lessor to manage the premises or to enter into a rental agreement.
40) **Legally occupied** means the use of a premises for a purpose authorized by law, including the building code and zone code. For the purposes of this Code, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this Code, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.
41) **Let for occupancy** or **Let** means to permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.
42) **Maintained compost** means a small portion of a property set aside for the purpose of methodically encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer or amendment for the soil on the property. Maintained compost shows clear indicators that the organic materials placed there are being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition does not constitute maintained compost.
43) **Must** as used in this code, is mandatory
44) **Naturescape.** Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.
45) **Noxious Vegetation** means weeds more than ten inches in height; grass more than ten inches in height; rank or dead vegetation; poison oak, poison hemlock, poison ivy; hazardous thickets; or other rank, noxious, and dangerous vegetation that is a health hazard; a fire hazard; or a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of the public right-of-way hazardous. This definition shall not include agriculture crops, endangered riparian grasses that have not come to seed, and wet land grasses that are neither a fire nor a traffic hazard.
46) **Occupancy** means the purpose for which a building, structure or premises is used or intended to be used.
47) **Occupant** means any person, including an owner, tenant or operator, using a building or any part of a building for its lawful, intended use or having possession of a space within a building or structure or possession of a premises.
48) **Owner** means the person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise

acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto.

49) **Partially Constructed** means an occupied or vacant structure, or portion thereof, has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.
50) **Person** means an individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.
51) **Pests** means animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.
52) **Premises** means a lot, or parcel of land, including any buildings or structures thereon.
53) **Rank Vegetation** means any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.
54) **Receptacle** means a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.
55) **Recycling** means the process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.
56) **Remediation** means the elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.
57) **Repair** means the reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.
58) **Residential property** – Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multifamily structures and mixed-use structures which have one or more dwelling units. Hotels used exclusively for transient occupancy are excluded from this definition of residential property.
59) **Rubbish** means worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.
60) **Shall** as used in this Code, is mandatory.
61) **Skilled Manner** means executed in a proper manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.
62) **Solid Waste** shall have the same meaning as provided under CMC 4.01.010.
63) **Structure** means that which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.
64) **Temporary** means a period up to 6 months in any 12 month period.
65) **Unfit for Human Habitation** means a building or structure that, as found by the Director, is unfit for human habitation due to; unsanitary conditions, infestation, accumulation of filth or contamination, lack of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

66) **Unoccupied** means not legally occupied.
67) **Unsecured.** Any structure in which doors, windows, or apertures are open or able to be opened from the outside so as to allow access by unauthorized persons; unlocked or otherwise open to entry.
68) **Ventilation** means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
69) **Watertight** means secure as possible against the entry of rain, melt water and storm water.
70) **Waste Tire** means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.
71) **Weathertight** means secure as possible against the entry of wind, rain, melt water, storm water and natural elements.

(b) Words stated in the present tense in this code include the future; the singular number includes the plural, and the plural includes the singular. Where terms are not defined in this code and are defined in the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes. Terms not otherwise defined in this Code or in the state building, plumbing or mechanical codes shall have ordinarily accepted meanings. Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this Code, they shall be construed as though they were followed by the words "or any part thereof."

City of Astoria Property Maintenance Code
http://astoria.or.us/page/149

City of Gresham Property Maintenance Code (2006 IPMC)
https://greshamoregon.gov/city/city-departments/community-development/code-enforcement/template.aspx?id=5274

City of Beaverton Property Maintenance Code
http://www.codepublishing.com/or/beaverton/html/Beaverton08/Beaverton0807.html

City of Portland Housing Code
https://www.portlandonline.com/auditor/index.cfm?c=28732

City of Salem, Property Maintenance Code
http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CCUQFjAB&url=http%3A%2F%2Fwww.cityofsalem.net%2FDepartments%2FLegal%2FSalem%2520Revised%2520Codes%2FProperty%2520Maintenance.pdf&ei=9gcKVfbzOsicoQSTwoDQDg&usg=AFQjCNFLxAw_y6f_p7NGkfs8AyhwmQ0n7g

City of Salem, OR Rental Housing Code 5-2014
http://webcache.googleusercontent.com/search?q=cache:eulXp3tWrtgJ:www.cityofsalem.net/Departments/Legal/Salem%2520Revised%2520Codes/Housing%2520Code.pdf+&cd=6&hl=en&ct=clnk&gl=us

IPMC 2012 https://law.resource.org/pub/us/code/ibr/icc.ipmc.2012.html

City of Eugene Rental Housing Code
http://eugene-or.gov/rentalhousing

Operational Guidelines
Livability Code Compliance Processes

Scope of Investigations

1. Livability Code compliance responses will be complaint driven. Complainants must identify themselves, but may request to remain confidential. Anonymous complaints will not be accepted.

2. The scope of any site investigation shall be limited to the specific subject matter of the complaint, as it was filed; however, life and safety concerns observed in the course of investigation shall be documented by Staff and promptly reported to the Supervisor.

3. If, in the course of Staff conducting a site investigation, the party who filed the complaint under investigation requests expansion of the scope of the investigation to include additional elements that do fall under the Program purview, such party shall complete and sign the "Request to Expand Scope of Investigation" section on the Field Investigation Checklist, CC-FORM-2;
    - Before proceeding under a field expanded scope, Staff shall confirm the authority of the requesting party to provide consent to access the specific location;
    - Staff may decline to proceed with a request for field expanded scope.

4. If, in the course of Staff conducting a site investigation, the party who filed the complaint under investigation requests expansion of the scope of the investigation to include additional elements that do not fall under the Program purview, Staff will direct the party to the pertinent resource(s), if available.

On-site Investigation

1. Site visits: Prior to staff visiting a property for the purpose of performing an investigation into a livability code issue filed by a tenant-complainant that pertains to elements of the structure or amenities of a dwelling, staff shall:
    - determine that the reported issue is covered by the City's livability code;
    - attempt to inquire of a tenant-complainant if they have communicated the concern to their landlord, and, if the tenant-complaint has not, recommend that they do so following a prepared script.

2. Staff shall obtain and document consent to enter upon private property in accordance with CC-POL-2 & CC-POL-3, utilizing CC-FORM-1

3. Staff shall obtain or seek to obtain photographs of the relevant subject under investigation in accordance with CC-POL-1

4. Under no circumstances will staff be on-site without the presence of a tenant-complainant, or proxy.

5. For routine complaint matters, the inspection shall occur during normal business hours.

6. Staff shall not enter a private dwelling if only a minor person is present.

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Compliance Actions

1. Preference is for Staff to provide a written correction notice in the field for confirmed violations at Single Family and Duplex structure properties when any documented offense is attributable to an occupant as the responsible party, and the occupant is accessible.
   - Correction notices shall include:
     - Address of subject location;
     - Name, if known, of responsible party or of person with whom the correction notice is left;
     - Applicable code citation by section number;
     - Brief explanation of the conditions of violation;
     - Statement of specific corrective action;
     - Deadline for compliance, consistent with CC-POL-9; and
     - Name of Staff providing correction notice.

2. Staff shall provide a Notice of Violation to responsible party for all confirmed violations at all properties that are other than Single Family and Duplex structure properties, and in situations involving a landlord or property owner as the responsible party pertaining to any building occupancy or property use type .

3. Staff shall provide a Notice of Violation to responsible party for all confirmed violations at all properties, regardless of type or use, when noncompliance with a field issued correction notice is confirmed.

4. A Notice of Violation shall be processed in accordance with CLC 9.02.___ and CC-PRO-3, utilizing applicable CC-FORM.

5. Notwithstanding a deadline established under a field issued correction notice, a deadline for compliance with an initial Notice of Violation shall be established consistent with CC-POL-9

6. Upon confirmation of noncompliance with a Notice of Violation:
   - Staff shall prepare a Final Notice of Violation and Civil Money Penalty to responsible party;
   - Staff shall submit a report, including the Case Record documentation and the prepared Final Notice of Violation and Civil Money Penalty, to Supervisor for review;
   - A Final Notice of Violation shall be processed in accordance with CC-PRO-3, utilizing applicable CC-FORM;
   - Final Notice of Violation will:
     - State that the prior deadline has elapsed
     - State that the matter may be referred to the CAO for prosecution after 10 business days, unless otherwise provided for per CLC.
   - Notice of Civil Money Penalty shall be provided concurrent with Final Notice of Violation, established consistent with CC-POL-11
   - Supervisor shall review Staff report and either sign-off approval or provide written direction for alternative Staff follow-up.

7. Staff may issue a citation for infraction or misdemeanor offenses at any time after confirmation of an offense of the code;
   - Staff shall submit a report, including the Case Record documentation and the prepared Final Notice of Violation and Civil Money Penalty, to Supervisor for review;
   - Supervisor shall review Staff report and case documentation, shall engage in any additional research or investigation at discretion, and shall submit a cover memo report to Manager recommending proceeding with or tabling the matter;

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- Manager shall provide Supervisor direction in writing whether to proceed or to table the matter;
- If issuance of citation is directed, Supervisor shall coordinate with CAO and CPD.

8. Staff may seek assistance of CAO for initiation of legal proceedings at any time after confirmation of an offense of the code.
   - Staff shall submit a report, including the Case Record documentation and the prepared Final Notice of Violation and Civil Money Penalty, to Supervisor for review;
   - Supervisor shall review Staff report and case documentation, shall engage in any additional research or investigation at discretion, and shall submit a cover memo report to Manager recommending proceeding with or tabling the matter;
   - Manager shall provide Supervisor direction in writing whether to proceed or to table the matter
   - If proceeding with matter is directed, Supervisor shall coordinate with Senior Staff, City Manager, Manager and CAO for further action.

Outreach and Education

As the Livability Code is finalized and adopted by the Corvallis City Council a program of community education and outreach will be implemented by the Housing and Neighborhood Services Division. Areas of focus will include:

- Physical standards and maintenance requirements of the Livability Code;
- Options for filing complaints;
- Housing and Neighborhood Services Division approach to seeking code compliance;
- Penalty provisions and imposition guidelines.

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Existing Code Language
May 2015

Chapter 9.02 - RENTAL HOUSING CODE

Sections:

Section 9.02.010 - Title.

These regulations shall be known as the Corvallis Rental Housing Code, may be cited as such, and will be referred to herein as "this code."

(Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.020 - Purpose.

The purpose of this code is to provide minimum habitability criteria to safeguard health, property and public welfare of the owners, occupants and users of residential rental buildings.

(Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.030 - State of Oregon Residential Landlord and Tenant Act.

This code is intended to supplement rather than conflict with the habitability standards of the State of Oregon Residential Landlord and Tenant Act.

(Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.040 - Scope.

1) Except as described below, these standards shall apply to all buildings or portions thereof which are legally used for human habitation and are covered by a rental agreement.
2) Those arrangements identified in the State of Oregon Residential Landlord and Tenant Act as excluded from its authority are also exempted from this code. The following are exempted from this code either through the State of Oregon Residential Landlord and Tenant Act or in addition to it:
    a) Hotels, motels and lodging houses.
    b) Buildings located on the Oregon State University campus.
    c) Hospitals and other medical facilities.
    d) Nursing homes and similar facilities.
    e) Group SR Occupancies.

(Ord. 2003-32 § 1, 10/20/03; Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.050 - Dangerous Buildings Code.

Conditions which define a building as dangerous as per the City Dangerous Buildings Code will be abated through the use of the Dangerous Buildings Code.

(Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.060 - Severability.

If any section, paragraph, subdivision, clause, sentence, or provisions of this title shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the title, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this title notwithstanding the parts to be declared unconstitutional and invalid.

(Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.070 - Liability.

The City officials charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other related laws and ordinances shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.

(Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.080 - Definitions.

For purposes of this Chapter, the following definitions shall apply:

Agent. A person authorized by another to act in his/her behalf.

Comment [ccw1]: Carried into draft language

Building Code. The currently adopted edition of the State of Oregon Structural Specialty Code.

Building Official. The City's Development Services Manager.

Dangerous Buildings Code. Those provisions of the City Building Code adopted for the abatement of unsafe buildings.

Dwelling Unit. A single unit providing complete independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking and sanitation. For purposes of this Code, where portions of a residential building are occupied under separate rental agreements, but tenants share eating, cooking, and/or sanitation facilities, each portion under a separate rental agreement shall be considered a dwelling unit.

Habitable Room. Any room used for sleeping, living, cooking or dining purposes, but excluding closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.

Group SR Occupancies. Special residences where personal care is administered and that are licensed by, or subject to licensure by, or under the authority of the Oregon Department of Human Resources or any other State agency.

Mechanical Code. The currently adopted edition of the State of Oregon Mechanical Specialty Code.

Plumbing Code. The currently adopted edition of the State of Oregon Plumbing Specialty Code.

Rental Agreement. All agreements, written or oral, concerning the use and occupancy of a dwelling unit and premises.

Rental Housing Code Board of Appeals. The 6 member board authorized by and described in Section 1.16.245 of the Municipal Code.

(Ord. 2003-32 § 2, 10/20/03; Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.090 - Standards.

Comment [ccw2]: Areas that include gag closure in draft language.

1) Structural Integrity.
   a) Roofs, floors, walls, foundations and all other structural components shall be capable of resisting any reasonable stresses and loads to which these components may be subjected.
   b) Structural components shall be of materials allowed or approved by the Building Code.
2) Plumbing.
   a) Plumbing systems shall be installed and maintained in a safe and sanitary condition and shall be free of defects, leaks and obstructions.
   b) Plumbing components shall be of materials allowed or approved by the Plumbing Code.
3) Heating.
   a) There shall be a permanently installed heat source with the ability to provide a room temperature of 68 degrees Fahrenheit three feet above the floor, measured in the approximate center of the room, in all habitable rooms.
   b) All heating devices or appliances shall be of an approved type.
   c) Ventilation for fuel-burning heating appliances shall be as required by the Mechanical Code.
4) Weatherproofing.
   a) Roof, exterior walls, windows and doors shall be maintained to prevent water leakage into living areas which may cause damage to the structure or its contents or may adversely affect the health of an occupant.
   b) Repairs must be permanent rather than temporary and shall be through generally accepted construction methods.
5) Smoke Detectors.
   a) Every dwelling unit shall be equipped with an approved and properly functioning smoke alarm or smoke detector installed and maintained in accordance with the State Building Code, ORS 479.270, 479.275, and 479.285, and applicable rules of the State Fire Marshal.
6) Security.
   a) Working locks for all dwelling entrance doors and latches for all windows by which access may be had to that portion of the premises which the tenants is entitled to occupy to the exclusion of others.
7) Interpretations.
   a) The Community Development Director is empowered to render interpretations of this Chapter.
   b) Such interpretations shall be in conformance with the intent and purpose of this code.

(Ord. 2008-17 § 1, 12/01/2008; Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.100 - Enforcement.

1) Authority.

a) The Community Development Director or his/her designee is hereby authorized and directed to enforce all the provisions of this code.

2) Complaint.

a) A complaint must be in writing and may be filed in person or by mail, e-mail or fax.

b) A complaint must include the following:

1] Name of person filing the complaint; complaints may not be submitted anonymously.

2] Name of the landlord.

3] Address of the alleged violation.

4] A complete description of the alleged violation.

5] A copy of the written notice of the alleged habitability violation that has been sent by the tenant to the landlord.

c) A person who files a complaint must be a party to the current rental agreement covering the property in question or an agent of this party.

d) Complaints will be processed by Housing Division staff using an administratively adopted written procedure which includes the following:

1] confirmation that the complainant has standing to file a complaint

2] confirmation that the subject of the complaint, if confirmed, would be a violation of this code

3] confirmation that the landlord has had seven days, plus three days for mailing per ORS 90.150(3), since mailing of the written notice by the tenant to respond to the complaint except that when the Code violation is an absence of: heat, water or hot water, or any properly functioning toilets, sinks or smoke detectors in the dwelling unit, confirmation that the landlord has had 48 hours by written notice from the tenant to respond to the complaint.

4] notification of the landlord by Housing Division staff of the complaint per written procedures.

3) Investigations.

a) Investigations will be initiated only after the above process has been followed.

b) Housing Division staff will conduct an investigation to confirm the validity of the complaint.

c) If the complaint is determined to be not valid, the case will be closed and all parties notified.

d) If the complaint is determined to be valid, Housing Division staff will issue a notice and order.

4) Inspection and Right of Entry.

a) When it may be necessary to inspect to enforce the provisions of this code, Housing Division staff, in accordance with administrative policy, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, Housing Division staff shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, Housing Division staff shall have recourse to the remedies provided by Municipal Code Chapter 1.15 to secure entry.

5) Notices and Orders.

a) For valid complaints, Housing Division staff shall issue a notice and order to the landlord. The notice and order shall include the following:

1] Street address.

Comment [ccw3]: Omitted 2-4 due to draft language intended to have broader applicability.

2] A statement that Housing Division staff has found the premises to be in violation of this code as alleged in the complaint.

3] A thorough description of the violation.

4] Statements advising the landlord that if the required repairs are not completed within seven days, plus three days for mailing from the date of the notice and order (48 hours when the Code violation is an absence of: heat, water or hot water, or any properly functioning toilets, sinks or smoke detectors in the dwelling unit), then Housing Division staff will:

a] Record the notice and order against the property.

b] Coordinate the issuance of a citation to the landlord to appear in Municipal Court.

c] Initiate action to recover all City costs associated with the processing of the complaint, investigation and the resolution of the issue.

5] Statements that the landlord may appeal the notice and order as specified in this code.

6] The date by which the repairs must be completed and a reinspection scheduled.

b) The Notice and Order, and any amended or supplemental notice and order, shall be posted on the premises and shall be served to the landlord by first class mail.

6) Failure to Comply.

a) If there is no compliance with the Notice and Order by the specified date, Housing Division staff will:

1] coordinate the issuance of a citation to the landlord to appear in Municipal Court

2] record the Notice and Order against the property with all recording costs to be the responsibility of the landlord

3] initiate an accounting for all costs associated with the processing of the complaint, investigation and the resolution of the issue with the intent of recovering these costs from the landlord

7) Compliance.

a) Upon compliance with the Notice and Order Housing Division staff will issue a Notice of Compliance to the landlord and the complainant.

b) If a Notice and Order was recorded against the property, Housing Division staff will record the Notice of Compliance against the property.

c) If an accounting was initiated for all costs associated with the processing of the complaint, investigation and the resolution of the issue, Housing Division staff will proceed with collecting these costs from the landlord using adopted City procedures.

8) Penalties.

a) Any person violating any of the provisions of this code shall, upon court conviction thereof, be punished by a fine not to exceed $250.00 per violation. Each day that a violation exists is a separate offense.

(Ord. 2008-17 § 2, 12/01/2008; Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.110 - Appeals.

Comment [ccw4]: Largely carried into draft language.

1) Rental Housing Code Board of Appeals.

a) In order to hear and decide appeals of orders, decisions or determinations made by the Community Development Director relative to the application and interpretation of this code,

there shall be and is hereby created a Rental Housing Code Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to this code and who are not employees of the jurisdiction. The Housing Division Manager shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board. The Rental Housing Code Board of Appeals shall be appointed by the Mayor and shall meet as required to carry out its duties. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Community Development Director.

b) The Rental Housing Code Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

2) Filing of Appeal.

a) Any person upon whom a notice and order is served under this code shall have the right of appeal from the notice and order to the Rental Housing Board of Appeals. An appeal must be submitted to the Community Development Director within seven days, plus three days for mailing, from the date of the notice and order.

3) Appeal Fee.

a) Any appeal submitted under this chapter shall include a $50.00 filing fee.

4) Scope of Appeal.

a) Appeals may be filed regarding notices, orders, interpretations and decisions made by the Community Development Director relative to this code.

5) Form of Appeal.

a) An appeal must be in writing and include the following:

1] Name of person filing the appeal.

2] Copy of the notice and order.

3] Copy of the section of this code which is being appealed.

4] A complete explanation of the appeal.

5] What is requested of the Rental Housing Board of Appeals.

6) Appeal Procedure.

a) The Community Development Director shall confirm that the appeal meets the filing criteria.

b) If the filing criteria have not been met, the person filing the appeal will be so notified and the Rental Housing Board of Appeals will not be convened. The Community Development Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow the appellant to resubmit an appeal that has been deemed incomplete. Only one extension may be granted.

c) If the filing criteria is met, the Community Development Director shall schedule a meeting of the board within 30 days of the filing of the appeal. The hearing shall be held not later than 30 days after the filing of the appeal.

(Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.120 - Fees.

Comment [ccw5]: Not addressed under draft language process but will be incorporated into final.

1) For the purpose of offsetting costs to the City associated with the enforcement of this code there is hereby imposed an annual fee, to be set by the City Council, for each dwelling unit covered by a

rental agreement. The total annual fee for fraternities, sororities, and other similar group living structures will be calculated based on the occupancy capacity of each structure divided by the U.S. Census-determined average household size of renter-occupied units, multiplied by the annual per-unit fee.

2) The following unit types, while subject to the standards, enforcement procedures, and other requirements established in this Chapter, shall be exempt from the fee payment requirements of this Section: rentals with a recorded deed restriction requiring the units to be rented affordably to households at or below 50% of the Area Median Income; rentals under contract with a public agency that requires the rental to be inspected at least annually and verifies that the dwelling is rented to a low income household; and rentals designated as senior or disabled housing by a public agency.

3) The landlord is responsible for paying the annual fee upon written or electronic request. The landlord is responsible for paying the annual fee upon written or electronic request. The Director shall adopt and implement policies and procedures which include multiple written or electronic communications with landlords before assessing a penalty. The penalty established below is necessary to offset the actual cost of these procedures when payment of the annual fee is not timely or when payment of the annual fee is not made.

4) Policy regarding penalties. Providing minimally habitable rental housing is of great importance within the City of Corvallis. The costs of this program are intended to be somewhat offset by the annual fees, but the City Council also desires to not greatly increase the cost of renting residential property within the City. The City Council has balanced raising the amount of the annual fee in order to offset the cost of the program against the desire for landlords to pay the annual fee in a timely manner, and finds that an artificially lower annual fee that encourages timely payment is more likely to provide funding that offsets the costs of this essential program than is a higher fee which would capture all the administrative costs of collection. The City finds that staff charged with administration and enforcement of this program spend a grossly disproportionate portion of their time attempting to collect fees or to collect untimely fees from a relatively few landlords. The City Council finds that relatively low penalties for failing to pay the annual fee or for failing to pay the annual fee in a timely manner, encourages some landlords to fail to make payments or to make late and untimely payments. The City Council finds that relatively low penalties therefore result in an even more unfair apportionment of the cost of providing this essential program to other landlords and taxpayers, and threatens the City's ability to provide the service for the low annual fee.

5) Failure to pay the fee as requested will subject the landlord to the following actions:

   a) A penalty fee of $100.00 will be assessed to the landlord for each unpaid per unit fee if the annual fee is not paid by the date specified in the written or electronic request for payment.

   b) The City will initiate appropriate action to collect the fees due and all costs associated with these actions will be assessed to the landlord.

   c) Appropriate action may include placing a lien on the property.

(Ord. 2011-18 § 1, 12/19/2011; Ord. 2003-32 § 3, 10/20/03; Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.130 - Sunset (repealed).

Editor's note— Repealed by Ord. 2006-16.

Existing Code Language
May 2015

Chapter 4.01 - SOLID WASTE REGULATIONS

Sections:

FOOTNOTE(S):

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Editor's note—Title amended by Ord. 2008-21.

Section 4.01.010 - Definitions.

1) Solid Waste. Discarded putrescible, non-putrescible, and recyclable materials, including but not limited to garbage, rubbish, refuse, ashes, paper, cardboard, sewage sludge, septic tank and cesspool pumpings, or other sludge, useless or discarded commercial, industrial, demolition, and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances and furnishings, manure, vegetable or animal solid and semi-solid wastes, dead animals and infectious waste as defined in ORS 459.386.

2) Person. Any individual, partnership, business, association, corporation, trust, firm, estate, joint venture or other private entity or any public agency.

3) Receptacles. Cans, carts, bins, containers, drop boxes, or dumpsters used for the containment and disposal of solid waste.

Comment [ccw1]: Draft language refers to this definition; definition shall live for both codes as CMC 4.01 will continue to exist, including for franchise administration purposes.

(Ord. 2008-21§ 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.020 - Supervision by City Manager.

The regulation of the disposal and hauling of solid waste in the City under the provisions herein shall be under the supervision of the City Manager, her or his power and duties to include but not be limited to authority to conduct inspections to ensure full compliance with the terms and provisions herein, and to arbitrate or to provide for arbitration of any and all disputes arising between franchise holders hereunder and citizens of the City and suspend or revoke the franchise of any franchise holder hereunder for noncompliance after reasonable notice of any award or decision made in arbitration or upon conviction of any violation of this chapter in the Municipal Court.

(Ord. 2008-21§ 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.030 - Restrictions.

It shall be unlawful for any person to dump, collect, remove or in any other manner accumulate or dispose of solid waste upon any street, alley, public place or private property within the City.

(Ord. 2008-21§ 1, 12/15/2008; Amended 05/04/1998; Ord. 74-04, 1974; Ord. 58-60 § 4, 1958)

Section 4.01.040 - Hazardous waste.

No person shall place hazardous wastes for collection or disposal at the curbside. Hazardous waste shall only be disposed at collection events for this specific purpose.

(Ord. 2008-21 § 1, 12/15/2008)

Section 4.01.050 - Solid waste accumulation and solid waste receptacles.

It shall be unlawful for any person in possession, charge, or control of any dwelling, multi-family housing, manufactured home park, fraternity, sorority, restaurant, place of business, school, or manufacturing establishment where solid waste is created or accumulated to fail at all times to keep portable receptacles of standard type and construction, and to deposit said solid waste therein. Said receptacles shall be strong, watertight, rodent proof, insect proof, and shall have tightly fitting lids. Said receptacles with capacities pursuant to applicable franchise agreements, shall be kept tightly closed at all times except when being emptied or filled, and shall be kept and maintained out of the right-of-way when not placed out for collection. Receptacles placed for collection shall be located in a manner to provide safe, above-ground access without hazard or risk to franchisee or as to pose a hazard to pedestrians, bicycles, or motor vehicles. No person shall accumulate or store waste that is unsightly or in violation of City, County, or Oregon Department of Environmental Quality regulations.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 98-08 § 1, 5/04/98; Ord. 58-60 § 3, 1958)

Section 4.01.060 - Curbside receptacle placement.

Comment [ccw2]: Draft language refers back to provisions of CMC 4.01 (here and 4.01.050) for provision and use of receptacles "...in accordance with the provisions of CMC Chapter 4.01..."

Placement of receptacles must be within three (3) feet of curb but shall not restrict access to bicycle lanes or sidewalks and shall not be blocked by vehicles or other items. Items not for collection must be at least three (3) feet from receptacles. Placement of receptacles is limited to a time period of twenty-four (24) hours prior to scheduled pick-up by a franchised hauler and twenty-four (24) hours after scheduled pick-up. Receptacles within alleys shall be placed to accommodate collection vehicles.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.070 - Disposal requirement.

All persons in the City are hereby required to dispose of all perishable solid waste before the same shall have become offensive, and to dispose of all nonperishable solid waste promptly and not permit the same to accumulate on or about premises.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.080 - Private disposal.

Comment [ccw3]: Remains applicable under draft language.

Any person, may transport solid waste generated by herself, himself or itself upon the streets of the City without procuring a franchise therefor; provided, that such solid waste is hauled in such manner as to prevent leakage or litter upon the streets.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.090 - Unauthorized disposal of solid waste prohibited.

1) It shall be unlawful for any person to remove the lid from or interfere with any solid waste receptacle to dump or dispose any solid waste accumulated on or about her or his home, residence or any house or building or place of business into any public or semipublic solid waste receptacle or privately owned solid waste receptacle other than that owned by such person without the consent of the owner thereof.

2) It shall be unlawful for any person to dump or dispose of solid waste in any public or semipublic solid waste receptacle or disposal unit, except solid waste accumulated or acquired within an area reasonably contemplated to be served by such solid waste receptacle or disposal unit.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.100 - Franchise requirement.

1) It shall be unlawful for any person to collect solid waste within the City without having first procured a franchise to do so from the City unless said collection is exempted in the current solid waste franchise.

2) No person, other than the generator of the materials contained therein, or an officer, employee or permittee of the City, or an employee of a franchisee shall interfere with any solid waste receptacle serviced by a franchisee, or remove any such receptacle or its contents from the location where the same has been placed by the generator, or remove the lid from any solid waste receptacle, or enter into such solid waste receptacle.

(Ord. 2008-21 § 1, 12/15/2008; Amended, 05/04/1998; Ord. 58-60 § 1, 1958)

Section 4.01.110 - Nonexclusivity clause.

The powers and duties herein granted for the suspension or revocation of franchises hereunder shall not be exclusive, and shall not preclude the filing of complaint or complaints and subsequent prosecution thereunder of any person for any violation of this Chapter.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.120 - Disposal equipment and maintenance.

It shall be unlawful for any franchised solid waste hauler or person transporting solid waste produced by herself, himself or itself to transport solid waste on the streets of Corvallis, except in a covered, watertight and drip-proof vehicle.

(Ord. 2008-21 § 1, 12/15/2008)

Section 4.01.130 - Downtown collection hours.

No person shall operate solid waste collection equipment within the business district of the City between the hours of 12 noon and 6:00 pm of each day; except that the City Manager is authorized to issue to any franchise holder hereunder at any time permit and authority for special consideration.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 98-08 § 2, 5/04/98; Ord. 58-60 § 10, 1958)

Section 4.01.140 - Penalty.

Comment [ccw4]: Carried over into draft language.

A violation of this Chapter is a Class A Misdemeanor. Upon conviction, the Court shall sentence the defendant to pay a fine and/or to serve a term of imprisonment with the following maximum limitations: the fine shall not exceed $2,500, nor shall the term of imprisonment exceed one (1) year.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 13, 1958)

Existing Code Language
May 2015

Chapter 4.02 - RAT ERADICATION

Sections:

Section 4.02.010 - Definitions.

1) Eradicate all rats. The elimination or extermination of rats by any or all of the accepted measures, such as: poisoning, fumigating, trapping, and clubbing.
2) Occupant. The individual, partnership or corporation that uses or occupies any building, lot, or premises or part or fraction thereof.
3) Owner. The actual owner, agent or custodian of any building, lot or premises, whether individual, partnership or corporation.
4) Rat harborage. Any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under, or outside of any structure.

(Ord. 61-58 § 1, 1961)

Section 4.02.020 - Buildings to be rat-proof and rat-free.

The owner and occupant and each of them of any building, lot or premises in the City shall cause said building, lot and premises to be rat-proofed, freed of rats, and maintained in a rat-proof and rat-free condition to the reasonable satisfaction of the City Manager.

(Ord. 61-58 § 2, 1961)

Section 4.02.030 - Rat elimination by owner and occupant.

Comment [ccw1]: Carried into draft language, ie. Cut and remove thickets; remove dead bushes, dead trees, and stumps; etc.

The owner and occupant of any lot, building, or premises in the City shall eliminate all rats and destroy any rat harborage in, on or about all lots, buildings, and premises owned and occupied by them.

(Ord. 61-58 § 3, 1961)

Section 4.02.040 - Covered containers prescribed.

Comment [ccw2]: Carried into draft language.

Within the corporate limits of the City, all garbage or refuse consisting of waste animal or vegetable matter upon which rats may feed, and all small dead animals, shall be placed and stored until collected in covered containers of a type prescribed by the City Manager. It is further declared unlawful for any person, firm, or corporation to dump or place on any premises, land, or waterway, any dead animals, or any waste vegetable or animal matter of any kind. Waste vegetable matter collected on private property for the purpose of residential composting is exempt from this prohibition.

(Ord. 2004-12 § 1, 07/19/20040; Ord. 61-58 § 4, 1961)

Section 4.02.050 - Garbage accumulation prohibited in buildings.

Comment [ccw3]: Carried into draft language.

It shall be unlawful for any person to place, leave, dump, or permit to accumulate any garbage, rubbish, or trash in any building or on any premises, improved or vacant, or on any open lot or alley in the City.

(Ord. 61-58 § 5, 1961)

Section 4.02.060 - Garbage accumulation prohibited on lots.

Comment [ccw4]: Carried into draft language.

It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any open lot or alley in the City any lumber, boxes, barrels, bottles, cans, containers, furniture, fixtures, or similar materials unless the same shall be maintained in a rat-free condition.

(Ord. 61-58 § 6, 1961)

Section 4.02.070 - Penalty.

Comment [ccw5]: Carried into draft language.

Any person, firm, or corporation who shall violate any provision or provisions herein shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $500.00 or imprisonment of not more than 90 days, or both. Each day's violation shall constitute a separate offense.

(Ord. 61-58 § 7, 1961)

Existing Code Language
May 2015

Chapter 5.04 - NUISANCES

Sections:

Section 5.04.010 - Article 5.04.010 General Provisions.

Section 5.04.010.010 - Definitions.

1) Person. Any natural person, firm, partnership, association, or corporation.
2) Person in charge of property. An agent, occupant, lessee, contract purchaser, or person other than the owner having possession or control of the property.
3) Sidewalk. On the side of a highway which has a shoulder, that portion of the highway between the outside lateral line of the shoulder and the adjacent property line capable of being used by a pedestrian; or, on the side of a highway which has no shoulder, that portion of the highway between the lateral line of the roadway and the adjacent property line capable of being used by a pedestrian.

(Ord. 82-79 § 1A, 1982)

Section 5.04.010.020 - Construction of chapter.

In this Chapter, the singular includes the plural and the masculine includes the feminine.

(Ord. 82-79 § 1B, 1982)

Section 5.04.020 - Prohibition against nuisances.

No owner or person in charge of property may permit or cause a nuisance affecting public health or safety to exist as enumerated in Sections 5.04.040 and 5.04.050.

(Ord. 82-79 § 2, 1982)

Section 5.04.030 - Penalty.

A violation of Section 5.04.020 may be punished, upon conviction, by a fine not to exceed $1,000 for each day the nuisance exists.

(Ord. 82-79 § 3, 1982)

Section 5.04.040 - Nuisances affecting the public health.

The following are nuisances affecting the public health and may be abated as provided herein:

1) Privies. An open vault or privy constructed and maintained within the City, except those constructed or maintained in connection with construction projects in accordance with the Oregon State Health Division regulations.
2) Stagnant water. Stagnant water which affords a breeding place for mosquitoes and other insect pests.
3) Water pollution. Pollution of a body of water, well, spring, stream, or drainage ditch by sewage, industrial wastes, or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.
4) Odor. Premises which are in such a state or condition as to cause an offensive odor which is detrimental to health.
5) Surface drainage. Drainage of liquid wastes from private premises.

(Ord. 82-79 § 4, 1982)

Section 5.04.050 - Nuisances affecting public safety.

The following are nuisances affecting the public's safety and may be abated as provided herein:

1) Attractive nuisances.
   a) An abandoned, unattended, or discarded icebox, refrigerator, or similar container accessible to children which has an airtight door with a snap lock or lock or other mechanism which may not be released for opening from the inside.
   b) Unguarded machinery, equipment, or other devices on such property which are attractive, dangerous, and accessible to children.
   c) Lumber, logs, or piling placed or stored on such property in a manner so as to be attractive, dangerous, and accessible to children.
   d) An open pit, quarry, cistern, or other excavation without erecting adequate safeguards or barriers to prevent such places from being used by children.
   e) This subsection shall not apply to authorized construction projects if during the course of construction reasonable safeguards are maintained to prevent injury or death to playing children.
2) Surface waters, drainage, snow, ice, mud, gravel, leaves, and other debris.
   a) No owner or person in charge of any building or structure may suffer or permit rainwater, ice, or snow to fall from such building or structure onto a street or public sidewalk or to flow across such sidewalk.
   b) The owner or person in charge of property shall install and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about such building is not carried across or upon the sidewalk.
   c) It is hereby made the joint and several duty of all owners and/or persons in charge of property adjacent to a sidewalk to maintain such sidewalk free of ice and/or snow, mud, gravel, leaves, and other debris and such owners and occupants are hereby declared to be liable for all damages to whomsoever resulting or arising from their fault or negligence in failing to keep any such sidewalk free and clear of ice and/or snow, mud, gravel, leaves, and other debris.

(Ord. 99-05 § 1, 05/17/1999; Ord. 92-29 § 5, 1982)

Comment [ccw1]: Elements reflected in draft language.

Section 5.04.060 - Declaration of nuisance, general nuisance.

The acts, conditions, or objects specifically enumerated and defined in Sections 5.04.040 and 5.04.050 are hereby declared to be public nuisances and such acts, conditions, or objects may be abated by the procedures set forth in Section 5.04.070 through Section 5.04.120 herein.

(Ord. 82-79 § 6, 1982)

Section 5.04.070 - Abatement notice.

1) Upon determination by the City Manager that a nuisance as defined herein or in any other law of the City exists, the City Manager shall cause a notice to be delivered to the owner or person in charge of the property or posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate such nuisance.
2) If the notice was delivered to someone other than the owner or posted on the property, the City Manager shall cause a copy of such notice to be forwarded by certified mail, postage prepaid, to the owner of the property at the last known address of such owner as shown on the County tax records.
3) The notice to abate shall contain:
   a) A description of the real property, by street address or otherwise, on which such nuisance exits.
   b) A direction to abate the nuisance within 5 days from the date of the notice.
   c) A description of the nuisance.
   d) 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.
   e) A statement that the owner or other person in charge of the property may protest the declaration of the nuisance by requesting a hearing in writing to the City Manager within 5 days from the date of the notice and stating reasons for the protest. If the owner or other person in charge of the property requests a hearing before the nuisance is abated by the City, abatement shall not occur until a hearing is set and held in accordance with Section 5.04.090
4) The use of a name other than that of the owner or other person or the mailing or delivery of notice to the wrong person or address or a failure in the delivery of notice shall not make the notice void and in such a case the posted notice shall be sufficient.

(Ord. 82-79 § 7, 1982)

Section 5.04.080 - Action by the owner.

Within five (5) days after the delivery or posting and mailing of the notice as provided in Section 5.04.070, the owner or person in charge of the property shall remove the nuisance or request a hearing in writing to the City Manager. If a hearing is requested, it shall be held in accordance with Section 5.04.090.

(Ord. 82-79 § 8, 1982)

Section 5.04.090 - Hearing.

1) Upon request of the owner or the person in charge of the property, a hearing shall be held before a hearings officer appointed by the City Manager. The hearing shall be set and conducted within 48 hours of receipt of the request, holidays, Saturdays, and Sundays not to be included. The hearing

can be set for a later date if the owner so requests. At the hearing the owner may contest the validity of the action of the City Manager in declaring the nuisance.

2) If the hearings officer finds that:

   a) The action of the City Manager in declaring the nuisance was invalid, the hearings officer shall invalidate the notice declaring the nuisance.

   b) The action of the City Manager in declaring the nuisance was valid, the hearings officer shall reaffirm the declaration of the nuisance and direct the owner or person in charge of the property to abate the nuisance within five (5) days of the date of the hearing officer's decision.

3) The action of the hearings officer is final.

4) If the owner or person in charge of the property does not appear at the scheduled hearing, the hearings officer may enter an order supporting the declaration of the nuisance.

(Ord. 82-79 § 9, 1982)

Section 5.04.100 - Abatement by the City.

1) If within the time allowed the nuisance has not been abated by the owner or person in charge of the property, the City Manager may cause the nuisance to be abated.

2) 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.

3) The City Manager shall keep an accurate record of the expenses incurred by the City in abating the nuisance and shall include therein a charge of $10.00 or 20 percent of the expenses, whichever is greater, for administrative overhead.

(Ord. 82-79 § 10, 1982)

Section 5.04.110 - Assessment of costs.

1) The City Manager shall post a notice on the premises where the nuisance was abated to the owner or person in charge of the property stating:

   a) The total cost of abatement including the administrative overhead;

   b) That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice;

   c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, she or he may file a written notice of objection with the City Manager not more than 10 days from the date of the notice.

2) Upon the expiration of ten (10) days after the date of the notice, the hearings officer shall hear and determine the objections to the costs to be assessed.

3) 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 the hearings officer shall thereupon be entered in the docket of City liens and upon such entry being made shall constitute a lien upon the property from which the nuisance was removed or abated.

4) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of 10 percent per annum; such interest shall commence to run from date of the entry of the lien in the lien docket. That lien herein shall have priority over all other liens and encumbrances of any character.

(Ord. 85-46 § 8, 1985; Ord. 82-79 § 11, 1982)

Section 5.04.120 - Summary abatement.

The procedure provided by this Section is not exclusive but is in addition to procedures provided by law and other regulations of the City. The City Manager may summarily abate a situation involving a health, safety, or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

(Ord. 82-79 § 12, 1982)

Section 5.04.130 - Separate violations.

Comment [ccw2]: Reflected in draft language.

1) Each day's violation of a provision herein constitutes a separate offense.
2) The abatement of a nuisance shall not constitute a penalty for violating this Chapter but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.

(Ord. 82-79 § 13, 1982)

Section 5.04.140 - Saving clause.

Ordinance 62-38 as amended, repealed hereby, shall remain in force to authorize the arrest, prosecution, conviction, and punishment of a person who violates any of the provisions therein prior to the effective date of this Chapter.

(Ord. 82-79 § 15, 1982)

Property Maintenance Code Coverage/Gaps by General Category

	Code Coverage *	IPMC	Exist Rental Housing Code	Municipal Codes	Fire Code	Building Code
	Occupancy Limits	Area Basis		LDC Flat Number		
	Fire Safety	All Occupancies; all Systems	Smoke Detectors		Triplex +	
	Building Alteration	Routine Inspections			Occasional Inspection, Triplex+	Complaint Basis
Interior Maintenance		All Occupancies; safe, sound, good repair	Plumbing, Heat, Security; Structurally Sound	Sanitation	Limited to Fire Hazard Conditions	**
	Light	All Occupancies; all spaces				
	Ventilation	All Occupancies; all habitable space				
	Electrical System	All elements safe; dwellings 3-wire *service* only			Limited to Fire Hazard Conditions	**
	Plumbing System	All Elements; to approved systems; no leaks or obstructions; H & C	Installed and maintained; no leaks or obstructions	Connected to approved discharge		
	Heating	68 F. @ center/ 2' in from exterior all habitable, work spaces, bath & toilet rooms	68 F. @ center all habitable rooms			
	Sanitation	All Spaces; clean, sanitary & good repair		No Public Nuisance		**
	Security	Egress-type Deadbolt, windows, basement hatch	Door Locks, window latches			
Exterior Maintenance		Structurally Sound & Good Repair; sanitary; vacant lots		Solid Waste Removal	Limited to Fire Hazard Conditions	**
	Weather & Water Proofing	Weather proof from wind, water, snow	Only water infiltration			
	Exterior Sanitation	All Areas; clean & sanitary		Rat Harborage Abatement		
	Solid Waste Removal	Required for All Occupancies		Removal Required, but not Service	Limited to Fire Hazard Conditions	
	Accessory Bldg Maintenance	All				**

* Coverage under general categories; not intended as an all-inclusive summary

** Enforcement under the Dangerous Building Code is applicable to buildings already in failure mode, beyond routine maintenance

City of Corvallis Community Development Department
Livability Code Departmental Advisory Committee
Notes for the meeting of April 23, 2015
Meeting time: 10:00 a.m.
Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Carl Carpenter, Holly Sears, Jerry Duerksen, Jim Moorefield, Karen Levy Keon, Ken Gibb, Trish Daniels

Staff present: Bob Loewen, Chris Westfall, Kent Weiss

I. Call to order at 10:01.

II. Review of April 7, 2015 meeting notes,
Staff commented that the current plan was for two more Committee meetings, on May 11 and June 3. The meeting notes are attached and staff noted they are not sure that the right balance has been reached yet; meeting notes are still a work on progress. Comments made:

- When there is discussion on topics it should be summarized in a way such as "a number of people thought A, the others thought B"
- Attribution of who said what, so ASC can make note, would be helpful. Karen suggested members could state their names prior to speaking.
- Question as to whether ASC will read the level of detail captured. The conclusion was that ASC will have notes from all of the Committee's meetings but will likely focus on the group's final review of the refined code language.

Staff reminded the Committee of its approach to addressing the code gaps identified and discussed with ASC. Staff have taken the approach that what is contained in the matrix represents an abbreviated notation of gaps, and not necessarily the full breadth of what is to be covered with new code language. Thus rather than focusing solely on one piece of a system e.g., a minimum water temperature, staff are looking at things systematically or holistically - not expanding on the direction received, but looking to completely cover identified gaps, e.g., ensuring that water pressure and the duration of availability are adequate in addition to a minimum water temperature.

Holly commented that the crafted language did not address ASC's direction that the gap structure for water/weatherproofing be distinct between renter- and owner-occupied properties, noting that wind intrusion is to apply to rentals only, and water intrusion is to apply to all properties. Staff responded that this was an incomplete revision that is trying to create that distinction within one code provision. The requirements will be separated into two provisions.

Other general comments:

- Carl, referring to page 6, pointed out that the administrative language as stated in the *Starting Language* makes it difficult to determine where things are at the present time in the current Municipal Code. He felt it was necessary to know where this all begins to understand where the gap is. There is sample wording from Gresham and Portland, but not what exists currently in Corvallis.
- Staff responded that this primarily is the case because there is no existing local code language to cover the identified gaps.
- Carl responded that in some cases it is, but it is not included. That leaves Committee members trying to go back and check "Do we already have this language?"
- Staff reviewed the discussion with ASC, noting that it had focused on what was in the Rental Housing Code, the Municipal Code, and the Land Development Code, and had

then identified the gaps where language does not exist to deal with specific gap issues. That work was then reflected in the matrix, which was created based upon ASC direction. Essentially, there may be a reference regarding sanitation in the Municipal Code but it doesn't address the identified gap.

- Staff also noted that there is language in the Rental Housing Code that identifies heat, security, weatherproofing, etc., and provided a reminder that the Rental Housing Code provisions will ultimately be replaced by the Livability Code.
- Holly suggested the charge was to craft language to address gaps keeping in mind ASC's direction, and should use a bottoms-up approach working with what exists without completely subsuming it to fill the gaps.
- Trish pointed out that ASC had already determined the gap and that language did not exist in the existing code, or was not sufficient; therefore creating language to address the gaps holistically was the task.
- Staff stated that what is prepared is based on ASC direction to devise language that would fill gaps not using an existing property maintenance code such as the IPMC model, and instead crafting language based off of other local jurisdictions and best management practices. Staff will note the concerns raised and review existing Corvallis codes and bring existing language that might be helpful for the Committee to review.
- Trish summarized that in order to bring conversation to closure, the TF task is to address the gaps as identified by ASC, develop language to address these, to decide where there is agreement, and move forward. ASC will decide whether more is needed. The task is to review staff-drafted language to fill these gaps in one holistic fashion.
- Staff stated that concerns are noted and maybe some things can be resolved in the review of a final version product which will bring another opportunity for review.

III. Continued Committee review and discussion of livability code language: Exterior Code Gaps

In reviewing **Exterior Weather/Waterproofing**, the following comments were made:

- Trish asked about the requirement to address peeling, chipping and flaking paint as reflected in the starting language, when the point of this section is to keep water from entering the structure. It appears to be too prescriptive. She suggested removing this sentence.
- Staff responded that in reference to peeling, flaking and chipping paint there were some extensive discussions with ASC and one of the responses was to look at developing operational guidelines for how to handle those situations in case of a complaint. This issue of paint condition may be better placed in guidelines.
- Jim asked whether the goal was to address conditions that might allow moisture to enter a building and cause a problem, or to address conditions that actually created a problem. It would be easier to form an opinion with a clear understanding of the goal.
- Ken responded that it was written as a preventative measure, so the feedback from this group could be whether they should be preventative or responsive to identified conditions after they occur.
- Trish noted that staff will be unable to know whether water is getting inside or not unless they go inside, so it seems imprudent to make it dependent on whether or not it is actually happening.
- Staff pointed out that identified observable conditions as stated in the opening section of Paragraph 2 would be indications of proper performance. The intent as stated is to eliminate conditions that let water into the interior of both occupied spaces and exterior wall cavities, where it might ultimately lead to structural deterioration.
- The general consensus of the Committee was that it was a good idea to put language dealing with paint condition in the operating guidelines.
- Discussion followed about the guideline language under paragraph 6, temporary measures not exceeding 45 days in any 12-month period.

- Staff responded that the 45 days would start following confirmation that there was a violation of some sort.
- Holly commented that as these things are required it impacts housing affordability, increasing rents, driving up the housing market and costs of houses.
- Trish noted that balance is key in recognizing it will impact housing affordability but will also improve conditions for those living in the units.
- Jim suggested a need to respect owners' timelines regarding budgets and their own priorities, with sensitivity to timelines based on owners' needs. Holly concurred.

Exterior Sanitation

Staff explained that this section addressed maintenance for exterior property and premises for sanitation. It looks at conditions in which exterior property including structures and premises might fall into an unsanitary condition that could include health and safety issues. Comments included:

- Jerry suggested the Grant Street property violates all language in this section, however it is unknown if the property is a rental or owner occupied space. He asked if filing a complaint would do any good if a distinction cannot be made as to type of property.
- Discussion followed regarding defending home ownership and owners' budgets but also being aggressive to deal with these structures.
- Trish asked how often decaying owner-occupied units are due to lack of funds, or to other issues.
- Staff answered that typically issues beyond a lack of funds, such as the inability to understand maintenance needs, or failing health, cause problems. The City has programs to help in these circumstances, and the operating guidelines for the Livability Code will reflect this.
- Carl asked about the definition of emergency access routes and the ten foot requirement, and about the difference between rank vegetation and pruned hedges, questioning the need for this specificity. He stated it appears too vague and also too specific, and he was not sure where there is a gap.
- Staff replied that the provision looks at conditions that could impact life safety and health which through control of the exterior conditions could be prevented or eliminated. The language identifies the emergency access route and the thickets and rank vegetation as elements that might impede emergency access through those areas.
- Holly asked about staff's interpretation of the wording in the last column of the matrix which says, "first focus on indoor furniture outdoors." She noted there are three full pages of wording; section 7.f regarding exterior sanitation seems too strict if we are only to look at indoor furniture.
- Staff replied that there was originally a presumption that the Committee might work on sections of code language and recommendations to ASC would be presented in pieces rather than a comprehensive set of recommendations. Under this premise, ASC wanted to primary focus first on indoor furniture. Because the whole set of recommendations will come at once that first focus piece will not be needed.
- Holly stated that it appears to be much broader; referencing the December 17 minutes the focus seemed to be on the accumulation of personal property outdoors, now the Committee was discussing brush, vines, overgrowth, thickets, trash and debris, pools, tanks and child traps. Are those clean and sanitary issues?
- Staff noted that sanitary means something different in indoor vs. outdoor situations, but that in staff's perception this scope reflects ASC's discussion.
- Ken pointed out that the list is not exhaustive but was the list provided to ASC regarding exterior sanitation conditions based on complaints that the City has received. He suggested reviewing the list so Committee members could state their perspectives on each.
- There was general consensus that all of the items were important and need to be dealt with comprehensively; however, Carl and Holly were concerned that language being applied in isolation would be over reaching. Holly suggested defining "blight" to apply to

those properties that are deteriorating and currently cannot be dealt with under the Dangerous Buildings Code.

- Jim pointed out that affordable housing is typically small, 900 square feet vs. 2,000 square feet; by definition the smaller units come with less storage and will create an on-going issue where household overflow may end on porches. He expressed a need to be flexibility in the type of accumulation - that which is a health and safety issue attracting rat harborages vs. bicycles in the backyard that are junky and unsightly. The wording suggests that something must be removed just because it exists, not because it is a health or safety issue.
- In the interest of time Ken stated that staff will refine the language to reflect the comments heard about not requiring something to be removed entirely if it could be contained in some way.

Solid Waste

Staff stated this was a continuing discussion on establishing provisions for the removal of solid waste: provisions that would require solid waste removal, how it's going to be done, and who is going to be responsible between the landlord and tenant for accomplishing that. It allows for a rental agreement to place that responsibility for removal on the tenant, but ultimate responsibility for removal will still be the landlord's if the tenant doesn't perform.

Staff called attention to Item 2.a relative to capacity for containing trash that requires a 32-gallon container per unit. This size container was pulled from other jurisdictions' language as adequate capacity for a single dwelling unit to actually store solid waste. Under current code, it is allowable to store solid waste is in different sizes and kinds of containers as long as they are water-tight and rodent-proof. Staff feel the wording regarding size could be generalized as long as what is provided insures the capacity for storage. If solid waste is not contained then apparently the container is not adequate.

Comments made were:

- Carl pointed out that the matrix only addresses properties that are renter occupied; he asked why rentals need to be clean and home owners don't have the same requirement?
- Staff clarified that this gap is about assigning responsibility for solid waste removal. Current code identifies that solid waste must be contained and removed from all properties. The assignment from ASC was to designate who is responsible in rental situations to for solid waste removal.
- In reference to 2.a, and the requirement that the number of receptacles must be sufficient to prevent the overflow of solid waste", Jim asked whether another standard exists for overflow and what this means. He said that in some circumstances when tenants dispose of large items of furniture or mattresses there is no way to know in advance or keep a container of adequate size available.
- Staff clarified that excess solid waste generated on the property cannot be placed out for disposal without being in a receptacle. There are other ways to dispose of furniture or mattresses such as scheduling a special pickup and then setting items out on the day of collection. Or they could be hauled away by the person who owns them and disposed of at the dump. Current Municipal Code language prohibits setting out solid waste without it being properly contained.
- Staff added that this new wording only identified who was responsible for preventing or remedying overflow in a rental situation and did not change current code. Ideally tenants would notify the landlord if they were going to have an accumulation that would exceed minimum capacity.
- Trish recommended crafting language that identifies the situation, and that if an overflow should occur the landlord will be responsible to stop the situation from occurring by

communicating appropriately with the tenant. The landlord and tenant could share the responsibility but ultimately the landlord would be responsible.

- Staff confirmed that this is the intent, but that the City cannot require communication. In the anticipated outreach to the community, that would be language to include. Staff will work on code language that states that solid waste, if not contained, will be removed.
- Holly pointed out that the matrix directs the development of language to deal with renter occupied property, but that the first paragraph in subsection 1 appears to apply to everyone.
- Staff agreed, noting that this is consistent with and a restatement of current Municipal Code requirements.
- Holly asked whether, under Sections 2.b and 3.b which require subscribing and paying for weekly solid waste management services, self haul would be allowable? Does the owner of the rental have the ability to haul the solid waste themselves?
- Staff explained that under current code, anybody can haul the solid waste they themselves generate and dispose of it at the dump. In terms of larger items, they can pay an extra fee to remove it or haul it themselves. A landlord is not allowed under current code to haul their tenant's solid waste.
- Carl asked whether in reference to renter occupied spaces the new language is mandating weekly service. Jerry added that he provides a maintenance truck to pick up his tenants' trash.
- Carl suggested that the requirement to subscribe to waste removal service was taking away the right of a tenant to self haul. If a tenant elects to self haul why would the landlord still be required to subscribe to service? Perhaps the wording should include "and /or."
- Staff pointed back to the introductory statement for one- and two-family dwellings, noting that it allows that if an arrangement with a tenant is made regarding the removal of solid waste subscription is not required, but this does not displace the landlord's responsibility; if the tenant fails to perform, ultimately the landlord has responsibility.
- Holly noted that 1 to 4 unit dwellings are commonly considered multi-family in practice. This language defines multi-family as 3 or more units, which could cause confusion.
- Staff explained this code language follows Building Code standards, with multi-family dwellings being 3-plus units.
- Carl asked whether when the tenant is no longer on the property, and the landlord goes in to clean it out, the landlord would need to maintain service or could the landlord remove the solid waste himself.
- Staff answered that under 2 and 3, the landlord would be in control of the property, and could haul the solid waste.

With only 8 minutes remaining of the meeting time, discussion turned to next steps.

IV. Review of upcoming meeting schedule
Discussion followed regarding needed meeting dates and TF members' availability. It was decided to meet on:

a. Monday, May 11 from 9:00 am to 12 noon
b. Wednesday, June 3 from 10:00 am to 1:00 pm (note that this meeting will need to begin at 9:30 and end at 12:30)
c. If needed, Thursday June 4 from 10:00 am to 1:00 pm

V. Adjournment. The meeting was adjourned at 11:57.

Refined Livability Code language for exterior weather/waterproofing, exterior sanitation, and solid waste removal based on discussion by the Livability Code Departmental Advisory Committee on April 23, 2015.

The refined language below is provided in a markup version relative to the "Starting Point" language discussed by the Committee on April 23. This refined language will be discussed following the completion of consideration of raw language for interiors, exteriors and administration.

Refined Language: Exterior Weather/Waterproofing

It is the responsibility of the *owner* of every property to maintain every *building* and *structure* on the property in a manner that complies with the following requirements:

1) **Roofs and Drainage**. All roofs, flashing, vent stacks and boots, and chimneys shall be structurally sound, tight, and have no defects which might admit rain or melt water. Roof drainage shall be adequate to prevent ~~rainwater~~ rain or melt water from causing dampness in the walls, *attic* or interior portion of the *building* and shall channel ~~rainwater~~ rain or melt water in an approved manner to an approved point of disposal. Any *building* or *structure* having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good *repair*. Roof drains, gutters and downspouts of a *building* or *structure* shall be free from obstructions and maintained in good *repair*, so as not to be plugged, overflowing, or in a state of deterioration.

2) **Exterior Walls and Exposed Surfaces.** Every exterior wall and weather-exposed exterior surface or attachment of a *building* or *structure* shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or melt water or dampness to the interior portions of the walls or the occupied spaces of the *building* or *structure*.
   a) All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. ~~Peeling, *flaking* and *chipped paint shall* be *eliminated* and surfaces repa*inted*.~~
   b) *Every Landlord of a structure, building* or *premises* who rents, leases or *lets* a *dwelling* or *dwelling unit* for residential occupancy within any such space shall maintain in a *weathertight* condition a~~A~~ll siding and masonry joints as well as those between the *building envelope and* the perimeter of windows, doors, and skylights ~~shall be maintained *weathertight*~~.
   ~~b)~~c) Every *owner* of any *structure, building* or *premises* that is not for rent, lease or to be *let* for residential occupancy, shall maintain in a *watertight* condition all siding and masonry and joints, including those between the building envelope and the perimeter of windows, doors and skylights.
   ~~c)~~d) Exterior metal surfaces shall be protected from rust and corrosion. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

3) **Windows and Doors.** Every window, sash, door and door frame of a *building* shall be kept in sound condition and in~~,~~ good *repair* ~~and *weathertight*~~. Every exterior door, skylight, and window shall comply with the following:
   a) Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition.
   b) Every exterior door, when closed, shall fit reasonably well within its frame ~~and be *weathertight*~~.
   c) Every exterior door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain or melt water as completely as possible;~~,~~ and, with respect to

Comment [ccw1]: When Staff encounter owners who express concern about lack of financial or physical means to comply, Staff will endeavor to connect them with assistance resources as available via the HNS or NGO social services +programs.

Comment [ccw2]: The specifics of how Staff will respond to such conditions as these will be addressed an operating guidelines.

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all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, to also substantially exclude wind from entering a *building*.

d) Every window sash shall be maintained in sound condition and good *repair*; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a *building* when the window components are placed in a closed position within the frame and jamb ~~fit *weathertight* within its frame~~.

e) Every window frame and casing shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind ~~wind and rain~~ from entering a *building*.

4) Glazing. Every window sash of a *building* exterior envelope shall be fully supplied with glass window panes or an approved substitute without open cracks and holes. All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.

5) Basement hatchways. Every *basement* hatchway shall be maintained to prevent as completely as possible the entrance of rodents, rain or melt water and surface drainage water.

6) Temporary Measures. The use of tarps or similar material for emergency *repair*, or in place of a customary *building* component such as siding or ~~a door~~roofing, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building or Public Nuisance notice.

Refined Language: Exterior Sanitation

All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *owner* of every property shall maintain the *structures*, *premises* and all common areas of the *exterior property* in compliance with these requirements. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition. The *exterior property* and *premises* and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

1) Holes, tanks, and child traps. Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the *occupants* of the property.

2) Unsecured structures. Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any *unsecured structure* so as to prevent access by unauthorized persons through such openings. No requirement imposed under this section shall constitute relief from or an exemption to compliance with the provisions of ___TBD_____ for ~~'~~*weathertight*~~'~~ and *watertight* standards.

3) Rat harborage. Remove or *repair*, and keep removed or *repaired*, any condition that provides a place where rats gain shelter, feed, or breed.

4) Emergency access routes. Remove and keep removed all brush, vines, overgrowth and other entangling or *rank vegetation* located within 10 feet of a *structure* or within 10 feet of

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a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.

5) **Thickets that conceal hazards.** Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:
   a) Concealing trash and debris; or
   b) Creating rat harborage; or
   c) Creating harborage for people involved in criminal or prohibited activity or for products used for criminal activity.
6) **Trash and debris.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:
   a) All garbage, offal, dead animals, animal and human waste, and waste materials (All garbage shall be stored as specified in CMC Section 4.01.050);
   b) Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), *junk*, combustible materials, stagnant water, or trash;
   c) All dead bushes, dead trees, and stumps with the exception of such material which:
      i) Is being maintained as part of a *naturescaped* property;
      ii) Does not result in a nuisance as otherwise defined in this chapter; and
      iii) Is located on a property which is otherwise substantially in compliance with this chapter;
   d) All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property per the provisions in CMC Section 2.19.150;
   e) Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a *maintained compost* area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and
   f) Accumulations of clothing and any other items not designed for outdoor storage.
7) **Storage of non-trash items.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:
   a) Accumulations of wood pallets.
   b) Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester, per the provisions in CMC Chapter 5.05, Dutch Elm Disease.
   c) Accumulations of vehicle parts or tires <u>except for storage of non-waste, serviceable parts or tires that are reasonably expected to be used on a vehicle and are stored in a manner to protect their utility and prevent deterioration</u>.
   d) All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.
   e) All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.
   f) All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.
   g) All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal and CMC Section 4.1.070) that are stored in a well-maintained manner.

h) All other non-trash items which:
   i) Are of a type or quantity inconsistent with normal and usual use; or
   ii) Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

Refined Language: Solid Waste

All *exterior property* and *premises*, and the interior of every *structure*, shall be kept free from any accumulation of *solid waste*. Approved *receptacles* for *solid waste* shall be provided and utilized for the containment and disposal of *solid waste* in accordance with the provisions of CMC Chapter 4.01; bulk solid waste shall be disposed of within a week of discard, in accordance with franchise utility services, or approved alternative.

1) Every *occupant* of a ~~*structure*~~ *structure* or premises shall dispose of *solid waste* by placing all such material in an approved *solid waste* disposal facility or approved *receptacles*.

2) The Landlord of any *multi-family dwelling* shall:

a) Provide, in a location accessible to all *dwelling units*, ~~at least one thirty-two gallon~~ adequate *solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually* for each *dwelling unit or cumulatively* ~~for each *dwelling unit* or at least one *receptacle* with a cumulative capacity that allows for thirty-two gallons per~~for more than individual *dwelling units*, into which all *solid waste* from the *dwelling unit* may be emptied for storage between days of collection. ~~Notwithstanding the minimum capacity and number of *receptacles* herein established, r~~Receptacles must be of sufficient capacity to prevent the overflow of *solid waste* from occurring; and,

b) Subscribe to and pay for weekly *solid waste* management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of *solid waste* management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of *solid waste* from occurring.

3) The Landlord of any 1 and2 family dwelling, except as otherwise provided by written agreement between the landlord and the tenant, shall:

a) Provide, in a location accessible to each *dwelling unit*, adequate *solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provide individually* for each *dwelling unit or cumulative* for more than individual *dwelling units* ~~at least one thirty-two gallon *receptacle* for each *dwelling unit* or at least one *receptacle* with a cumulative capacity that allows for thirty-two gallons per *dwelling unit*~~, into which *solid waste* from the *dwelling unit(s)*, may be emptied for storage between days of collection. ~~Notwithstanding the minimum capacity and number of *receptacles* herein established, r~~*Receptacles* must be of sufficient capacity to prevent the overflow of solid from occurring; and,

b) Subscribe to and pay for weekly *solid waste* management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of *solid waste* management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of *solid waste* from occurring.

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CITY OF CORVALLIS
LIVABILITY CODE DEPARTMENTAL ADVISORY COMMITTEE
MEETING AGENDA

9:30 a.m. Wednesday, June 3, 2015
Madison Avenue Meeting Room
500 SW Madison Avenue

I. Call to order

II. Review of May 11, 2015 meeting notes

III. Continued Committee review and discussion of livability code language for administrative provisions code gaps

IV. Next steps

V. Review of upcoming meeting schedule:
   a. June 23, 2015 at 1:00 p.m.
   b. All meetings are scheduled to occur in the Madison Avenue Meeting Room

VI. Other business

VII. Adjourn

City of Corvallis Community Development Department
Livability Code Departmental Advisory Committee
Notes for the meeting of Monday, May 11, 2015
Meeting time: 9:00 a.m.
Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Carl Carpenter, Holly Sears, Jerry Duerksen, Jim Moorefield, Karen Levy Keon, Ken Gibb, Trish Daniels

Staff present: Bob Loewen, Chris Westfall, Dan Carlson, Kent Weiss

I. Call to order at 9:01.

II. Review of April 23, 2015 meeting notes: No comments or feedback provided.

III. Continued Committee review and discussion of livability code language: Exterior Code Gaps

D. Building/Accessory Structure Maintenance

- Ken pointed out that the language for review begins on page 22 of the draft language provided in the April 7 packet.
- Staff provided an overview of the draft language on this topic, noting that the standards under discussion apply to all property types.
- Trish asked whether "skilled manner" is defined or to be interpreted; staff read the definition of the term contained in the administrative section of the livability code.
- Holly asked for confirmation whether this section applies to residential, commercial, industrial and vacant properties; staff confirmed that it does.
- Jerry asked whether "skilled work" requires a licensed contractor; staff confirmed that if the work requires a permit a licensed contractor would likely be required, but also stated that not all potential work required in this code section would require a permit, for example, repairing a fence. Jerry stated that his property management firm uses licensed bonded contractors for all repair work. Staff explained that requirements for permits and contractor licensing fall under the building code, this code provision is looking at the quality of work that is completed to address code violations.
- Carl recommended taking the reference to "skilled work" out as he felt it was unnecessary and that the code is too long.
- Holly recalled her attendance at Administrative Services Committee (ASC) meetings and direction to focus on conditions of buildings and properties that are causing blight. She wondered why this section is not defining blight and requiring that it be addressed.
- Staff noted that the draft provisions are intended to address conditions of blight or that could contribute to blight.
- Holly commented that the language in this section is too prescriptive in terms of specifying what and how certain conditions must be addressed; she suggested including only paragraph 1 and eliminating the balance of the section that addresses specific conditions. She concurred with Carl that the code is getting too long.

- Ken noted that the draft language as presented represents direction from ASC based on comments received that standards must be specific in order for people to understand them and for staff to apply them objectively.
- Trish noted that blight is defined generally as “an impaired condition,” which is general and vague. She questioned how the City could gain compliance with conditions of blight unless there are specific conditions and standards cited in the code.
- Carl noted his support for Holly’s suggestion that specific standards not be included.
- Ken summarized that the proposal from Holly and Carl is to keep paragraph 1 in section D, and remove paragraphs 2 through 10.
- Holly added that the conditions described in paragraphs 2 through 10 could be included in the guidelines as suggestions of ways to meet 1.
- Carl disagreed that maintenance of decorative features and a requirement for replacement of features if missing should be included. Trish agreed with Carl’s statement, clarifying that she thinks the features should be maintained, but that there should not be a requirement to replace them if they are missing.
- Ken provided an example of why this provision was included, noting that a decorative feature on the Whiteside Theater had fallen to the sidewalk a few years ago, and represented a public hazard. Trish reiterated her agreement with this portion of the standard; Carl stated that he felt it would be covered in paragraph 1.
- Jim recognized the need to balance general guidance with the specificity of code standards; he felt Holly’s suggestion of including the specificity in the code guidelines might be a compromise.
- Karen stated support to keep the standards within code language.
- Holly reiterated that paragraph 1 is all that is needed; the paragraphs that follow should only be suggestions.
- Ken explained that the language in 1 is a general goal statement, and the paragraphs that follow it are the specific ways to achieve that goal.
- Jerry asked if staff could achieve compliance if only paragraph 1 is included; Ken answered that the language under review was drawn in part from existing codes of other jurisdictions, and responds to direction from ASC to develop specific standards.
- Trish pointed out that if 2 – 10 are moved to guidelines, 9 and 10 (accessory structures and vacant land) need to be captured in paragraph 1. She suggested that if only the general language is included, it will take staff longer to gain compliance because of the need to defend interpretations throughout the process.
- Carl disagreed, stating that if more specific standards are included staff will be looking for conditions that represent violations of those standards.
- Trish noted that staff responses will be based on complaints, not inspections.
- Carl asked why prevention of insects was included in the foundation standards (in paragraph 4). He asked why “unsafe obstructions” was included in paragraph 9 under accessory structures.
- Holly concurred regarding insects; she felt a property owner would need an engineer to know whether structural members are sound and that there is no evidence of decay.
- Jim pointed out that if there is no evidence of decay there would be no reason for someone to complain.
- Holly asked for clarification of the meaning of paragraph 2 and compliance with previous code or statute; staff explained that the intent was to allow repairs to be made to the original code standards in place at construction or alteration rather than requiring that repairs bring a structural element up to current code.

- Ken summarized that staff will take under advisement the suggestion to move specific standards out of code and into guidelines, reviewing whether some or all might be moved without changing staff's ability to implement this section of code.
- Jim stated that where there is less specificity/more flexibility in the code language it may be more difficult to get a complainant's agreement that a violation has been remedied; he suggested it may be to a property owner's or manager's benefit to have specific standards so complaints can be resolved in a more straightforward way.
- Carl noted that because the City will not require a tenant to contact their landlord before accepting a complaint from them, he cannot agree to the inclusion of specific standards. He felt it would be more difficult for a landlord so only the general language of paragraph 1 should be included. If the City requires landlord contact before a tenant can complain he would be open to including the specific standards of paragraphs 2 through 10.
- Jerry stated that he did not think the question of a landlord/tenant contact requirement had been resolved; Ken concurred, noting that ASC will provide guidance on that question, but that as currently drafted the livability code would encourage but not require that contact.
- Trish would like to have the standards in paragraphs 2 through 10 included for purposes of neighborhood livability.

E. Decks, Stairs and Handrails Maintenance

- Staff summarized the standards contained in this livability code section, explaining that the standards apply to structures of all types. As in the previous section, repairs to address violations of the livability code would generally be required to meet the building code requirement in place at the time of construction or alteration unless there were no such standards, in which case current building code standards would apply.
- Holly asked for confirmation whether this section applies to residential, commercial, industrial and vacant properties; staff confirmed that it does. She felt that 2.b. does not provide requirements for maintenance because it requires adding handrails if not present according to current building code standards, and as such should be removed; she suggested that where handrails and stairs are referenced in this section it should be made clear that they are exterior elements.
- Staff explained current building code requirements for stairs and handrails, noting that they have been in place in various forms since the adoption of the state-wide building code in 1974 and prior to that in local building code.
- Holly suggested rather than including a requirement to add handrails, the building code should be modified for this purpose. Staff noted that the building code applies to new construction and alterations, but not to maintenance.
- Carl asked what current code requires for the inclusion of handrails; staff stated that a stairway of three or more stairs is required to have a handrail.
- Holly reiterated that although the requirement to add a handrail for safety purposes when one is not present makes sense, that is not what this code is supposed to be doing; she asked that this section and section 2c be removed from the draft code language. She added that staff should have brought this up as a specific issue with ASC if there was a desire to include it in the code.

F. Exterior Lighting

- Staff provided a brief overview of the draft language in this code section, noting that the language has been pulled in from other jurisdictions' examples. An example was provided

of complaints from people walking from an apartment to a parking lot where existing lights are not maintained, creating potentially dangerous situations.

- Trish concurred that inadequate lighting is a safety issue. She asked about the City's standard for directing light down vs. out in exterior settings, feeling that people looking to comply should understand this requirement rather than installing the incorrect type of lighting.
- Carl stated that paragraph 1 has nothing to do with exterior lighting. He feels paragraph 2 is adequate to cover the identified gap.
- Holly suggested alternate language, to state "For safety purposes, lighting shall be provided and kept in a proper state of repair in all areas designed to include pedestrian activities, such as streets, sidewalks, multi-use paths, parking lots, and plazas." She agreed that paragraph 1 did not address inadequate lighting.
- Staff suggested modifying paragraph 1 to state that lighting provided in the areas designated, whether required originally by code, must be maintained.

IV. Fire Safety and Administrative Provisions

Ken directed Committee members to attachment 1 in their packet for the May 11 meeting, which contained the re-issued draft language for fire safety and code administration provisions. Staff re-issued the packet after completing and including penalty provisions language to the administrative section.

A. Fire Safety

- Staff explained that the first area covered addresses being able to open egress doors from inside a structure without keys or special knowledge.
- Carl asked how this requirement fits with HUD's requirement that sliding glass doors have a locking pin or sliding bar. Staff explained that not all doors are egress doors, and that sliding glass doors are not typically considered egress doors. Egress doors are generally a front door. Carl requested the addition of a definition of "egress door;" staff agreed and suggested that also clarifying that an egress door lies along an egress path, as defined in the interior standards, might be helpful.
- Holly asked why "special knowledge" is not a defined term in this code. Staff explained that the term comes from the building code, but it not defined there or in other codes in which it is used.
- Trish provided examples of door types she has encountered where one would need to know where a key is hidden in order to unlock a door; staff added an example of a button on a wall that must be pushed to open a door, which in a dark and smoke-filled room would be difficult to find.
- Holly asked about whether this requirement might conflict with the interests of day care or assisted living facilities, where preventing egress may be desired. Staff explained that such facilities have different codified requirements for egress doors, which would not be superseded by the livability code.
- Staff explained the second fire safety area covered in the code requires the maintenance of an accessible means of egress from residential structures. "Means of egress" is a term included in the definitions section of the code.
- Carl asked if this meant every means of egress, so every door. Staff explained that this section considers maintaining a path to a structure's egress door, and that not every door (or window) is an egress door (or window).

- Holly asked if existing code contains language relative to multi-family properties and egress paths therein. Staff explained that the Fire Department may inspect commercial and residential buildings for adequate egress, but will not typically extend these inspections into the interiors of dwellings. This code provision would require that those interior paths be maintained as accessible.
- Carl asked for confirmation whether this section applies to both residential and non-residential properties; staff confirmed that it does.
- Acknowledging that discussion is yet to come, Holly asked about education and outreach and how topics like this would be addressed through that effort. Staff acknowledged that development of that outreach and education plan would follow the completion of livability code provisions.
- Staff explained the third element of fire prevention standards, describing what types of surfaces are considered fire-resistance rated.
- Carl asked if his widening of a door as a reasonable accommodation for a tenant in a building constructed long ago would require him to bring the entire wall up to current building code. Staff explained that the plan review and permit issuance process would establish the answer to the question. Staff further explained that in practice these reviews look to prevent impacts that create building or structural hazards, and that if this would be the case the structural element would need to be brought to current code. If there would be no such impacts, compliance with current building code would not be required.
- Holly asked if the examples included (fire stops, shaft enclosures, etc.) are as described in building code. Staff explained that these types of fire-rated assemblies are described in the building code, and while not typically found in one- and two-family dwellings, could be found in multi-family and commercial structures.
- Holly asked why holes larger than four inches in diameter were included as they were not in the examples from other jurisdictions. Staff explained that these requirements are also included in interior sanitation language discussed in an earlier meeting, and are included again as a means to help prevent the spread of fire if it occurs. Holly asked for clarification whether such holes included those made to install a light or switch. Staff confirmed that holes made for purposes of building systems would not be included.
- Carl asked if he could put a fire-stop drywall patch over a hole created by a tenant in the wall of a structure built in 1915, or would he need to replace the whole wall. Staff stated that all this section requires is that the hole be closed.

Ken called for a five-minute break. The meeting resumed at 11:03.

B. Administration

- Staff described the code language structure that has been put in place for the administration section, noting that structurally it mirrors other typical sections of the Municipal Code, and uses the chapter numbering found in the Rental Housing Code, which would be subsumed upon adoption of the livability code. Staff further explained generally what each section of the administration section includes: Intent, identification of derelict structures, public nuisances, penalties, noticing, appeals, etc.
- Although not the first provisions in the administration section, staff turned to the “grandfathering” provisions of 9.02.11 and 9.02.12 given committee interest and concern about these provisions expressed in earlier discussions and meetings. Cited specifically as examples of what people refer to as “grandfathering” was the provision at 9.02.11(c) that “All systems, devices and safeguards required by this Code or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or

premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of inhabitants." Also cited was 9.02.11(d) "An existing structure that does not comply with the provisions of this code and that does not comply with the standards of the applicable building code then in effect at the time of construction or subsequent alteration or repair shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein." Summarizing these provisions, staff noted that 9.02.11(c) intends that structures be maintained to the code standards in place at the time they were originally built or subsequently altered; 9.02.11(d) intends that if a structure does not comply with the livability code or the code in place at the time of construction or alteration, it will be brought into a condition that will provide a minimum level of health, safety and maintenance. This minimum level of health, safety and maintenance may be achieved either by modifying the structure in compliance with the code under which it was built, or bringing it up to current code.

- Carl asked what he would be required to do to replace a failing 30" shower shell in a home built in 1915 – whether he could replace it with a like size, or would need to replace it with today's minimum allowed size shell. He added that having to go with a size larger than 30" would require moving a wall to maintain required separations in the bathroom. Staff answered that building code would be applied to this situation, and that under that code, or using an alternative methods and materials determination, a 30" shell could be put back in place. In situations that are less clear under building code, and that are determined by the Director to create hardship, the Director may make a determination to provide relief.
- Karen asked what "Director" means in this use; staff noted that the term is defined in the code as the Community Development Director or his/her designee.
- Carl stated that decisions regarding the code should always be made by the Director unless that person is sick or on vacation; Ken noted that operationally the authority of a Department Director or the City Manager is commonly assigned to others in order to keep workloads manageable; this livability code provision is a provision common to most City codes and policies.
- Staff explained that 9.02.12 pertains to historic structures, which are structures designated locally or nationally as historic resources. With regard to maintenance condition issues with these structures, e.g. exterior waterproofing , the livability code official may allow the condition to continue if the building is determined to be safe, and maintaining it in its historic condition is in the public interest.
- Jim asked if 9.02.12 would exempt historic properties from having to comply with non-structural exterior maintenance requirements such as sanitation, or with interior maintenance requirements. Staff answered that the only provisions subject to this paragraph are those that pertain to the exterior of a structure; the other provisions of the code would still apply.
- Ken noted that staff will review this language with the goal of making it easier to understand.
- Carl stated that he did not think historic structures should be exempted from the building exterior provisions of this code, and that if any exemptions were granted they should be based on a determination of the Director, not the code official.

Ken directed discussion back to the beginning of the administration section, beginning with 9.02.2, Scope.

- Carl noted that this section states that the code applies to all structures and premises in the City, and asked for confirmation that nursing homes, OSU buildings, sororities and fraternities are also covered. Staff responded that this code would apply to those

structures unless another code or statute authority specifically applied, in which case that other code or statute authority would prevail.

- Holly asked why vacant land is covered by the code; she asked when this code went from being a property maintenance code to being a livability code. Staff explained that the ASC had provided direction not to implement the International Property Maintenance Code, and instead build a code to cover gaps in current code in order to address community livability.
- Holly suggested adding language regarding affordability to 9.02.3. She noted that if someone does not like their neighbor they could complain about each of the provisions in the code, and the cost to address them for the owner could be significant.
- Carl asked for clarification of the last sentence of 9.02.3, which requires existing structures and premises that do not comply with the livability code to be altered or repaired to provide a minimum level of health, safety and maintenance as required by the livability code. He wondered if that was in conflict with 9.02.11. Staff explained that 9.02.3 is a blanket statement of code applicability, and that other provisions of the code such as 9.02.11 direct how and/or if that minimum level of health, safety and maintenance is to be achieved.
- Holly stated that the code itself does not identify that it will be enforced on a complaint basis; she suggested that language and a description of the complaint process be added. Staff explained that the code guidelines will contain an explanation of the complaint process, and added that it is anticipated that most violations will come to the City through that process. However, some violations may come through other City work groups or departments when hazardous conditions are encountered. Code compliance staff would not be inspecting buildings, nor would staff patrol the City looking for violations. Holly suggested that the code should include language that would prevent staff from patrolling. Staff responded that the guidelines would include that language, and that the approach would change only if the City Council determined they want the City's code compliance program to operate in a more proactive way. Holly reiterated that she believed language explaining the complaint process, and that staff would not proactively look for violations, should be included in the code itself.
- Jim stated that he believed procedural language should be included in guidelines; he added that he did not oppose having other work groups or departments bring violations to the attention of code compliance staff. He suggested that these cases seem like complaints.
- Holly stated again her belief that the code itself should, in 9.02.3, contain language explaining that it is complaint-based rather than inspection-driven. She was concerned that if not written into the code the purpose and staff's approach to code compliance could be changed with no public review.
- Trish understood the difficulty of putting operating guidelines in code language, but wondered if there might be a way to have a simple statement regarding the complaint-based approach.
- Carl noted agreement with Holly's statements on this issue, suggesting that while current staff may be true to the intent of the guidelines, future staff may not. He also believed that City staff should be able to bring complaints about health or safety conditions, but there should be limits.
- Karen expressed support for City staff complaints, noting that they often have access to see things other people wouldn't, and having this capacity may be helpful to underserved populations who might be less likely to complain themselves.
- Holly suggested adding a simple statement regarding the program being complaint-based to the Intent section (9.02.3).

- Ken summarized, stating that staff will review the comments received and adjust language as appropriate. He then asked for comments regarding other language on page 21 of the packet.
- Holly asked what would happen under the change of use requirements in 9.02.4 if someone who owned a house was going to leave the country on a six-month sabbatical, and while they were gone would rent out their house. Would they need to modify it to meet all of the maintenance conditions required for renter-occupied units at that point?
- Staff explained that change of use in this context is from one type of residential use to another, e.g., from single family to a duplex or triplex. It did not apply to a change from owner occupancy to renter occupancy. In terms of physical conditions, as a rental the property would be subject to complaints about both interior and exterior conditions that were not compliant with the livability code.
- Carl asked for confirmation that the statement in 9.02.4.d is saying the building code overrides the livability code. Staff explained that building code does not override the livability code; that paragraph is establishing an order of authority between the building and livability codes, and that if the two codes conflict on a specific issue, the building code would prevail.
- Carl pointed to livability code provisions such as the requirement for heat in bathrooms and for dead bolt locks on exterior doors, which he believes conflict with the building code because it does not require these things. Staff reiterated statements made during earlier meetings of the Committee that these livability code standards do not conflict with building code standards because there are no building code standards for them; the livability code standards are filling gaps in what the building code requires.
- Carl asked for an explanation of 9.02.7, which mentions inspections deemed necessary by the Director, and coordination of such inspections with other departments. Staff explained that some situations that contain violations of the livability code may also have violations of the building code, fire code, and/or statutes for which Public Works is responsible. In these cases, rather than each of these City interests inspecting individually, effort is currently and would continue to be made under the livability code to coordinate the inspections into a single initial site visit.
- Holly asked if such coordinated inspections would occur only in response to a complaint, or if they might be driven by another City inspection. Staff responded that as written the provision would cover both of those cases.
- Holly asked for an explanation of “extreme hardship” as used in 9.02.9, Modifications. She wondered whether a home owner with a scope of repairs that had them addressing the condition of a bathroom first, and windows later due to available funds, would have a case for extreme hardship. Staff said there is not yet an operational guideline for this concept but there will be one developed prior to code implementation. This guideline language will include examples that staff would consider to be extreme hardships.
- Jim pointed out that the assessment of extreme hardship would likely be tempered by the degree to which public health, safety or welfare is threatened by the condition.
- Carl asked how under 9.02.9 an occupant could apply for a determination of extreme hardship. Staff explained that renter occupants have responsibility for maintaining interior and in most cases exterior conditions in a sanitary manner, and might request a hardship determination if they felt they were unable to comply when given a notice to correct.
- Carl asked if additional staff would be hired to implement the livability code once it is approved by the City Council, as 9.02.8(b) authorizes. Ken noted that there is no current plan to hire more staff than the 1.5 FTE and limited part-time help currently in place, and that to do so would require budget review and authorization from the Budget Commission and City Council.

- Holly asked about 9.02.10, Failure to Obey Order of the Director, which states that it is no defense to a prosecution for a violation of the code that the Director lacked legal authority to issue an order. Staff explained that someone could not refuse to follow an order of the Director without going through a City process available for an appeal of an order.
- Staff pointed out that the sections beginning at 9.02.14 and ending with 9.02.19 contain a discussion of Derelict Buildings, a term included in the Definitions section of the code. Under this section of the code, buildings determined to be derelict are declared to be a public nuisance, and may not be occupied until the nuisance condition has been abated. 9.02.19 details the means of and process for abatement. Staff anticipate that in most cases the owner of a property will address violations of the livability code following receipt of a correction notice or notice of violation; in some cases owners may not comply, or the City may not be able to contact the owner, and summary abatement will be required. Under a summary abatement process the City may either undertake repairs to, or demolish, a property that constitutes a derelict building/public nuisance, or may contract for that repair work/demolition. Costs the City incurs in the course of summary abatement would be secured through a lien on the abated property.
- Staff added that the City currently has summary abatement authority, but has used it infrequently due primarily to a lack of funding to cover the costs of abatement.
- Carl asked if the placement of a lien against a rental property would prevent the owner from renting it to a tenant. Staff explained that the lien would secure the City's costs of abatement, but would not address building occupancy. However, under the derelict structure provisions of the code, a building may not be occupied until the conditions causing it to be derelict have been abated.
- Carl asked whether refusal to repair a broken window would lead to a derelict building determination; staff responded that the broken window itself would not, but that if the window was subsequently boarded up rather than being repaired, that could lead to a derelict building determination if the building was found to be unsafe for human habitation. This could occur if the boarded window was an egress window as described in the earlier Fire Safety discussion. In that case, part or all of the building might be determined to be derelict.
- Carl asked if that meant City services to the building would be cut off. Staff answered that the City could order that the building be vacated, but under this code could not cut off services.
- Jerry noted that the power to abate and secure the City's costs exists, and asked if the City now had funding to carry out summary abatement. Ken answered that the original budget for an inspection-based code compliance program had included funds for abatement, but with the shift to a complaint-based system and uncertainty about the frequency and scope of summary abatement proceedings, those funds were not budgeted for the coming fiscal year. Discussion of funding a summary abatement line item remains on the table for future budget discussions.
- Carl asked what summary abatement Community Development has done in the past. Staff answered that it has been limited to boarding of windows and doors and removal of accumulated trash and garbage under the Dangerous Building Code. The department has not conducted summary abatement for several years.
- Holly asked if the City currently has the ability to declare a building derelict. Staff answered that the term derelict, and the process for a determination, do not currently exist in City code. Including the language and process in the livability code will fill the gap that currently exists between a building in good repair and a building that must be declared dangerous. It will be a tool, in most cases, to return a building to good repair rather than wait until it decays to the point of becoming dangerous.

- Trish commented that having the intermediary step of a derelict building determination to address buildings that are eyesores but not yet dangerous will help prevent the neglect that has led in the past to the loss of some of the City's affordable housing stock.

V. Review of upcoming meeting schedule
Discussion followed regarding needed meeting dates and Committee members' availability. It was decided to meet on:
   a. Wednesday, June 3 from 9:30 am to 12:30 pm
   b. Because there would not be time for review and revision of the language that comes out of the June 3 meeting by June 4, staff will distribute a Doodle poll so that another meeting to complete the review process can be scheduled for mid-June.

VI. Adjournment. The meeting was adjourned at 11:52.

MEMORANDUM

June 12, 2015

TO: Livability Code Departmental Advisory Committee

FROM: Ken Gibb, Community Development Director

RE: First set of materials for the Committee's June 23, 2015 meeting

Included with this cover memo is information for the Committee's upcoming meeting on Tuesday, June 23 at 1:00 p.m. We will again meet in the Madison Avenue Meeting Room. The information includes:

1) A meeting agenda
2) A redline/strikeout version of the Livability Code that includes the starting language we provided for each Code element, and all of the changes we have made to date based either on your input during prior meetings or on the final review that staff completed earlier this week.
3) A clean version of the final draft language that results from the redline/strikeout changes.

Since the last Committee meeting, staff has spent significant time reviewing both the Committee's meeting notes and working notes that we took over the course of the six meetings to date. As indicated in 2) above, staff did a final "stepback" review and in some cases, supplemented the initial changes that had been provided as we went along in this process. Note that the Code is now organized to reflect what it will look like as a standalone chapter in the City's Municipal Code. We have checked and fixed all of the internal and external code references in the Administrative chapter, but have not yet completed that process for the Interior and Exterior chapters.

As mentioned during your June 3 meeting, staff are completing the operating guidelines that will be used for carrying out our work under the Livability Code. We anticipate completing this work by early next week, and will provide the most current draft for your review in advance of the June 23 meeting. Also in advance of that meeting we will send you meeting notes from the June 3 meeting, and a document that provides guidance as to which provisions of the Livability Code are drawn from current code, and where in current code they can be found.

One June 23 we will be prepared to provide you with a couple of example scenarios to walk through Livability Code compliance cases from the time we receive a complaint to final enforcement action. We will plan to sketch out those scenarios and walk you through them.

To facilitate the June 23 review of the Code language, please e-mail questions to Kent Weiss by 8:00 am on June 22 (earlier would be helpful). A main focus of your upcoming meeting will be on addressing these questions and providing clarifications about items committee members identify by June 22.

Finally, on June 3 during a discussion about the noticing requirements contained in the Administrative provisions of the Livability Code, it was suggested that the City would be required to provide notice to a landlord – as the "Ultimate Responsible Party" – but not a tenant in all Code cases for rental properties whether the violation was tenant-caused or owner-caused. Staff noted that we would check with the City Attorney to review the noticing provisions as currently written, and confirm whether or not they conflict with state or other requirements. We have discussed this question with City Attorney Jim Brewer, and he has confirmed that there are no legal conflicts with the requirements as currently written. He does agree that a good course of action would be to provide a courtesy notice to a landlord when the City has contact information to do so; the Livability Code operating guidelines will include a statement of this intent.

CITY OF CORVALLIS
LIVABILITY CODE DEPARTMENTAL ADVISORY COMMITTEE
MEETING AGENDA

1:00 p.m. Tuesday, June 23, 2015
Madison Avenue Meeting Room
500 SW Madison Avenue

I. Call to order

II. Review of June 3, 2015 meeting notes (to follow)

III. Discussion of example code compliance scenarios

IV. Review of final draft Livability Code – redline/strikeout and clean versions (attached) and code language sources (to follow)

V. Review of draft Livability Code Operating Guidelines (to follow)

VI. Other business

VII. Adjourn

Chapter 1
Administration

9.02.1 Short Title. CMC Sections _____ through Sections _____ shall be known and may be cited as the "Corvallis Livability Code" and may be referred to herein as "this code."

9.02.2 Scope. This code applies to all residential and nonresidential structures and all premises. This code establishes minimum requirements and standards for the protection of structures and premises from the elements, life safety and other hazards, and for their safe and sanitary maintenance; fixing the responsibility of owners and occupants; and, for administration, enforcement and penalties.

9.02.3 Intent. This code shall be construed to secure and ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises; to prevent deterioration of existing housing; to preserve and enhance the quality of life in residential neighborhoods; and, to prevent or reduce urban blight by establishing minimum property maintenance and livability standards. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance as required herein.

9.02.4 Application of Other Laws.

a. Nothing in this chapter shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Corvallis Municipal Code or the requirement to obtain all necessary permits and approvals.
b. Any repair, alteration, or addition to and change of occupancy in an existing building, or any change of use of residential property, shall be made in accordance with all applicable provisions of law, including, but not limited to the Corvallis Municipal Code, the Corvallis Building Code and the Corvallis Land Development Code.
c. Except as provided otherwise by federal, state or local law, if a provision of this code conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal authority having jurisdiction over residential property in the City of Corvallis, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this code. This code is intended to supplement rather than conflict with the habitability standards and the assignment of landlord and tenant responsibilities of the state of Oregon Residential Landlord and Tenant Act.
d. If a provision of this code conflicts with a provision of the adopted Corvallis Building Code, the provision of the Building Code shall apply to the exclusion of the conflicting provision of this code.

9.02.5 Severability. If any section, subsection, paragraph, sentence, clause or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining

portions of this chapter which shall continue in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.

9.02.6 Saving Clause. This chapter 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.

9.02.7 Responsibility. The Director is hereby authorized to administer and enforce all of the provisions of this code. The authority of the Director to enforce the provisions of this code is independent of and in addition to the authority of other City officials to enforce the provisions of ~~any other Code of~~ the City Code.

a. The Director may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this chapter. The Director is authorized to designate an employee as deputy who shall exercise all the powers of the Director during the temporary absence or disability of the Director.

~~b. Where conditions or prohibitions under this chapter are regulated by the Building Code, the Building Official shall be responsible for making such determination and taking appropriate action as provided therein.~~

~~**9.02.8**~~ **Authorization to Inspect.** The Director is authorized to make inspection of property for the purposes of enforcing this code. ~~Wherever possible, inspections made by the personnel of the Housing & Neighborhood Services Division shall be coordinated with the personnel of the Development Services Division or Fire Department in order to avoid the issuance of multiple or conflicting orders.~~

9.02.8

9.02.9 Coordination of Enforcement. Whenever inspections are deemed necessary by the Director and any other division or department, the Director 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 divisions and departments for the purpose of eliminating conflicting orders before any are issued.

9.02.10 Enforcing Compliance. To enforce any of the requirements of this code, the Director may gain compliance by:

a. Instituting an action before the Hearings Officer; or

b. Causing appropriate action to be instituted in a court of competent jurisdiction; or

~~c.~~ Imposing criminal or civil penalties, or both; or

c.

d. Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

9.02.11 Failure to Obey Order of Director.

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a. It shall be unlawful for any person acting intentionally to refuse to obey an order by the Director acting in the discharge or apparent discharge of official duty.
b. It is no defense to a prosecution for a violation of this section that the Director lacked legal authority to issue the order, provided the Director was acting under color of official authority.

9.02.12 Maintenance Requirements; Generally.

a. No person shall maintain or permit to be maintained any structure or premises that does not comply with the requirements of this code.
b. All structures shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.
c. All systems, devices and safeguards required by this code or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants.
d. An existing structure that does not comply with the provisions of this code and that does not comply with the standards of the applicable building code then in effect at the time of construction or subsequent alteration or repair shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.

9.02.13 Historic Structures. The provisions of this code shall not be mandatory for an existing structure designated as a local or national historic resource when such structure is judged by the ~~code official~~Director to be safe and its continued maintenance in historic condition to be in the public interest.

9.02.14 Modifications. Where there are extreme hardships involved in carrying out provisions of this ~~chapter~~code, the Director shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

9.02.15 Skilled Work Required. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a ~~skilled manner~~workmanlike manner.

DERELICT STRUCTURES

9.02.16 Derelict Structures Prohibited. Derelict structures on any premises are hereby declared to be a public nuisance.

9.02.17 Order to Vacate Buildings or Structures.

a. If the Director finds a building or structure in violation of CLC 9.02.1~~6~~4, the Director may order that a placard be posted on the building or structure, ordering the building or structure vacated. The placard shall contain the information required in CLC 9.02.2~~6~~3.
b. Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order.

9.02.18 Prohibited Habitation. No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Director.

9.02.19 Removal of Placard Prohibited.

a. The Director shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.
b. No person shall deface or remove a placard without the approval of the Director.

9.02.20 Temporary Safeguards. Notwithstanding any other provisions of this code, whenever, as determined by the Director, a building or structure poses an imminent hazard or incipient hazard, the Director may order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and shall cause such other action to be taken that the Director deems necessary to meet such condition.

9.02.21 Abatement of Derelict Structure by Remediation. In addition to, and not in lieu of, the abatement remedies provided for in CLC 9.02.2~~0~~2 - CLC 9.02.3~~1~~4 and receivership authority in CLC 9.02.33, the Director may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

a. Upon receipt of such notice, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and shall, not less than fifteen days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant. Notice shall also be posted on or near the derelict structure~~ and copies delivered to the affected neighborhood association~~. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.
b. At the hearing, the Director shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Director's determination, and the owner and occupants shall be afforded a like opportunity to rebut the determination. Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue. The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the State of Oregon.

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c. The Hearings Officer shall order the conditions creating the derelict structure be remediated if the Director demonstrates, by a preponderance of the evidence, that the building structure is a derelict structure.
d. In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is in a condition unfit for human habitation, or in a condition that is an incipient hazard, based on the number and extent of the following factors:
    i. Dilapidation;
    ii. Disrepair;
    iii. Structural defects noted by the Building Official;
    iv. Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;
    v. Uncleanliness or infestations of pests;
    vi. Condition of sanitary facilities;
    vii. The presence of a public nuisance; and
    viii. The history of unlawful activity in or around the building or structure.

PUBLIC NUISANCES

9.02.22 Public Nuisance Prohibited. In addition to the provision of CLC 9.02.164, no person shall cause, permit, or maintain a public nuisance on public or private property.

9.02.23 Public Nuisances. The following are specifically declared to be public nuisances: Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety, where such thing, condition, or act is or exists contrary to the provisions of this code.

9.02.24 Notice to Person Responsible. Whenever the Director has reasonable grounds to believe that a violation of CLC 9.02.220 has occurred, a notice and order shall be served on the owner(s) and occupant(s).

9.02.24

9.02.25 Abatement Procedures - Joint Responsibility. If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance.

9.02.259.02.26 Form of Notice. Such notice prescribed in CLC 9.02.252 and CLC 9.02.175(a) shall:

a. Be in writing;
b. Include a description of the premises sufficient for identification;
c. Include a statement of the reason or reasons why the notice is being issued;
d. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the premises into compliance with the provisions of this chapter;.

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e. Include a notice that the city may abate the nuisance pursuant to this chapter and that the person responsible shall be responsible for the costs of such abatement;.
f. Include instructions for an appeal.

9.02.269.02.27 Effective Date of Notice. All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing if not personally served.

9.02.279.02.28 Method of Service.

a. Notices under this chapter shall be deemed to be properly served if a copy thereof is:
    i. Personally delivered to the owner(s) and occupant(s); or
    ii. Sent by first class mail to the owner(s) and occupant(s) at their last known address; or
    iii. Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address if they cannot be located.
b. Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of the owner(s) or occupant(s) shall not render the notice void and in such case the notice shall be sufficient.

9.02.289.02.29 Recording a Violation. The city may record a notice of violation with the County Recorder. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be recorded.

9.02.29 Abatement Procedures - Joint Responsibility. If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance.

Comment [ccw1]: Moved to follow Notice to Person Responsible.

9.02.30 Abatement Procedures - by the City.

a. If within time allowed under CLC 9.02.263(d), the violation has not been corrected, the Director may cause the violation to be corrected.
b. The Director shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a _____ percent charge for administrative overhead.
c. The Director or a person authorized by the Director may enter upon the property to abate the nuisance only upon obtaining consent of the owner and occupant; or upon obtaining an administrative warrant pursuant to CMC 1.15 or CLC 9.02.49 through CLC 9.02.524.

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9.02.31 Abatement Procedures - Assessment of Costs.

a. After abatement by the city, the Director of Finance, by first class mail, shall forward to the owner(s) and occupant(s) a notice stating:
    i. The total cost of correction, including the administrative overhead; and,

ii. That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice.

b. If the costs and administrative overhead are not paid within thirty days of the billing date, the Director shall thereafter file with the Hearings Officer an itemized statement of costs and overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance.

c. Upon filing of such statement of costs and overhead, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer, and cause notice thereof to be served via certified mail to the owner(s) and occupant(s), consistent with the procedures under CLC 9.02.21(a).

d. After the hearing, the Hearings Officer shall declare the correctness of such statement and declare the same to be a lien upon the property.

e. An error in the contents or service of any notice 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.

9.02.32 Abatement Procedures - Summary Abatement. The abatement procedure provided by this chapter is not exclusive but is in addition to procedures provided by other laws.

9.02.33 Receivership Authority. In addition to, and not in lieu of any other provision in this chapter, when the Director finds residential property in violation of this chapter, and believes that the violation is a threat to the public's health, welfare and safety, and the owner has not acted in a timely manner to correct the violations, the Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

9.02.34 Collections. Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims court or entered into the city's lien docket in the manner provided by _____ and a lien for the entire amount placed against the real property pursuant to _____.

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PENALTIES

9.02.35 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or directive of the ~~code official~~Director shall be subject to the provisions of CLC 9.02.36~~2(a)~~ through CLC 9.02.41~~32(c)~~.

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9.02.36 Separate violations.

a. Each day's violation of a provision herein constitutes a separate offense.

b. The abatement of a nuisance or violation shall not constitute a penalty for violating this code but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance or violation.

9.02.37 Misdemeanors and Infractions. Any person who shall violate any of the provisions herein or fail to comply therewith or who shall violate or fail to comply with any order made there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Hearings Officer, the Livability Code Board of Appeals or by a court of competent jurisdiction within the time fixed herein shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor or infraction, as specified under CLC 9.02.~~32(b)(ii).~~37(d)(i-iv).

a. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified each day that prohibited conditions are maintained shall constitute a separate offense.
b. Upon conviction of a misdemeanor offense, any person shall be liable for the fines and terms of imprisonment provided for under CMC ~~5.03.160.040~~1.01.120(1-3).
c. Upon conviction of an infraction offense, any person shall be liable for the fines ~~and terms of imprisonment~~ provided for under CMC 1.01.120(4-6) and CLC 9.02.3~~0(ii)(4)~~7(d)(iv).
d. Violation of the provisions of this code shall be ~~as classified under CMC 5.03.160.030 and shall be~~ designated as follows:
    i. Violation of CLC 9.02.___ through CLC 9.02.___ Solid Waste is a **Class A misdemeanor** ~~*($2,500 and 1 year imprisonment)*~~.
    ii. Violation of CLC 9.02.22~~0~~ Public Nuisance is a **Class B misdemeanor** ~~*($1,000 and 6 months imprisonment)*~~.
    iii. Violation of CLC 9.02.___ through CLC 9.02.___ Fire Safety provisions; CLC 9.02.11~~0~~ Failure to Obey; and CLC 9.02.18~~6~~ Prohibited Habitation is a **Class C misdemeanor** ~~*($500 and 30 days imprisonment)*~~.
    iv. Violation of every provision of this code not otherwise ~~provided for~~designated herein is deemed an infraction punishable upon conviction by a fine of not more or less than:
        1. 1st offense shall be $250<>$100;
        2. 2nd offense for violation of same provision of this code within 24 month period shall be $500<>$250;
        3. 3rd offense for violation of same provision of this code within 24 month period shall be $500<>$500;
        4. 4 or more offenses for violation of same provision of this code within 24 month period shall constitute a **Class A misdemeanor** ~~*($2,500 and 1 year imprisonment)*~~.
e. **Declaration of infraction.** Notwithstanding CLC 9.02.3~~2(a)(b)(ii)(1-3),~~7(d)(i-iv), any violation of the provisions of this code may be declared to be an infraction pursuant to the procedure provided in CMC Section 5.03.160.

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9.02.38 Civil Penalties. In addition to and not in lieu of any other means of enforcement or any other penalty provided by law, any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or ~~directive~~ an order of the ~~code official~~Director may incur a civil penalty in an amount as specified in CLC 9.2.41~~32(c)(vii)~~, plus administrative fee and any cost of service or recording costs.

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a. **Purpose.** The purpose of a civil penalty is to provide an efficient, convenient, and practical system to enforce a violation of this code and to provide an opportunity for a prompt protest, hearing, and decision on the imposition of a civil penalty.

b. **Civil Penalty against Agents.** Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, shall likewise be subject to a civil penalty.

c. **Procedure for issuing civil penalty.** A civil penalty shall be imposed under this section by issuance of a notice of penalty. A civil penalty may be imposed for each day the violation continues or remains. The notice of penalty shall be provided in the manner as described in CLC 9.02.38(d)~~2 (c)(iv)~~.

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d. **Notice of Civil Penalty.** If a civil penalty is imposed, the ~~code official~~Director shall issue a Notice of Civil Penalty to the person responsible for the code violation.

i. The Notice of Civil Penalty shall include:

1. reference to the applicable code provision(s);
2. a statement of the basis of the violation;
3. a statement of the amount of the civil penalty;
4. a statement of the party's right to protest the civil penalty to a Hearings Officer; and
5. a statement that a delinquent civil penalty may become a lien on property.

ii. The Notice of Civil Penalty shall be served on the person responsible for the code violation by:

1. personal service; or,
2. posted in a conspicuous place in, on or about the structure or premises affected by such notice; or,
3. sent by US first class mail or US certified mail, return receipt requested, to the person's last known address;
   a. Failure of the recipient to sign for the certified mail shall not make the notice void.
   b. Notice served by mail shall be deemed received three days after the date mailed to an address within Oregon or seven days to an address outside of Oregon.
   c. Notice served by mail shall be concurrently posted in a conspicuous place in, on or about the structure or premises affected by such notice.

iii. If the violation relates to real property and the person responsible for the violation is not the owner of the property, an informational copy of the Notice

of Civil Penalty shall be sent to the owner of the property by first class mail at the same time as service on the person responsible.

9.02.39 Protest of Civil Penalty. A person issued a Notice of Civil Penalty may protest the existence of a violation or the circumstances involved in the presence of a violation that resulted in imposition of a civil penalty to a Hearings Officer ~~pursuant to CLC 9.02.___~~. An appeal must be submitted to the City Recorder within seven days, plus three days for mailing, from the date of service of the Notice of Civil Penalty.

a. If after a hearing in which the Hearings Officer determines that a violation did or does exist, the Hearings Officer may reduce the original penalty imposed after considering reasonable mitigating factors as determined by the Hearings Officer.
   i. The civil penalty imposed by the Hearings Officer shall not be less than amount provide under CLC 9.02.41(a)~~__~~.
   ii. The Hearings Officer may not reduce the civil penalty by any amount if a violation has not been corrected and inspected by the city.

9.02.40 Collection of Civil Penalty. The civil penalty shall become final upon expiration of the time for filing a protest or, if a protest is filed and the Hearings Officer affirms the civil penalty, the civil penalty shall become final upon issuance of the Hearings Officer decision. The civil penalty shall be delinquent if not paid within 30 days from the date the civil penalty becomes final.

a. A late payment charge shall begin to accrue from the date of delinquency.
b. If the civil penalty is imposed on the owner of the property where the violation occurred, and is delinquent, the notice and late payment charge shall be entered in the docket of city liens pursuant to _____ and may be recorded in the Benton County deed records. When entered in the city lien docket, the notice shall constitute a lien upon the property in violation of the code.
c. The lien shall be enforced in the same manner as liens for_____. Failure to pay may result in foreclosure in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.
d. An error in the name of the owner shall not void the lien, nor shall a failure to receive the notice render the lien void, but it shall remain a valid lien against the property.

9.02.41 Amount of Civil Penalty. The ~~code official~~Director is authorized to impose civil penalties in the amounts as follows, and the Hearings Officer may allow reductions consistent with CLC 9.02.39(a)~~.__~~ and operational guidelines to the amounts as follows (penalty imposed/reduction by Hearings Officer to not less than):

a. Violation of a provision of this code may be subject to a Civil Penalty no less than $50.00 and not exceeding $5,000.00 per offense, or in the case of a continuing offense, not more than $1,000.00 for each day of the offense;
b. In imposing a penalty authorized by this section, the ~~code official~~Director shall consider:
   i. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

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ii. Any prior violations of statutes, rules, orders, and permits;
iii. The gravity and magnitude of the violation;
iv. Whether the violation was repeated or continuous;
v. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
vi. The violator's cooperativeness and efforts to correct the violation; and,
vii. Any relevant rule of this or other City code.

APPEALS

9.02.42 Appeals Generally. Any person who is issued an order from the Director ~~or any person who is subject to a civil penalty, pursuant to this Chapter~~ may appeal the decision to the Livability Code Board of Appeals.

9.02.43 Livability Code Board of Appeals.

a. In order to hear and decide appeals of notices, orders, decisions or determinations made by the Director relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to this code and who are not employees of the jurisdiction.
    i. The Housing & Neighborhood Services Division Manager shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board.
    ii. The Board of Appeals shall be appointed by the Mayor and shall meet as required to carry out its duties.
    iii. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Director.
    iv. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

9.02.44 Filing of Appeal. Any person upon whom a notice, order, interpretation or decision is served under this code shall have the right of appeal from the notice, order, interpretation or decision to the Board of Appeals. An appeal must be submitted to the Director within seven days, plus three days for mailing, from the date of the notice and order.

9.02.45 Appeal Fee. Any appeal submitted under this chapter shall include a $50.00 filing fee.

9.02.46 Scope of Appeal. Appeals may be filed regarding technical matters of notices, orders, interpretations and decisions made by the Director relative to this code.

9.02.47 Form of Appeal. An appeal must be in writing and include the following:

a. Name of person filing the appeal.
b. Copy of the notice and order.
c. Copy of the section of this code which is being appealed.
d. A complete explanation of the appeal.
e. What is requested of the Board of Appeals.

9.02.48 Appeal Procedure.

a. The Director shall confirm that the appeal meets the filing criteria as prescribed under CLC Sections 9.02.44 through 9.02.47~~.~~
b. If the filing criteria have not been met, the person filing the appeal will be so notified and the Board of Appeals will not be convened. The Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow the appellant to resubmit an appeal that has been deemed incomplete. Only one extension may be granted.
c. If the filing criteria is met, the Director shall schedule a meeting of the board within 30 days of the filing of the appeal. The hearing shall be held not later than 30 days after the filing of the appeal.

RIGHT OF ENTRY; ADMINISTRATIVE WARRANTS

9.02.49 Right of Entry. The Director may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this code, or whenever the Director has reasonable cause to believe that there exists in any structure or upon any property any condition which makes such property substandard as defined in any regulations of this code. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

a. *Occupied Property*. If any structure on the property is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an ~~inspection~~administrative warrant; or,
b. *Unoccupied Property*:
    i. If the property is unoccupied, the Director shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an ~~inspection~~administrative warrant.
    ii. If structures on the property are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an ~~inspection~~administrative warrant; or,
c. *Open, Unoccupied Property*. If any structure on the property is unoccupied and open:
    i. The Director shall notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons. If the property is not secured within fifteen (15) days from the date notice is sent, the Director may secure the property as provided in CLC 9.02.20~~18~~.

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d. If the Director believes that a hazardous condition exists, the Director may immediately secure the property as provided in CLC 9.02.20~~18~~. Following the summary abatement, the Director shall notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an ~~inspection~~administrative or abatement warrant.

e. The Director may seek approval for an ~~inspection~~administrative warrant without first requesting entry or making contact with an owner or occupant, if, at the time, facts or circumstances reasonably show that the purpose of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

9.02.50 Grounds for Issuance of ~~Inspection~~Administrative Warrants; Affidavit.

a. *Affidavit*. An ~~inspection~~administrative warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an ~~inspection~~administrative warrant.

b. *Cause*. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any Livability Code regulation exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with Livability Code regulations.

9.02.51 Procedure for Issuance of ~~Inspection~~Administrative Warrant.

a. *Examination*. Before issuing an ~~inspection~~administrative warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

b. *Issuance*. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 8:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

c. *Police Assistance*. In issuing an ~~inspection~~administrative warrant on private property, including abatement warrants pursuant to CLC 9.02.30~~28~~, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to

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remove any person or obstacle and assist the Director or representative of the department inspecting the property in any way necessary to complete the inspection or abatement.

9.02.52 Execution of ~~Inspection~~Administrative Warrants

a. *Occupied Property*. Except as provided in subsection (b) of this section, in executing an ~~inspection~~administrative warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

b. *Unoccupied Property*. In executing an ~~inspection~~administrative warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection (a) of this section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.

c. *Return*. An ~~inspection~~administrative warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within 10 business days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant, unless executed, is void.

Chapter 2
Definitions

9.02.53 Definitions. General.

a. Words stated in the present tense in this code include the future; the singular number includes the plural, and the plural includes the singular.
b. Where terms are not defined in this code and are defined in the Corvallis Land Development Code or the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes.
c. Terms not otherwise defined in this code or in the Corvallis Land Development Code or the state building, plumbing or mechanical codes shall have ordinarily accepted meanings.
d. Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this code, they shall be construed as though they were followed by the words "or any part thereof."

9.02.54 Unless the context otherwise specifically requires, for purposes of this code, the following terms and phrases mean:

a. **Abandoned Structure**. A vacant structure that is an attractive nuisance.
b. **Abatement of a nuisance.** The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.
c. **Accessible Means of Egress**. This term shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: *A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way*.
d. **Accessory Structure**. Any structure not intended for human occupancy. Accessory structures may or may not be attached to a primary structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways.
e. **Agent.** A person authorized by another to act in his/her behalf.
f. **Approved**. Meets the standards set forth by the municipal code, the community development code, the building code, or other standards referenced in those codes, or is approved by the ~~code official~~Director.
g. **Ashes**. The residue of the combustion of solid fuels.
h. **Attic**. The unfinished, non-habitable part of a structure between the roof and the ceiling immediately below.
i. **Attractive Nuisance**. Buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.

j. **Basement**. That portion of a building or structure which is partly or completely below grade.

k. **Bathroom**. A room containing plumbing fixtures including a bathtub or shower.

l. **Bedroom.** Any room or space used or intended to be used for sleeping purposes.

m. **Boarded**. The securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings, following the standards of Appendix A of this code, that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.

n. **Building**. Any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.

o. **Building Code**. The specialty codes adopted and as may be amended by the City of Corvallis, as provided in CMC Chapter 9.01.

p. **Building Official**. The administrator of the Development Services Division of the Community Development Department, or the administrator's designee.

q. **Bulk Solid Waste**. Discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.

~~r. **Code Official**. The Code Compliance Supervisor, Code Compliance Specialist, Housing & Neighborhood Services Division Manager, or other person authorized by the Community Development Director to enforce the provisions of this code.~~

~~s.~~r. **Deterioration**. A lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.

~~t.~~s. **Derelict structure**. A building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:

i. Is unoccupied and unsecured;
ii. Is partially constructed;
iii. Is an abandoned structure or attractive nuisance;
iv. Is in condition of deterioration;
v. Has an infestation of pests;
vi. Has doors or windows boarded over, or;
vii. Other condition that in the opinion of the Director is detrimental to public health, safety or welfare.

t. **Dilapidation**. Being in a state of partial ruin, decay or disrepair.

u. **Director**. The Community Development Director charged by the City Manager with the implementation and enforcement of this code, or that department head's designee.

v. **Dwelling**. Any structure containing one or more dwelling unit.

w. **Dwelling Unit**. A single unit within a dwelling providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. As used in this code, dwelling unit includes, as the context requires,

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single family dwellings, duplexes, triplexes, condominiums, residential trailers, mobile homes, manufactured homes, multi-family dwellings, and single units therein.

x. **Exit**. A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.

y. **Exterior Property**. The areas of a property which are outside the exterior walls and roof of a building. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, yards, gardens, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

z. **Extermination**. The control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Director.

aa. **Hazardous Solid Waste**. Any solid waste which, in the opinion of the Director, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.

bb. **Habitable**. Suitable for human habitation.

cc. **Habitable space**. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

dd. **Hazardous Thicket**. Blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous.

ee. **Hearings Officer**. The person or persons appointed by the City Manager to serve in that capacity and to pass on matters stipulated for quasi-judicial review under this code.

ff. **Human habitation**. The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

gg. **Imminent Hazard**. Any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.

hh. **Incipient Hazard**. Any condition that can become an imminent hazard if further deterioration is allowed to occur.

ii. **Indoor Fixture**. Any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.

jj. **Indoor Furnishing/Furniture**. Any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.

kk. **Infestation**. The presence of pests in large numbers that are harmful or bothersome within or adjacent to a building or structure or upon a premises.

ll. **Junk**. Articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this code the term "junk" includes, but is not limited to:

i. any derelict motor vehicle, trailer, or boat, i.e., any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; or,

ii. neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or,

iii. wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; or,

iv. machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; or,

v. any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; or,

vi. any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; or,

vii. any bulk solid waste; and,

viii. solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

mm. **Landlord**. The owner or lessor of a dwelling unit, a building, or a premises, including a person authorized by the owner or lessor to manage the premises or to enter into a rental agreement.

nn. **Legally occupied**. The use of premises for a purpose authorized by law, including the building code and zone code. For the purposes of this code, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this code, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.

oo. **Let for occupancy** or **Let**. To permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

pp. **Maintained compost**. A small portion of a property set aside for the purpose of methodically encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer or amendment for the soil on the property. Maintained compost shows clear indicators that the organic materials placed there are being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition does not constitute maintained compost.

~~pp.~~qq. **Means of Egress/Doors**: A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. Includes any doors that are present at the exit access, along the path of exit, and at the exit discharge.

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~~qq.~~rr. **Must**. Mandatory

~~rr.~~ss. **Naturescape.** Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

~~ss.~~tt. **Noxious Vegetation**. Weeds more than ten inches in height; grass more than ten inches in height; rank or dead vegetation; poison oak, poison hemlock, poison ivy; hazardous thickets; or other rank, noxious, and dangerous vegetation that is a health hazard; a fire hazard; or a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of the public right-of-way hazardous. This definition shall not include agriculture crops, endangered riparian grasses that have not come to seed and wet land grasses that are neither a fire nor a traffic hazard.

~~tt.~~uu. **Occupancy**. The purpose for which a building, structure or premises is used or intended to be used.

~~uu.~~vv. **Occupant**. Any person, including an owner, tenant or operator, using a building or any part of a building for its lawful, intended use or having possession of a space within a building or structure or possession of a premises.

~~vv.~~ww. **Owner**. The person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto.

~~ww.~~xx. **Partially Constructed**. An occupied or vacant structure, or portion thereof, has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.

~~xx.~~yy. **Person**. An individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.

~~yy.~~zz. **Pests**. Animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.

~~zz.~~aaa. **Premises**. A lot or parcel of land, including any buildings or structures thereon.

~~aaa.~~bbb. **Rank Vegetation**. Any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

~~bbb.~~ccc. **Receptacle**. A trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

~~ccc.~~ddd. **Recycling**. The process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

~~ddd.~~eee. **Remediation**. The elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

~~eee.~~fff. **Repair**. The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

~~fff.~~ggg. **Residential property**. Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multifamily structures and mixed-use structures which have one or more dwelling units. Hotels used exclusively for transient occupancy are excluded from this definition of residential property.

~~ggg.~~hhh. **Rubbish**. Worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.

~~hhh.~~iii. **Shall**. Mandatory.

~~iii.~~jjj. ~~**Skilled Manner**. Executed in a proper manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.~~

~~jjj.~~kkk. **Solid Waste**. This term shall have the same meaning as provided under CMC 4.01.010.

~~kkk.~~lll. **Structure**. That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

~~lll.~~mmm. **Temporary**. A period up to 6 months in any 12 month period.

~~mmm.~~nnn. **Unfit for Human Habitation**. A building or structure that, as found by the Director, is unfit for human habitation due to; unsanitary conditions, infestation, accumulation of filth or contamination, lack of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

~~nnn.~~ooo. **Unoccupied**. Not legally occupied.

~~ooo.~~ppp. **Unsecured.** Any structure in which doors, windows, or apertures are open or able to be opened from the outside so as to allow access by unauthorized persons; unlocked or otherwise open to entry.

~~ppp.~~qqq. **Ventilation**. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

~~qqq.~~rrr. **Watertight**. As secure as possible against the entry of rain, melt water and storm water.

~~rrr.~~sss. **Waste Tire**. A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

ttt. **Weather tight**. As secure as possible against the entry of wind, rain, melt water, storm water and natural elements.

~~sss.~~uuu. **Workmanlike**. Executed in a skilled manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

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Chapter 3
Interior Structure Conditions

9.02.55 Lighting of Accessible Means of Egress.

a. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space, other than in 1-2 family dwellings, shall, at all times:
   i. provide minimum illumination of 1 footcandle (11 lux) at floors, landings and stairs for all common areas and spaces in all residential occupancies, with responsibility to maintain functioning bulbs; and,
   ii. for all other Accessible Means of Egress within dwelling units, shall provide the means for minimum illumination of either 3 footcandles (33 lux) at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart.

b. Every Landlord who rents, leases or lets one or more dwelling unit or sleeping unit of any 1-2 family structure shall provide the means for minimum illumination of either:
   i. 3 footcandles (33 lux) at floors, landings and stairs; or,
   ii. shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart, for all Accessible Means of Egress.

9.02.56 Ventilation.

a. Every dwelling, including basements, and attics ~~and crawl spaces~~ shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

b. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to maintain legally existing ventilation systems in compliance with these requirements:

i. Except where another approved ventilation device is provided, the total openable window area in every bathroom and toilet room or compartment shall be equal to at least one-fortieth (2.5%) of the area of the room.

1. The glazed areas of a window in such spaces need not be openable where an approved mechanical ventilation system is provided that is functional and capable of producing 0.35 air changes per hour in the room.

ii. In kitchens ~~and other spaces where injurious, toxic, irritating or noxious fumes, gases, dusts, vapors or mists are generated~~, a local exhaust ventilation system shall be maintained to remove the contaminating agent at the source.

iii. Clothes dryer exhaust systems shall be independent of all other systems, shall be exhausted outside the structure and shall be installed in accordance with manufacturer's instructions.

~~c.~~iv. Mechanical clothes drying appliances and exhaust systems shall be properly installed, connected, and maintained in a safe condition and good working order. Exhaust hoses must be free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards.

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9.02.57 Equipment Exposed to Water.

a. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall replace electrical equipment or portions of electrical systems ~~in accordance with the provisions of the Oregon Electrical Specialty Code any electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment~~ that have been exposed to water.

b. For purposes of this section "exposed to water" shall include but is not limited to: submersion due to flooding; inundation due to fire fighting activities; drenching by stormwater; intrusion of moisture; or plumbing system failures.

~~a~~c. Exception: Electrical equipment or portions of electrical systems that are exposed to water shall be allowed to be repaired where an inspection and testing report from the equipment manufacturer, approved manufacturer's representative, or a state of Oregon Licensed Supervising Electrician indicates that the electrical equipment or electrical system has not sustained damage that requires replacement and may be repaired, safely reenergized, and placed back into service. ~~The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative or a state of Oregon licensed supervising electrician indicates that the equipment has not sustained damage that requires replacement:~~

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~~i. Enclosed switches, rated a maximum of 600 volts or less;~~

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~~ii. Busway, rated a maximum of 600 volts;~~
~~iii. Panelboards, rated a maximum of 600 volts;~~
~~iv. Switchboards, rated a maximum of 600 volts;~~
~~v. Fire pump controllers, rated a maximum of 600 volts;~~
~~vi. Manual and magnetic motor controllers;~~
~~vii. Motor control centers;~~
~~viii. Alternating current high-voltage circuit breakers;~~
~~ix. Low-voltage power circuit breakers;~~
~~x. Protective relays, meters and current transformers;~~
~~xi. Low- and medium-voltage switchgear;~~
~~xii. Liquid-filled transformers;~~
~~xiii. Cast-resin transformers;~~
~~xiv. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;~~
~~xv. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;~~
~~xvi. Luminaires that are listed as submersible;~~
~~xvii. Motors;~~
~~xviii. Electronic control, signaling and communication equipment.~~

~~b. For purposes of this Section, the term "*exposed to water*" shall include but is not limited to submersion due to flooding; or inundation due to fire suppression operations and fire fighting activities; and drenching by stormwater, intrusion of the elements or plumbing failures; etc.~~

9.02.58 Circuit Protection. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each building and dwelling unit in accordance with these standards:

a. Every ~~laundry~~ kitchen and other interior location with a water containment or supply fixture in its area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter.
b. Every bathroom shall contain at least one receptacle. Any new or replacement bathroom receptacle outlet shall have ground fault circuit interrupter protection.
c. All receptacle outlets shall have the appropriate faceplate cover for the location.

9.02.59 Hot Water. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each building and dwelling unit in accordance with these standards:

a. All sinks, lavatory basins, bathtubs and showers within a dwelling shall be supplied with both hot and cold running water facilities which are installed in an approved manner, properly maintained, properly connected and have a water pressure of at least fifteen psi.
b. Water heating facilities shall be supplied for each dwelling unit. Water heating facilities within a dwelling unit shall be capable of heating an adequate amount of water to provide

water at a temperature of at least 120 degrees Fahrenheit for at least 10 minutes at each hot water outlet.

i. **Exceptions**:

1. at a bidet the temperature shall not exceed 110 degrees Fahrenheit; and,

~~b.~~**2.** at a shower or tub-shower combination equipped with a scald and thermal shock protection valve the temperature shall be at least 115 degrees Fahrenheit but shall not exceed 120 degrees Fahrenheit.

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9.02.60 Interior Sanitation. The interior of every structure that is rented leased or let for residential occupancy shall be maintained in good repair, in a clean and sanitary condition, free from any accumulation of rubbish, garbage or solid wastes. For purposes of this section, the term "clean and sanitary" shall mean free from and any material or condition that:

a. Provides a breeding place for insects, rodents or vermin; or
b. Produces dangerous or offensive gases or odors; or
c. Blocks exits, hallways, corridors or Accessible Means of Egress; or
d. Provides a surface, exposed or concealed, which is conducive for the growth of mold or mildew.

9.02.61 Occupants shall keep that part of the ~~structure~~ dwelling unit which they occupy or control in a clean and sanitary condition.

9.02.62 Every Landlord of any ~~structure, building or premises~~ dwelling who rents, leases or lets a dwelling unit within any such space shall:

a. Maintain the ~~shared~~ common halls, stairways, utility rooms and areas, and similar public areas of the ~~structure~~ dwelling in a clean and sanitary condition; and,
b. Pursuant to Section (a)(4) of this code but not withstanding the requirement under Section (b) of this code that the occupants shall keep such spaces in a clean and sanitary condition, provide and maintain all interior surfaces in good repair, including windows and doors, as follows: Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered; Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected; Walls, floors, ceilings, cabinets and interior doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch; and,
c. Pursuant to Section (a)(4) of this code but not withstanding the requirement under Section (b) of this code that the occupants shall keep such spaces in a clean and sanitary condition, be ~~Be~~ responsible to ensure that every toilet compartment, bathroom, and kitchen floor surface of every dwelling unit is constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

9.02.63 Heat in Bathrooms and Non-Habitable Rooms. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide

and maintain every dwelling unit with permanent heating facilities capable of maintaining a year-round room temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms~~, and all kitchens~~.

a. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
b. No portable, unvented or open flame fuel burning devices may be used to meet the heat requirements of this code.
c. All heating devices or appliances shall be of an approved type.
d. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms~~, and all kitchens~~.

9.02.64 Window and Door Security. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain all exterior doors, windows or hatchways for every dwelling unit with devices designed to provide security for the occupants and property within.

a. Every entrance door to a dwelling unit shall be provided with a door knob and a deadbolt lock, and keys for same, designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.
    i. Deadbolt locks shall have a minimum lock throw of not less than 1 inch (25 mm) and shall be installed according to the manufacturer's specifications.
    ii. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door to discourage unwanted entry.
    iii. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

9.02.65 Operable windows located in whole or in part within 10 feet above ground level or a walking surface below that provide access to a dwelling unit shall be equipped with a window sash locking device.

9.02.66 Basement hatchways that provide access to a dwelling unit shall be equipped with devices that secure the unit from unauthorized entry.

Chapter 4
Exterior Structure and Premises Conditions

WEATHERPROOFING AND WATERPROOFING

9.02.67 It is the responsibility of the owner of every property to maintain every building and structure on the property in a manner that complies with the following requirements:

Comment [ccw2]: When Staff encounter owners who express concern about lack of financial or physical means to comply, Staff will endeavor to connect them with assistance resources as available via the HNS or NGO social services +programs.

9.02.68 Roofs and Drainage. All roofs, flashing, vent stacks and boots, and chimneys shall be structurally sound, tight, and have no defects which might admit rain or melt water. Roof drainage shall be adequate to prevent ~~rainwater~~ rain or melt water from causing dampness in the walls, attic or interior portion of the building and shall channel ~~rainwater~~ rain or melt water in an approved manner to an approved point of disposal. Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair. Roof drains, gutters and downspouts of a building or structure shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration.

9.02.69 Exterior Walls and Exposed Surfaces. Every exterior wall and weather-exposed exterior surface or attachment of a building or structure shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or melt water or dampness to the interior portions of the walls or the occupied spaces of the building or structure.

a. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. ~~Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.~~

Comment [ccw3]: The specifics of how Staff will respond to such conditions as these will be addressed an operating guidelines.

b. Every Landlord of a structure, building or premises who rents, leases or lets a dwelling or dwelling unit for residential occupancy within any such space shall maintain in a weathertight condition all ~~All~~ siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights ~~shall be maintained weathertight~~.

c. Every owner of any structure, building or premises that is not for rent, lease or to be let for residential occupancy, shall maintain in a watertight condition all siding and masonry and joints, including those between the building envelope and the perimeter of windows, doors and skylights.

d. Exterior metal surfaces shall be protected from rust and corrosion. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

9.02.70 Windows and Doors. Every window, sash, door and door frame of a building shall be kept in sound condition and in good repair ~~and weathertight~~. Every exterior door, skylight, and window shall comply with the following:

a. Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition.
b. Every exterior door, when closed, shall fit reasonably well within its frame ~~and be weathertight~~.
c. Every exterior door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, to also substantially exclude wind from entering a building.
d. Every window sash shall be maintained in sound condition and good repair; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building when the window components are placed in a closed position within the frame and jamb ~~fit weathertight within its frame~~.
e. Every window frame and casing shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind ~~and rain~~ from entering a building.

9.02.71 Glazing. Every window sash of a building exterior envelope shall be fully supplied with glass window panes or an approved substitute without open cracks and holes. All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.

9.02.72 Basement hatchways. Every basement hatchway shall be maintained to prevent as completely as possible the entrance of rodents, rain or melt water and surface drainage water.

9.02.73 Temporary Measures. The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or ~~a door~~ roofing, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building or Public Nuisance notice.

~~**EXTERIOR SANITATION.**~~

9.02.74 Exterior Sanitation. All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *owner* of every property shall maintain the *structures*, *premises* and all common areas of the *exterior property* in compliance with these requirements. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition. The

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exterior property and *premises* and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

9.02.75 Holes, tanks, and child traps. Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the *occupants* of the property.

9.02.76 Unsecured structures. Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any *unsecured structure* so as to prevent access by unauthorized persons through such openings. No requirement imposed under this section shall constitute relief from or an exemption to compliance with the provisions of ___TBD_____ for *weathertight* and *watertight* standards.

9.02.77 Rat harborage. Remove or *repair*, and keep removed or *repaired*, any condition that provides a place where rats gain shelter, feed, or breed.

9.02.78 Emergency access routes. Remove and keep removed all brush, vines, overgrowth and other entangling or *rank vegetation* located within 10 feet of a *structure* or within 10 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.

9.02.79 Thickets that conceal hazards. Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:

a. Concealing trash and debris; or
b. Creating rat harborage; or
c. Creating harborage for people involved in criminal or prohibited activity or for products used for criminal activity.

9.02.80 Trash and debris. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

a. All garbage, offal, dead animals, animal and human waste, and waste materials (All garbage shall be stored as specified in CMC Section 4.01.050);
b. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), *junk*, combustible materials, stagnant water, or trash;
c. All dead bushes, dead trees, and stumps with the exception of such material which:
    i. Is being maintained as part of a *naturescaped* property;
    ii. Does not result in a nuisance as otherwise defined in this chapter; and
    iii. Is located on a property which is otherwise substantially in compliance with this chapter;

d. All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property per the provisions in CMC Section 2.19.150;
e. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a *maintained compost* area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and
f. Accumulations of clothing and any other items not designed for outdoor storage.

9.02.81 Storage of non-trash items. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

a. Accumulations of wood pallets.
b. Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester, per the provisions in CMC Chapter 5.05, Dutch Elm Disease.
c. Accumulations of vehicle parts or tires except for storage of non-waste, serviceable parts or tires that are reasonably expected to be used on a vehicle and are stored in a manner to protect their utility and prevent deterioration.
d. All construction materials except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.
e. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.
f. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.
g. All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal and CMC Section 4.1.070) that are stored in a well-maintained manner.
h. All other non-trash items which:
    i. Are of a type or quantity inconsistent with normal and usual use; or
    ii. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

SOLID WASTE REMOVAL.

9.02.82 All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of solid waste. Approved receptacles for solid waste shall be provided and utilized for the containment and disposal of solid waste in accordance with the provisions of CMC Chapter 4.01; bulk solid waste shall be disposed of within a week of discard, in accordance with franchise utility services, or approved alternative.

9.02.83 Every occupant of a structure or premises shall dispose of solid waste by placing all such material in an approved solid waste disposal facility or approved receptacles.

9.02.84 The Landlord of any multi-family dwelling shall:

a. Provide, in a location accessible to all dwelling units, ~~at least one thirty-two gallon~~ adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively ~~for each dwelling unit or at least one receptacle with a cumulative capacity that allows for thirty-two gallons per~~ for more than individual dwelling units, into which all solid waste from the dwelling unit may be emptied for storage between days of collection. ~~Notwithstanding the minimum capacity and number of receptacles herein established,~~ Receptacles must be of sufficient capacity to prevent the overflow of solid waste from occurring; and,
b. Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

9.02.85 The Landlord of any 1 and2 family dwelling, except as otherwise provided by written agreement between the landlord and the tenant, shall:

a. Provide, in a location accessible to each dwelling unit, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provide individually for each dwelling unit or cumulative for more than individual dwelling units , ~~at least one thirty-two gallon receptacle for each dwelling unit or at least one receptacle with a cumulative capacity that allows for thirty-two gallons per dwelling unit~~ into which solid waste from the dwelling unit(s) may be emptied for storage between days of collection. ~~Notwithstanding the minimum capacity and number of receptacles herein established,~~ Receptacles must be of sufficient capacity to prevent the overflow of solid from occurring; and,
b. Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

BUILDING AND ACCESSORY STRUCTURES.

9.02.86 General Maintenance. It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

9.02.87 General. The exterior of a building or structure shall be maintained in good repair and structurally sound so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.

~~**9.02.88 Required Maintenance.** All systems, devices and safeguards required by this Chapter or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants.~~

Comment [ccw4]: Duplication. Addressed under 9.02.12(c)

~~**9.02.89 Skilled Work Required.** All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a skilled manner.~~

Comment [ccw5]: Duplication. Addressed under 9.02.15

~~**9.02.90**~~**9.02.88 Foundations and Structural Members.** Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration. All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects, rodents or pests.

a. All supporting structural members in every building and structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

~~**9.02.91**~~**9.02.89 Exterior Walls and Exposed Surfaces.** Every exterior wall of a building and all weather-exposed exterior surface or attachment of a building shall be:

a. free of holes, breaks, loose or rotting boards or timbers; and,
b. maintained in a watertight condition; and,
    i. with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building; and,
c. properly surface coated where required to prevent deterioration.

~~**9.02.92**~~**9.02.90** Every section of exterior brick, stone, masonry or other veneer applied to a building shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

~~**9.02.93**~~**9.02.91 Chimneys.** Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of a structure shall be permanently sealed using approved materials.

~~**9.02.94**~~**9.02.92 Roofs.** All building roofs shall be structurally sound and ~~weathertight~~ watertight.

~~9.02.95~~9.02.93 **Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration. When any building or structure is found to be missing a decorative feature, the ~~City Manager or designee~~Director may require the missing decorative feature to be replaced~~ with a similar material of similar size, shape, color and texture~~.

~~9.02.96~~9.02.94 **Accessory Structures.** Every accessory structure, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

~~9.02.97~~9.02.95 **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.

~~9.02.98~~9.02.96 **Decks, Stairs and Handrails; Maintenance**. It is the responsibility of the *owner* of every property to maintain the *building* and *structures* on the property in a manner that complies with the following requirements:

~~9.02.99~~9.02.97 Every exterior stairway, deck, porch and balcony and attachment to stairways, decks, porches and balconies shall be:

a. Maintained so as to be safe to use and capable of supporting the loads to which it is subjected;
b. Kept in sound condition and good *repair*, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, rotten, deteriorated or loose.

~~9.02.100~~9.02.98 Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good *repair*, and capable of supporting the loads to which it is subjected.

a. Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced;
~~b. Where not otherwise required by original building codes, exterior stairs of more than three risers which are designed and intended to be used as part of the regular access to a *building* or *structure* shall have handrails. When required to be installed under this section, handrails shall be constructed so that they meet the applicable building code requirements in effect at the time this work is being performed;~~
~~c. Where not otherwise required by original building codes, porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guardrails. When required to be installed under this section, guardrails shall be constructed so that they meet the applicable building code requirements in effect at the time this work is being performed.~~

~~9.02.101~~9.02.99 **Exterior Lighting**. It is the responsibility of the *owner* of every property to maintain the *building* and *structures* on the property in a manner that complies with the following requirements:

~~a. All exterior sidewalks, walkways, stairways, driveways, parking spaces and similar areas shall be kept in a proper state of *repair*, and maintained free from hazardous conditions.~~

~~b.~~a. Exterior site lighting required by the land development code or the building code at the time of development shall be maintained or, if removed, shall be replaced.

Chapter 5
Fire Safety

~~9.02.102~~9.02.100 Means of **Egress Door Locks.** All means of egress doors shall be readily openable from the side from which egress is to be made without the use of a key or any special knowledge or effort.

~~9.02.103~~9.02.101 **Unobstructed Path of Travel**. Every accessible means of egress, fire escape or stairway, stair platform, corridor or passageway which may be one of the regular accessible means of egress or means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

~~9.02.104~~9.02.102 **Fire-Resistive Assembly; Maintenance**. Where required by the code in effect at the time of construction, the fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. The surfaces of all other interior walls, floors and ceilings shall be free of holes larger than four inches in diameter.

Chapter 1 Administration

9.02.1 Short Title. CMC Sections _____ through Sections _____ shall be known and may be cited as the "Corvallis Livability Code" and may be referred to herein as "this code."

9.02.2 Scope. This code applies to all residential and nonresidential structures and all premises. This code establishes minimum requirements and standards for the protection of structures and premises from the elements, life safety and other hazards, and for their safe and sanitary maintenance; fixing the responsibility of owners and occupants; and, for administration, enforcement and penalties.

9.02.3 Intent. This code shall be construed to secure and ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises; to prevent deterioration of existing housing; to preserve and enhance the quality of life in residential neighborhoods; and, to prevent or reduce urban blight by establishing minimum property maintenance and livability standards. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance as required herein.

9.02.4 Application of Other Laws.

a. Nothing in this chapter shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Corvallis Municipal Code or the requirement to obtain all necessary permits and approvals.
b. Any repair, alteration, or addition to and change of occupancy in an existing building, or any change of use of residential property, shall be made in accordance with all applicable provisions of law, including, but not limited to the Corvallis Municipal Code, the Corvallis Building Code and the Corvallis Land Development Code.
c. Except as provided otherwise by federal, state or local law, if a provision of this code conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal authority having jurisdiction over residential property in the City of Corvallis, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this code. This code is intended to supplement rather than conflict with the habitability standards and the assignment of landlord and tenant responsibilities of the state of Oregon Residential Landlord and Tenant Act.
d. If a provision of this code conflicts with a provision of the adopted Corvallis Building Code, the provision of the Building Code shall apply to the exclusion of the conflicting provision of this code.

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

9.02.6 Saving Clause. This chapter 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.

9.02.7 Responsibility. The Director is hereby authorized to administer and enforce all of the provisions of this code. The authority of the Director to enforce the provisions of this code is independent of and in addition to the authority of other City officials to enforce the provisions of the City Code.

a. The Director may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this chapter. The Director is authorized to designate an employee as deputy who shall exercise all the powers of the Director during the temporary absence or disability of the Director.

9.02.8 Authorization to Inspect. The Director is authorized to make inspection of property for the purposes of enforcing this code.

9.02.9 Coordination of Enforcement. Whenever inspections are deemed necessary by the Director and any other division or department, the Director 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 divisions and departments for the purpose of eliminating conflicting orders before any are issued.

9.02.10 Enforcing Compliance. To enforce any of the requirements of this code, the Director may gain compliance by:

a. Instituting an action before the Hearings Officer; or
b. Causing appropriate action to be instituted in a court of competent jurisdiction; or
c. Imposing criminal or civil penalties, or both; or
d. Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

9.02.11 Failure to Obey Order of Director.

a. It shall be unlawful for any person acting intentionally to refuse to obey an order by the Director acting in the discharge or apparent discharge of official duty.
b. It is no defense to a prosecution for a violation of this section that the Director lacked legal authority to issue the order, provided the Director was acting under color of official authority.

9.02.12 Maintenance Requirements; Generally.

a. No person shall maintain or permit to be maintained any structure or premises that does not comply with the requirements of this code.
b. All structures shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.
c. All systems, devices and safeguards required by this code or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants.
d. An existing structure that does not comply with the provisions of this code and that does not comply with the standards of the applicable building code then in effect at the time of construction or

subsequent alteration or repair shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.

9.02.13 Historic Structures. The provisions of this code shall not be mandatory for an existing structure designated as a local or national historic resource when such structure is judged by the Director to be safe and its continued maintenance in historic condition to be in the public interest.

9.02.14 Modifications. Where there are extreme hardships involved in carrying out provisions of this code, the Director shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

9.02.15 Skilled Work Required. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a workmanlike manner.

DERELICT STRUCTURES

9.02.16 Derelict Structures Prohibited. Derelict structures on any premises are hereby declared to be a public nuisance.

9.02.17 Order to Vacate Buildings or Structures.

a. If the Director finds a building or structure in violation of CLC 9.02.16, the Director may order that a placard be posted on the building or structure, ordering the building or structure vacated. The placard shall contain the information required in CLC 9.02.26.
b. Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order.

9.02.18 Prohibited Habitation. No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Director.

9.02.19 Removal of Placard Prohibited.

a. The Director shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.
b. No person shall deface or remove a placard without the approval of the Director.

9.02.20 Temporary Safeguards. Notwithstanding any other provisions of this code, whenever, as determined by the Director, a building or structure poses an imminent hazard or incipient hazard, the Director may order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and shall cause such other action to be taken that the Director deems necessary to meet such condition.

9.02.21 Abatement of Derelict Structure by Remediation. In addition to, and not in lieu of, the abatement remedies provided for in CLC 9.02.22 - CLC 9.02.34 and receivership authority in CLC 9.02.33, the Director may file

a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

a. Upon receipt of such notice, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and shall, not less than fifteen days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant. Notice shall also be posted on or near the derelict structure. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.
b. At the hearing, the Director shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Director's determination, and the owner and occupants shall be afforded a like opportunity to rebut the determination. Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue. The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the State of Oregon.
c. The Hearings Officer shall order the conditions creating the derelict structure be remediated if the Director demonstrates, by a preponderance of the evidence, that the building structure is a derelict structure.
d. In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is in a condition unfit for human habitation, or in a condition that is an incipient hazard, based on the number and extent of the following factors:
    i. Dilapidation;
    ii. Disrepair;
    iii. Structural defects noted by the Building Official;
    iv. Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;
    v. Uncleanliness or infestations of pests;
    vi. Condition of sanitary facilities;
    vii. The presence of a public nuisance; and
    viii. The history of unlawful activity in or around the building or structure.

PUBLIC NUISANCES

9.02.22 Public Nuisance Prohibited. In addition to the provision of CLC 9.02.16, no person shall cause, permit, or maintain a public nuisance on public or private property.

9.02.23 Public Nuisances. The following are specifically declared to be public nuisances: Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety, where such thing, condition, or act is or exists contrary to the provisions of this code.

9.02.24 Notice to Person Responsible. Whenever the Director has reasonable grounds to believe that a violation of CLC 9.02.22 has occurred, a notice and order shall be served on the owner(s) and occupant(s).

9.02.25 Abatement Procedures - Joint Responsibility. If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance.

9.02.26 Form of Notice. Such notice prescribed in CLC 9.02.25 and CLC 9.02.17(a) shall:

a. Be in writing;
b. Include a description of the premises sufficient for identification;
c. Include a statement of the reason or reasons why the notice is being issued;
d. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the premises into compliance with the provisions of this chapter;
e. Include a notice that the city may abate the nuisance pursuant to this chapter and that the person responsible shall be responsible for the costs of such abatement;
f. Include instructions for an appeal.

9.02.27 Effective Date of Notice. All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing if not personally served.

9.02.28 Method of Service.

a. Notices under this chapter shall be deemed to be properly served if a copy thereof is:
    i. Personally delivered to the owner(s) and occupant(s); or
    ii. Sent by first class mail to the owner(s) and occupant(s) at their last known address; or
    iii. Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address if they cannot be located.
b. Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of the owner(s) or occupant(s) shall not render the notice void and in such case the notice shall be sufficient.

9.02.29 Recording a Violation. The city may record a notice of violation with the County Recorder. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be recorded.

9.02.30 Abatement Procedures - by the City.

a. If within time allowed under CLC 9.02.26(d), the violation has not been corrected, the Director may cause the violation to be corrected.
b. The Director shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a _____ percent charge for administrative overhead.
c. The Director or a person authorized by the Director may enter upon the property to abate the nuisance only upon obtaining consent of the owner and occupant; or upon obtaining an administrative warrant pursuant to CMC 1.15 or CLC 9.02.49 through CLC 9.02.52.

9.02.31 Abatement Procedures - Assessment of Costs.

a. After abatement by the city, the Director of Finance, by first class mail, shall forward to the owner(s) and occupant(s) a notice stating:
    i. The total cost of correction, including the administrative overhead; and,

ii. That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice.

b. If the costs and administrative overhead are not paid within thirty days of the billing date, the Director shall thereafter file with the Hearings Officer an itemized statement of costs and overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance.

c. Upon filing of such statement of costs and overhead, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer, and cause notice thereof to be served via certified mail to the owner(s) and occupant(s), consistent with the procedures under CLC 9.02.21(a).

d. After the hearing, the Hearings Officer shall declare the correctness of such statement and declare the same to be a lien upon the property.

e. An error in the contents or service of any notice 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.

9.02.32 Abatement Procedures - Summary Abatement. The abatement procedure provided by this chapter is not exclusive but is in addition to procedures provided by other laws.

9.02.33 Receivership Authority. In addition to, and not in lieu of any other provision in this chapter, when the Director finds residential property in violation of this chapter, and believes that the violation is a threat to the public's health, welfare and safety, and the owner has not acted in a timely manner to correct the violations, the Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

9.02.34 Collections. Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims court or entered into the city's lien docket in the manner provided by _____ and a lien for the entire amount placed against the real property pursuant to _____.

PENALTIES

9.02.35 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or directive of the Director shall be subject to the provisions of CLC 9.02.36 through CLC 9.02.41.

9.02.36 Separate violations.

a. Each day's violation of a provision herein constitutes a separate offense.

b. The abatement of a nuisance or violation shall not constitute a penalty for violating this code but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance or violation.

9.02.37 Misdemeanors and Infractions. Any person who shall violate any of the provisions herein or fail to comply therewith or who shall violate or fail to comply with any order made there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Hearings

Officer, the Livability Code Board of Appeals or by a court of competent jurisdiction within the time fixed herein shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor or infraction, as specified under CLC 9.02.37(d)(i-iv).

a. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified each day that prohibited conditions are maintained shall constitute a separate offense.
b. Upon conviction of a misdemeanor offense, any person shall be liable for the fines and terms of imprisonment provided for under CMC 1.01.120(1-3).
c. Upon conviction of an infraction offense, any person shall be liable for the fines provided for under CMC 1.01.120(4-6) and CLC 9.02.37(d)(iv).
d. Violation of the provisions of this code shall be designated as follows:
    i. Violation of CLC 9.02.___ through CLC 9.02.___ Solid Waste is a **Class A misdemeanor**.
    ii. Violation of CLC 9.02.22 Public Nuisance is a **Class B misdemeanor**.
    iii. Violation of CLC 9.02.___ through CLC 9.02.___ Fire Safety provisions; CLC 9.02.11 Failure to Obey; and CLC 9.02.18 Prohibited Habitation is a **Class C misdemeanor**.
    iv. Violation of every provision of this code not otherwise designated herein is deemed an infraction punishable upon conviction by a fine of not more or less than:
        1. 1st offense shall be $250<>$100;
        2. 2nd offense for violation of same provision of this code within 24 month period shall be $500<>$250;
        3. 3rd offense for violation of same provision of this code within 24 month period shall be $500<>$500;
        4. 4 or more offenses for violation of same provision of this code within 24 month period shall constitute a **Class A misdemeanor**.
e. **Declaration of infraction.** Notwithstanding CLC 9.02.37(d)(i-iv), any violation of the provisions of this code may be declared to be an infraction pursuant to the procedure provided in CMC Section 5.03.160.

9.02.38 Civil Penalties. In addition to and not in lieu of any other means of enforcement or any other penalty provided by law, any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or an order of the Director may incur a civil penalty in an amount as specified in CLC 9.2.41, plus administrative fee and any cost of service or recording costs.

a. **Purpose.** The purpose of a civil penalty is to provide an efficient, convenient, and practical system to enforce a violation of this code and to provide an opportunity for a prompt protest, hearing, and decision on the imposition of a civil penalty.
b. **Civil Penalty against Agents.** Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, shall likewise be subject to a civil penalty.
c. **Procedure for issuing civil penalty.** A civil penalty shall be imposed under this section by issuance of a notice of penalty. A civil penalty may be imposed for each day the violation continues or remains. The notice of penalty shall be provided in the manner as described in CLC 9.02.38(d).
d. **Notice of Civil Penalty.** If a civil penalty is imposed, the Director shall issue a Notice of Civil Penalty to the person responsible for the code violation.

i. The Notice of Civil Penalty shall include:
    1. reference to the applicable code provision(s);
    2. a statement of the basis of the violation;
    3. a statement of the amount of the civil penalty;
    4. a statement of the party's right to protest the civil penalty to a Hearings Officer; and
    5. a statement that a delinquent civil penalty may become a lien on property.

ii. The Notice of Civil Penalty shall be served on the person responsible for the code violation by:
    1. personal service; or,
    2. posted in a conspicuous place in, on or about the structure or premises affected by such notice; or,
    3. sent by US first class mail or US certified mail, return receipt requested, to the person's last known address;
        a. Failure of the recipient to sign for the certified mail shall not make the notice void.
        b. Notice served by mail shall be deemed received three days after the date mailed to an address within Oregon or seven days to an address outside of Oregon.
        c. Notice served by mail shall be concurrently posted in a conspicuous place in, on or about the structure or premises affected by such notice.

iii. If the violation relates to real property and the person responsible for the violation is not the owner of the property, an informational copy of the Notice of Civil Penalty shall be sent to the owner of the property by first class mail at the same time as service on the person responsible.

9.02.39 Protest of Civil Penalty. A person issued a Notice of Civil Penalty may protest the existence of a violation or the circumstances involved in the presence of a violation that resulted in imposition of a civil penalty to a Hearings Officer. An appeal must be submitted to the City Recorder within seven days, plus three days for mailing, from the date of service of the Notice of Civil Penalty.

a. If after a hearing in which the Hearings Officer determines that a violation did or does exist, the Hearings Officer may reduce the original penalty imposed after considering reasonable mitigating factors as determined by the Hearings Officer.
    i. The civil penalty imposed by the Hearings Officer shall not be less than amount provide under CLC 9.02.41(a).
    ii. The Hearings Officer may not reduce the civil penalty by any amount if a violation has not been corrected and inspected by the city.

9.02.40 Collection of Civil Penalty. The civil penalty shall become final upon expiration of the time for filing a protest or, if a protest is filed and the Hearings Officer affirms the civil penalty, the civil penalty shall become final upon issuance of the Hearings Officer decision. The civil penalty shall be delinquent if not paid within 30 days from the date the civil penalty becomes final.

a. A late payment charge shall begin to accrue from the date of delinquency.

b. If the civil penalty is imposed on the owner of the property where the violation occurred, and is delinquent, the notice and late payment charge shall be entered in the docket of city liens pursuant to _____ and may be recorded in the Benton County deed records. When entered in the city lien docket, the notice shall constitute a lien upon the property in violation of the code.
c. The lien shall be enforced in the same manner as liens for_____. Failure to pay may result in foreclosure in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.
d. An error in the name of the owner shall not void the lien, nor shall a failure to receive the notice render the lien void, but it shall remain a valid lien against the property.

9.02.41 Amount of Civil Penalty. The Director is authorized to impose civil penalties in the amounts as follows, and the Hearings Officer may allow reductions consistent with CLC 9.02.39(a) and operational guidelines to the amounts as follows (penalty imposed/reduction by Hearings Officer to not less than):

a. Violation of a provision of this code may be subject to a Civil Penalty no less than $50.00 and not exceeding $5,000.00 per offense, or in the case of a continuing offense, not more than $1,000.00 for each day of the offense;
b. In imposing a penalty authorized by this section, the Director shall consider:
    i. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
    ii. Any prior violations of statutes, rules, orders, and permits;
    iii. The gravity and magnitude of the violation;
    iv. Whether the violation was repeated or continuous;
    v. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
    vi. The violator's cooperativeness and efforts to correct the violation; and,
    vii. Any relevant rule of this or other City code.

APPEALS

9.02.42 Appeals Generally. Any person who is issued an order from the Director may appeal the decision to the Livability Code Board of Appeals.

9.02.43 Livability Code Board of Appeals.

a. In order to hear and decide appeals of notices, orders, decisions or determinations made by the Director relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to this code and who are not employees of the jurisdiction.
    i. The Housing & Neighborhood Services Division Manager shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board.
    ii. The Board of Appeals shall be appointed by the Mayor and shall meet as required to carry out its duties.
    iii. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Director.

iv. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

9.02.44 Filing of Appeal. Any person upon whom a notice, order, interpretation or decision is served under this code shall have the right of appeal from the notice, order, interpretation or decision to the Board of Appeals. An appeal must be submitted to the Director within seven days, plus three days for mailing, from the date of the notice and order.

9.02.45 Appeal Fee. Any appeal submitted under this chapter shall include a $50.00 filing fee.

9.02.46 Scope of Appeal. Appeals may be filed regarding technical matters of notices, orders, interpretations and decisions made by the Director relative to this code.

9.02.47 Form of Appeal. An appeal must be in writing and include the following:

a. Name of person filing the appeal.
b. Copy of the notice and order.
c. Copy of the section of this code which is being appealed.
d. A complete explanation of the appeal.
e. What is requested of the Board of Appeals.

9.02.48 Appeal Procedure.

a. The Director shall confirm that the appeal meets the filing criteria as prescribed under CLC Sections 9.02.44 through 9.02.47
b. If the filing criteria have not been met, the person filing the appeal will be so notified and the Board of Appeals will not be convened. The Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow the appellant to resubmit an appeal that has been deemed incomplete. Only one extension may be granted.
c. If the filing criteria is met, the Director shall schedule a meeting of the board within 30 days of the filing of the appeal. The hearing shall be held not later than 30 days after the filing of the appeal.

RIGHT OF ENTRY; ADMINISTRATIVE WARRANTS

9.02.49 Right of Entry. The Director may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this code, or whenever the Director has reasonable cause to believe that there exists in any structure or upon any property any condition which makes such property substandard as defined in any regulations of this code. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

a. *Occupied Property*. If any structure on the property is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant; or,
b. *Unoccupied Property*:

i. If the property is unoccupied, the Director shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant.

ii. If structures on the property are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant; or,

c. *Open, Unoccupied Property*. If any structure on the property is unoccupied and open:

i. The Director shall notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons. If the property is not secured within fifteen (15) days from the date notice is sent, the Director may secure the property as provided in CLC 9.02.20.

d. If the Director believes that a hazardous condition exists, the Director may immediately secure the property as provided in CLC 9.02.20. Following the summary abatement, the Director shall notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative or abatement warrant.

e. The Director may seek approval for an administrative warrant without first requesting entry or making contact with an owner or occupant, if, at the time, facts or circumstances reasonably show that the purpose of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

9.02.50 Grounds for Issuance of Administrative Warrants; Affidavit.

a. *Affidavit*. An administrative warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

b. *Cause*. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any Livability Code regulation exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with Livability Code regulations.

9.02.51 Procedure for Issuance of Administrative Warrant.

a. *Examination*. Before issuing an administrative warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

b. *Issuance*. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 8:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

c. *Police Assistance*. In issuing an administrative warrant on private property, including abatement warrants pursuant to CLC 9.02.30, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the Director or representative of the department inspecting the property in any way necessary to complete the inspection or abatement.

9.02.52 Execution of Administrative Warrants

a. *Occupied Property*. Except as provided in subsection (b) of this section, in executing an administrative warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

b. *Unoccupied Property*. In executing an administrative warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection (a) of this section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.

c. *Return*. An administrative warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within 10 business days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant, unless executed, is void.

Chapter 2 Definitions

9.02.53 Definitions. General.

a. Words stated in the present tense in this code include the future; the singular number includes the plural, and the plural includes the singular.
b. Where terms are not defined in this code and are defined in the Corvallis Land Development Code or the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes.
c. Terms not otherwise defined in this code or in the Corvallis Land Development Code or the state building, plumbing or mechanical codes shall have ordinarily accepted meanings.
d. Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this code, they shall be construed as though they were followed by the words "or any part thereof."

9.02.54 Unless the context otherwise specifically requires, for purposes of this code, the following terms and phrases mean:

a. **Abandoned Structure**. A vacant structure that is an attractive nuisance.
b. **Abatement of a nuisance.** The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.
c. **Accessible Means of Egress**. This term shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: *A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way*.
d. **Accessory Structure**. Any structure not intended for human occupancy. Accessory structures may or may not be attached to a primary structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways.
e. **Agent.** A person authorized by another to act in his/her behalf.
f. **Approved**. Meets the standards set forth by the municipal code, the community development code, the building code, or other standards referenced in those codes, or is approved by the Director.
g. **Ashes**. The residue of the combustion of solid fuels.
h. **Attic**. The unfinished, non-habitable part of a structure between the roof and the ceiling immediately below.
i. **Attractive Nuisance**. Buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.
j. **Basement**. That portion of a building or structure which is partly or completely below grade.
k. **Bathroom**. A room containing plumbing fixtures including a bathtub or shower.
l. **Bedroom.** Any room or space used or intended to be used for sleeping purposes.
m. **Boarded**. The securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings, following the standards of Appendix A of this code, that are designed or intended for windows or doors, where the

materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.

n. **Building**. Any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.

o. **Building Code**. The specialty codes adopted and as may be amended by the City of Corvallis, as provided in CMC Chapter 9.01.

p. **Building Official**. The administrator of the Development Services Division of the Community Development Department, or the administrator's designee.

q. **Bulk Solid Waste**. Discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.

r. **Deterioration**. A lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.

s. **Derelict structure**. A building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:

   i. Is unoccupied and unsecured;
   ii. Is partially constructed;
   iii. Is an abandoned structure or attractive nuisance;
   iv. Is in condition of deterioration;
   v. Has an infestation of pests;
   vi. Has doors or windows boarded over, or;
   vii. Other condition that in the opinion of the Director is detrimental to public health, safety or welfare.

t. **Dilapidation**. Being in a state of partial ruin, decay or disrepair.

u. **Director**. The Community Development Director charged by the City Manager with the implementation and enforcement of this code, or that department head's designee.

v. **Dwelling**. Any structure containing one or more dwelling unit.

w. **Dwelling Unit**. A single unit within a dwelling providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. As used in this code, dwelling unit includes, as the context requires, single family dwellings, duplexes, triplexes, condominiums, residential trailers, mobile homes, manufactured homes, multi-family dwellings, and single units therein.

x. **Exit**. A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.

y. **Exterior Property**. The areas of a property which are outside the exterior walls and roof of a building. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, yards, gardens, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

z. **Extermination**. The control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Director.

aa. **Hazardous Solid Waste**. Any solid waste which, in the opinion of the Director, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.

bb. **Habitable**. Suitable for human habitation.

cc. **Habitable space**. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

dd. **Hazardous Thicket**. Blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous.

ee. **Hearings Officer**. The person or persons appointed by the City Manager to serve in that capacity and to pass on matters stipulated for quasi-judicial review under this code.

ff. **Human habitation**. The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

gg. **Imminent Hazard**. Any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.

hh. **Incipient Hazard**. Any condition that can become an imminent hazard if further deterioration is allowed to occur.

ii. **Indoor Fixture**. Any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.

jj. **Indoor Furnishing/Furniture**. Any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.

kk. **Infestation**. The presence of pests in large numbers that are harmful or bothersome within or adjacent to a building or structure or upon a premises.

ll. **Junk**. Articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this code the term “junk” includes, but is not limited to:

   i. any derelict motor vehicle, trailer, or boat, i.e., any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; or,
   ii. neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or,
   iii. wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; or,
   iv. machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; or,
   v. any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; or,

vi. any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; or,

vii. any bulk solid waste; and,

viii. solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

mm. **Landlord**. The owner or lessor of a dwelling unit, a building, or a premises, including a person authorized by the owner or lessor to manage the premises or to enter into a rental agreement.

nn. **Legally occupied**. The use of premises for a purpose authorized by law, including the building code and zone code. For the purposes of this code, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this code, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.

oo. **Let for occupancy** or **Let**. To permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

pp. **Maintained compost**. A small portion of a property set aside for the purpose of methodically encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer or amendment for the soil on the property. Maintained compost shows clear indicators that the organic materials placed there are being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition does not constitute maintained compost.

qq. **Means of Egress/Doors**: A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. Includes any doors that are present at the exit access, along the path of exit, and at the exit discharge.

rr. **Must**. Mandatory

ss. **Naturescape.** Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

tt. **Noxious Vegetation**. Weeds more than ten inches in height; grass more than ten inches in height; rank or dead vegetation; poison oak, poison hemlock, poison ivy; hazardous thickets; or other rank, noxious, and dangerous vegetation that is a health hazard; a fire hazard; or a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of the public right-of-way hazardous. This definition shall not include agriculture crops, endangered riparian grasses that have not come to seed and wet land grasses that are neither a fire nor a traffic hazard.

uu. **Occupancy**. The purpose for which a building, structure or premises is used or intended to be used.

vv. **Occupant**. Any person, including an owner, tenant or operator, using a building or any part of a building for its lawful, intended use or having possession of a space within a building or structure or possession of a premises.

ww. **Owner**. The person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a

trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto.

xx. **Partially Constructed**. An occupied or vacant structure, or portion thereof, has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.

yy. **Person**. An individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.

zz. **Pests**. Animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.

aaa. **Premises**. A lot or parcel of land, including any buildings or structures thereon.

bbb. **Rank Vegetation**. Any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

ccc. **Receptacle**. A trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

ddd. **Recycling**. The process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

eee. **Remediation**. The elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

fff. **Repair**. The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

ggg. **Residential property**. Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multifamily structures and mixed-use structures which have one or more dwelling units. Hotels used exclusively for transient occupancy are excluded from this definition of residential property.

hhh. **Rubbish**. Worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.

iii. **Shall**. Mandatory.

jjj. **Solid Waste**. This term shall have the same meaning as provided under CMC 4.01.010.

kkk. **Structure**. That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

lll. **Temporary**. A period up to 6 months in any 12 month period.

mmm. **Unfit for Human Habitation**. A building or structure that, as found by the Director, is unfit for human habitation due to; unsanitary conditions, infestation, accumulation of filth or contamination, lack of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

nnn. **Unoccupied**. Not legally occupied.

ooo. **Unsecured.** Any structure in which doors, windows, or apertures are open or able to be opened from the outside so as to allow access by unauthorized persons; unlocked or otherwise open to entry.

ppp. **Ventilation**. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

qqq. **Watertight**. As secure as possible against the entry of rain, melt water and storm water.

rrr. **Waste Tire**. A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

sss. **Weather tight**. As secure as possible against the entry of wind, rain, melt water, storm water and natural elements.

ttt. **Workmanlike**. Executed in a skilled manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

Chapter 3 Interior Structure Conditions

9.02.55 Lighting of Accessible Means of Egress.

a. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space, other than in 1-2 family dwellings, shall, at all times:
   i. provide minimum illumination of 1 footcandle (11 lux) at floors, landings and stairs for all common areas and spaces in all residential occupancies, with responsibility to maintain functioning bulbs; and,
   ii. for all other Accessible Means of Egress within dwelling units, shall provide the means for minimum illumination of either 3 footcandles (33 lux) at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart.

b. Every Landlord who rents, leases or lets one or more dwelling unit or sleeping unit of any 1-2 family structure shall provide the means for minimum illumination of either:
   i. 3 footcandles (33 lux) at floors, landings and stairs; or,
   ii. shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart, for all Accessible Means of Egress.

9.02.56 Ventilation.

a. Every dwelling, including basements, and attics shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

b. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to maintain legally existing ventilation systems in compliance with these requirements:
   i. Except where another approved ventilation device is provided, the total openable window area in every bathroom and toilet room or compartment shall be equal to at least one-fortieth (2.5%) of the area of the room.
      1. The glazed areas of a window in such spaces need not be openable where an approved mechanical ventilation system is provided that is functional and capable of producing 0.35 air changes per hour in the room.
   ii. In kitchens, a local exhaust ventilation system shall be maintained to remove the contaminating agent at the source.
   iii. Clothes dryer exhaust systems shall be independent of all other systems, shall be exhausted outside the structure and shall be installed in accordance with manufacturer's instructions.
   iv. Mechanical clothes drying appliances and exhaust systems shall be properly installed, connected, and maintained in a safe condition and good working order. Exhaust hoses must be free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards.

9.02.57 Equipment Exposed to Water.

a. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall replace electrical equipment or portions of electrical systems that have been exposed to water.
b. For purposes of this Section, the term "exposed to water" shall include but is not limited to: submersion due to flooding; inundation due to fire fighting activities; drenching by stormwater; intrusion of moisture; or plumbing system failures.
c. Exception. Electrical equipment or portions of electrical systems that are exposed to water shall be allowed to be repaired where an inspection and testing report from the equipment manufacturer, approved manufacturer's representative, or a state of Oregon Licensed Supervising Electrician, indicates that the electrical equipment or electrical system has not sustained damage that requires replacement and may be repaired, safely reenergized, and placed back into service.

9.02.58 Circuit Protection. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each building and dwelling unit in accordance with these standards:

a. Every kitchen and other interior location with a water containment or supply fixture in its area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter.
b. Every bathroom shall contain at least one receptacle. Any new or replacement bathroom receptacle outlet shall have ground fault circuit interrupter protection.
c. All receptacle outlets shall have the appropriate faceplate cover for the location.

9.02.59 Hot Water. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each building and dwelling unit in accordance with these standards:

a. All sinks, lavatory basins, bathtubs and showers within a dwelling shall be supplied with both hot and cold running water facilities which are installed in an approved manner, properly maintained, properly connected and have a water pressure of at least fifteen psi.
b. Water heating facilities shall be supplied for each dwelling unit. Water heating facilities within a dwelling unit shall be capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit for at least 10 minutes at each hot water outlet.
    i. **Exceptions**:
        1. at a bidet the temperature shall not exceed 110 degrees Fahrenheit; and,
        2. at a shower or tub-shower combination equipped with a scald and thermal shock protection valve the temperature shall be at least 115 degrees Fahrenheit but shall not exceed 120 degrees Fahrenheit.

9.02.60 Interior Sanitation. The interior of every structure that is rented leased or let for residential occupancy shall be maintained in good repair, in a clean and sanitary condition, free from any accumulation of rubbish, garbage or solid wastes. For purposes of this section, the term "clean and sanitary" shall mean free from and any material or condition that:

a. Provides a breeding place for insects, rodents or vermin; or
b. Produces dangerous or offensive gases or odors; or

c. Blocks exits, hallways, corridors or Accessible Means of Egress; or
d. Provides a surface, exposed or concealed, which is conducive for the growth of mold or mildew.

9.02.61 Occupants shall keep that part of the dwelling unit which they occupy or control in a clean and sanitary condition.

9.02.62 Every Landlord of any dwelling who rents, leases or lets a dwelling unit within any such space shall:

a. Maintain the common halls, stairways, utility rooms and areas, and similar public areas of the dwelling in a clean and sanitary condition; and,
b. Pursuant to Section (a)(4) of this code but not withstanding the requirement under Section (b) of this code that the occupants shall keep such spaces in a clean and sanitary condition, provide and maintain all interior surfaces in good repair, including windows and doors, as follows: Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered; Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected; Walls, floors, ceilings, cabinets and interior doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch; and,
c. Pursuant to Section (a)(4) of this code but not withstanding the requirement under Section (b) of this code that the occupants shall keep such spaces in a clean and sanitary condition, be responsible to ensure that every toilet compartment, bathroom, and kitchen floor surface of every dwelling unit is constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

9.02.63 Heat in Bathrooms and Non-Habitable Rooms. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain every dwelling unit with permanent heating facilities capable of maintaining a year-round room temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms.

a. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
b. No portable, unvented or open flame fuel burning devices may be used to meet the heat requirements of this code.
c. All heating devices or appliances shall be of an approved type.
d. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms.

9.02.64 Window and Door Security. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain all exterior doors, windows or hatchways for every dwelling unit with devices designed to provide security for the occupants and property within.

a. Every entrance door to a dwelling unit shall be provided with a door knob and a deadbolt lock, and keys for same, designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

i. Deadbolt locks shall have a minimum lock throw of not less than 1 inch (25 mm) and shall be installed according to the manufacturer's specifications.
ii. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door to discourage unwanted entry.
iii. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

9.02.65 Operable windows located in whole or in part within 10 feet above ground level or a walking surface below that provide access to a dwelling unit shall be equipped with a window sash locking device.

9.02.66 Basement hatchways that provide access to a dwelling unit shall be equipped with devices that secure the unit from unauthorized entry.

Chapter 4 Exterior Structure and Premises Conditions

WEATHERPROOFING AND WATERPROOFING

9.02.67 It is the responsibility of the owner of every property to maintain every building and structure on the property in a manner that complies with the following requirements:

9.02.68 Roofs and Drainage. All roofs, flashing, vent stacks and boots, and chimneys shall be structurally sound, tight, and have no defects which might admit rain or melt water. Roof drainage shall be adequate to prevent rain or melt water from causing dampness in the walls, attic or interior portion of the building and shall channel rain or melt water in an approved manner to an approved point of disposal. Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair. Roof drains, gutters and downspouts of a building or structure shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration.

9.02.69 Exterior Walls and Exposed Surfaces. Every exterior wall and weather-exposed exterior surface or attachment of a building or structure shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or melt water or dampness to the interior portions of the walls or the occupied spaces of the building or structure.

a. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition.
b. Every Landlord of a structure, building or premises who rents, leases or lets a dwelling or dwelling unit for residential occupancy within any such space shall maintain in a weathertight condition all siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights.
c. Every owner of any structure, building or premises that is not for rent, lease or to be let for residential occupancy, shall maintain in a watertight condition all siding and masonry and joints, including those between the building envelope and the perimeter of windows, doors and skylights.
d. Exterior metal surfaces shall be protected from rust and corrosion. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

9.02.70 Windows and Doors. Every window, sash, door and door frame of a building shall be kept in sound condition and in good repair. Every exterior door, skylight, and window shall comply with the following:

a. Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition.
b. Every exterior door, when closed, shall fit reasonably well within its frame.
c. Every exterior door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, to also substantially exclude wind from entering a building.
d. Every window sash shall be maintained in sound condition and good repair; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also

substantially exclude wind from entering a building when the window components are placed in a closed position within the frame and jamb.

e. Every window frame and casing shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building.

9.02.71 Glazing. Every window sash of a building exterior envelope shall be fully supplied with glass window panes or an approved substitute without open cracks and holes. All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.

9.02.72 Basement hatchways. Every basement hatchway shall be maintained to prevent as completely as possible the entrance of rodents, rain or melt water and surface drainage water.

9.02.73 Temporary Measures. The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or roofing, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building or Public Nuisance notice.

9.02.74 Exterior Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner of every property shall maintain the structures, premises and all common areas of the exterior property in compliance with these requirements. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. The exterior property and premises and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

9.02.75 Holes, tanks, and child traps. Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.

9.02.76 Unsecured structures. Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any unsecured structure so as to prevent access by unauthorized persons through such openings. No requirement imposed under this section shall constitute relief from or an exemption to compliance with the provisions of ___TBD_____ for weathertight and watertight standards.

9.02.77 Rat harborage. Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.

9.02.78 Emergency access routes. Remove and keep removed all brush, vines, overgrowth and other entangling or rank vegetation located within 10 feet of a structure or within 10 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.

9.02.79 Thickets that conceal hazards. Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:

a. Concealing trash and debris; or
b. Creating rat harborage; or
c. Creating harborage for people involved in criminal or prohibited activity or for products used for criminal activity.

9.02.80 Trash and debris. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

a. All garbage, offal, dead animals, animal and human waste, and waste materials (All garbage shall be stored as specified in CMC Section 4.01.050);
b. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;
c. All dead bushes, dead trees, and stumps with the exception of such material which:
    i. Is being maintained as part of a naturescaped property;
    ii. Does not result in a nuisance as otherwise defined in this chapter; and
    iii. Is located on a property which is otherwise substantially in compliance with this chapter;
d. All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property per the provisions in CMC Section 2.19.150;
e. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and
f. Accumulations of clothing and any other items not designed for outdoor storage.

9.02.81 Storage of non-trash items. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

a. Accumulations of wood pallets.
b. Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester, per the provisions in CMC Chapter 5.05, Dutch Elm Disease.
c. Accumulations of vehicle parts or tires except for storage of non-waste, serviceable parts or tires that are reasonably expected to be used on a vehicle and are stored in a manner to protect their utility and prevent deterioration.
d. All construction materials except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.
e. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.

f. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.
g. All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal and CMC Section 4.1.070) that are stored in a well-maintained manner.
h. All other non-trash items which:
    i. Are of a type or quantity inconsistent with normal and usual use; or
    ii. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

SOLID WASTE REMOVAL.

9.02.82 All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of solid waste. Approved receptacles for solid waste shall be provided and utilized for the containment and disposal of solid waste in accordance with the provisions of CMC Chapter 4.01; bulk solid waste shall be disposed of within a week of discard, in accordance with franchise utility services, or approved alternative.

9.02.83 Every occupant of a structure or premises shall dispose of solid waste by placing all such material in an approved solid waste disposal facility or approved receptacles.

9.02.84 The Landlord of any multi-family dwelling shall:

a. Provide, in a location accessible to all dwelling units, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively for more than individual dwelling units, into which all solid waste from the dwelling unit may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid waste from occurring; and,
b. Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

9.02.85 The Landlord of any 1 and2 family dwelling, except as otherwise provided by written agreement between the landlord and the tenant, shall:

a. Provide, in a location accessible to each dwelling unit, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provide individually for each dwelling unit or cumulative for more than individual dwelling units, into which solid waste from the dwelling unit(s) may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid from occurring; and,
b. Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

BUILDING AND ACCESSORY STRUCTURES.

9.02.86 General Maintenance. It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

9.02.87 General. The exterior of a building or structure shall be maintained in good repair and structurally sound so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.

9.02.88 Foundations and Structural Members. Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration. All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects, rodents or pests.

a. All supporting structural members in every building and structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

9.02.89 Exterior Walls and Exposed Surfaces. Every exterior wall of a building and all weather-exposed exterior surface or attachment of a building shall be:

a. free of holes, breaks, loose or rotting boards or timbers; and,
b. maintained in a watertight condition; and,
    i. with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building; and,
c. properly surface coated where required to prevent deterioration.

9.02.90 Every section of exterior brick, stone, masonry or other veneer applied to a building shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

9.02.91 Chimneys. Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of a structure shall be permanently sealed using approved materials.

9.02.92 Roofs. All building roofs shall be structurally sound and watertight.

9.02.93 Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration. When any building or structure is found to be missing a decorative feature, the Director may require the missing decorative feature to be replaced.

9.02.94 Accessory Structures. Every accessory structure, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

9.02.95 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.

9.02.96 Decks, Stairs and Handrails; Maintenance. It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:

9.02.97 Every exterior stairway, deck, porch and balcony and attachment to stairways, decks, porches and balconies shall be:

a. Maintained so as to be safe to use and capable of supporting the loads to which it is subjected;
b. Kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, rotten, deteriorated or loose.

9.02.98 Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good repair, and capable of supporting the loads to which it is subjected.

a. Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced;

9.02.99 Exterior Lighting. It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:

a. Exterior site lighting required by the land development code or the building code at the time of development shall be maintained or, if removed, shall be replaced.

Chapter 5 Fire Safety

9.02.100 Means of Egress Door Locks. All means of egress doors shall be readily openable from the side from which egress is to be made without the use of a key or any special knowledge or effort.

9.02.101 Unobstructed Path of Travel. Every accessible means of egress, fire escape or stairway, stair platform, corridor or passageway which may be one of the regular accessible means of egress or means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

9.02.102 Fire-Resistive Assembly; Maintenance. Where required by the code in effect at the time of construction, the fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. The surfaces of all other interior walls, floors and ceilings shall be free of holes larger than four inches in diameter.

City of Corvallis Community Development Department
Livability Code Departmental Advisory Committee
Notes for the meeting of Monday, June 3, 2015
Meeting time: 9:30 a.m.
Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Carl Carpenter, Holly Sears, Jerry Duerksen, Jim Moorefield, Karen Levy Keon, Ken Gibb, Trish Daniels

Staff present: Bob Loewen, Chris Westfall, Dan Carlson, Kent Weiss

I. Call to order at 9:30.

II. Review of May 11, 2015 meeting notes: No changes/additions/deletions suggested.

III. Continued Committee review and discussion of livability code language: Administrative Provisions

Ken pointed out that the language for review during this meeting begins on page 23 of the draft language provided in the committee's May 11 packet. Discussion first focused on **Derelict Structure** and **Public Nuisance** provisions.

1. Staff provided an overview of the draft language on this topic, providing a reminder that the administrative language under review is intended to provide a single, consistent path to gaining compliance on Livability Code violations. An explanation of the concept of derelict structures was provided. Derelict structures are those with conditions poor enough that some or all of the structure is uninhabitable, but not poor enough that the structure has reached the point of being declared dangerous. An explanation of the process for determining that a structure is derelict and receiving direction for abatement of the derelict building through a hearings officer process was provided.
2. Holly asked whether this process would run parallel to a civil process. Staff responded that it could. She then asked how long an owner of a derelict structure would have to remedy the deficiencies. Staff responded that the time frame would depend on the conditions encountered, but that the declaration of a derelict building would occur following the time frames to remedy violations that are specified in the Livability Code, and if/after a hearings officer made a finding that the structure was derelict. At that point the City could initiate a summary abatement process.
3. Holly asked if the derelict structure provisions differed from the dangerous building provisions the City currently utilizes. Staff answered that the dangerous building code directs that a dangerous building either be repaired or demolished; the derelict structure provisions of the Livability Code are intended to require repairs in order to address the cause(s) of the derelict structure determination.
4. Jerry asked how long it would take to declare as derelict and abate the structures on Grant Avenue and Second Street that he has mentioned in past meetings. Staff answered that the process would begin following the City's receipt of a complaint, and in a case in which the City receives no response from the owner could take only a few months to move through a declaration process and order for summary abatement. In this event

however the City would need to have funds to carry out the abatement activity if ordered by the hearings officer; there currently are no funds budgeted for abatement activities.

5. Trish expressed satisfaction for the time frame in the draft language, noting that the City's finally having a tool to address eyesore structures will improve livability in neighborhoods.
6. Carl asked how historic buildings, such as the one on Second Street, would be considered relative to determining it a derelict structure and requirements for abatement. Staff pointed to code provisions that provide relief to an owner of a historic structure where the structure is determined to be safe and allowing such relief is in the public interest. Although it has not been inspected, the Second Street structure may be deemed unsafe and in that case, it would be deemed to be a public nuisance; it would likely not be in the public interest to allow that situation to continue. Review of the City's abatement requirements would be considered by the City's Historic Resources Commission; HRC review would also be required if the owner intended to carry out work to address violations that could affect the structure's historic characteristics.
7. Jim asked for an explanation of receivership in the context of the Livability Code. Staff explained that receivership would be an option to achieve abatement under which a court would grant authority to the City, as receiver (not owner) of a property, to carry out abatement on the owner's behalf. Typically in these cases an owner is incapable or unwilling to carry out the prescribed abatement. Costs incurred by the City in carrying out the abatement would become a lien against the property.
8. Holly pointed out that referencing numbers within this section appear to not be pointing to the correct provisions; staff noted that as the code language is put into a final format the numbering will be checked and corrected as needed.
9. Holly asked whether current City codes include provisions for derelict structures. Staff answered that there are currently no provisions for derelict structures; the closest would be the Dangerous Building Code. She asked if there is currently a hearings officer position within the City; staff answered that there is not but that both HNS and Development Services are creating code provisions that would utilize a hearings officer. The position would be on-call, and would become a function of the City Manager's Office.
10. Holly asked for the definition of "public nuisance." Staff pointed out that the term is currently contained in the Municipal Code, as well as in the Dangerous Building Code and in Public Works codes. There is no single definition; rather there are multiple paths to declare something a public nuisance, with each depending on the intent of the code in which the term is defined.
11. Holly asked if under the Livability Code only a derelict structure would become a public nuisance. Staff responded that this would be the intended outcome, but that other violations of the Livability Code that do not rise to the level of a derelict structure but are contrary to the code could also be declared a public nuisance.
12. Jim noted his assumption after reading the administrative provisions that any violation of the Livability Code could be considered a public nuisance. Staff confirmed.
13. Carl asked why occupants are included for notification of code violations and enforcement processes. Staff explained that there could be instances where as the cause of the violation the occupant would be responsible, and would receive the correction notice and if necessary, a notice of violation and further enforcement actions. An example would be a tenant building up trash and waste materials in their garage or on the premises of a property. Staff noted that if a tenant failed to comply the owner would likely then become responsible. Carl suggested removing "occupant" from this section. Jim noted that it would be reasonable to keep "occupant" in that until they fail to comply they are responsible.

14. Jerry stated that he believes only the landlord should be contacted when violations occur because the landlord is ultimately responsible. Staff noted that if the City knows who the landlord or property manager for a property with a tenant-caused violation is, the City will attempt to provide a courtesy notice to that landlord. But if a tenant does something that violates the Livability Code, the tenant has broken the law and is the responsible party for addressing the violation. If the tenant leaves and no longer controls the property then the owner would become responsible. Staff stressed again that where property landlords are known they will contacted when violations, caused by a tenant or not, occur. This approach will be outlined in the operational guidelines.
15. Holly asked if code violations of all types will be recorded as described in the public nuisance provisions. Staff explained that if there is a violation of any type a correction notice will be provided; if there is no response to the notice, a first notice of violation will be provided; if there is no response to the first notice of violation a second notice of violation will be provided; if there is no response to the second notice the property will be determined to be a public nuisance. The determination that the property is now a public nuisance may be recorded with the County recorder. It is unlikely that a failed lock on an egress door would be recorded, but a failed, unrepaired roof likely would. The notice is intended to alert the public of the public nuisance. This process mirrors the process currently used under the City's Rental Housing Code. Ken noted that at the next meeting staff will walk through an example of how violations of the Code will be approached.
16. Holly asked how the complaint process will work. Staff noted that the process is being written into the operating guidelines, but as discussed earlier the Livability Code compliance program will operate on a complaint basis, and anonymous complaints will not be accepted or acted on. Holly suggested that the process for filing a complaint should be written into the Code.

Ken called for a five minute break.

Following the break discussion turned to the **Penalty Provisions** of the Administrative chapter. Staff provided a brief overview of both the criminal penalties and the civil penalties that could result from the failure of a party to comply with the Livability Code. Some offenses, such as solid waste violations, would be misdemeanors while others, such as violations of the current Rental Housing Code, would be an infraction. A civil penalty could be charged as well. If charged with a misdemeanor or infraction the party charged would contest it in Municipal Court; if a civil penalty is imposed the charged party would contest it either through a board of appeals process if the matter under appeal is technical, e.g., the violation is that water does not reach 120 degrees and the owner of a property believes they can show it does. If the charged party wishes to appeal the amount of a civil penalty, it would be taken through a hearings officer review process. Subsequent appeals from either process could be taken to the City Council.

Staff continued, noting that the Livability Code's civil penalty provisions will provide a means to address violations more quickly than a process that relies only on imposing criminal penalties. It will also provide a means to impose penalties that increase in severity in response to multiple or egregious violations of the code. The push to establish this progressive enforcement stance rose originally from the Collaboration's Livability Work Group and has continued to be a priority through the PMC Advisory Group and Administrative Services Committee consideration processes.

1. Holly asked if current code authority includes criminal penalties. Staff responded that the Rental Housing Code and the Municipal Code's solid waste provisions include processes for imposing criminal penalties.
2. Holly asked why civil penalties are being included in the Code, suggesting that the ASC didn't discuss them and they were not identified in the gap matrix. Ken answered that civil penalties have been under discussion as a progressive enforcement mechanism for several years as a result of the Collaboration process and the Livability Work Group. Holly continued, suggesting that the penalty provisions should be toned down. Trish read an excerpt from a report to the Collaboration Steering Committee from the Livability Work Group that recommended the implementation of a progressive enforcement system.
3. Staff pointed out that the criminal penalties and classifications of misdemeanors and infractions already exist in City code. A description of circumstances under which civil penalties might be imposed (e.g., to achieve expedited resolution), and under which criminal penalties might be imposed (e.g., when civil penalties have been ineffective at preventing recurrence of violations) was provided. The civil penalty system will be structured such that things like the frequency of recurrence of the same violation, the level of threat or danger caused by the violation, and whether the violator knew or should have known about that threat or danger will be considered to establish the level of a penalty. That is what gives the system its progressive nature.
4. Holly asked that staff bring back information that shows what provisions of the Livability Code come from existing code and where in existing code they are found, vs. what currently has no existing code basis. Staff is working on a way to provide that information in a form that will minimize confusion.
5. Jerry suggested that having the Livability Code penalize someone for leaving their garbage cans on the sidewalk with a $2,500 fine and a year in jail seems excessive. Staff responded that these penalty provisions currently exist in the Municipal Code's solid waste provisions. By having a civil penalty system in place these types of violations can be resolved quickly, without staff having to take work through a sometimes year-long court process to achieve an outcome. There currently is no mechanism for staff to use discretion as to the severity of a violation when the criminal process is invoked; the civil penalty approach would allow for staff discretion to reduce the severity of a penalty.
6. Carl agreed that the penalty provisions are appropriate and as discussed with ASC, but he asked that rather than the Code Official having the authority to determine and impose penalties, this authority should be at the Director level. Carl asked if violations are currently or will be appealable directly to the City Manager; staff responded that there are some violations that can be appealed to the City Manager and some to a hearings officer, but most are appealable to the City Council. Carl pointed out that an appeal going to a hearings officer would likely have a cost, while an appeal to the City Manager would not.

Staff began an explanation of the **Appeals Provisions** that are found in the Administrative chapter of the Livability Code. Currently appeals of technical matters relative to the Building Code, Rental Housing Code and Fire Code are heard by a Board of Appeals – the same body hears appeals of each code. The Board of Appeals will also hear appeals of technical matters of the Livability Code.

1. Holly asked for a description of a technical matter that could be appealed under the Building Code. Staff explained that a determination by the Building Official that the rise of a newly built stairway does not comply with what the building code requires would be a

technical matter. Holly asked if staff interpretations of administrative provisions of a code would be appealable to the Board of Appeals; staff explained that they would not.

2. Holly pointed out that she sees a potential conflict in having the Director oversee staff who are responsible for declaring violations of the Livability Code, and also make determinations whether an appeal meets filing criteria. Staff explained that all of the City's codes have similar provisions. Trish pointed out that the standards for appeals are very objective and leave little room for interpretation. Carl stated that it seems like "the fox guarding the henhouse."
3. Carl noted that although the appeal fee is only $50, it would be subject to change by the City Council. He suggested modifying Livability Code language to state that if someone appeals and prevails their appeal fee would be returned to them.
4. Jim suggested a minor edit to clarify the meaning of "form of appeal" to add "criteria." He added that court judges commonly rule on cases and determine whether an appeal of their ruling has standing. He noted a parallel between the court system and the City's system. He agreed the system described in the Livability Code is appropriate.

Staff next explained the provisions for **Right of Entry** found in the Administrative chapter, noting that in order to confirm the presence of violations of the Livability Code staff must be able to gain entry onto a premises or into a structure. The process described in the Code is consistent with current Municipal Code provisions, including provisions for seeking administrative search warrants. These are warrants issued by a judge. Such warrants are not frequently sought or issued in Community Development, but the Fire Department uses them somewhat frequently in abating fire hazards on public property.

1. Trish stated that she appreciated the level of detail in this section of the Code.
2. Jim asked what would happen if the City was investigating a complaint in one unit that was likely the result of conditions in another unit from which no complaint has been received. In this case staff would request access to the second unit, and if granted would inspect it for or as the cause of the same condition. If access is denied staff could seek an administrative warrant to inspect the second unit. Such a warrant would likely be sought when the only likely way to resolve a violation would be to enter the second unit. Staff added that a tenant could only grant access to the areas under that tenant's control or to common areas, but could not grant access to a roommate's space or space controlled by the landlord.
3. Trish stated her belief that the scope of an administrative search warrant would be limited to only the subject of the complaint, and not broader issues such as the presence of drugs. Staff concurred, noting that judges typically issue warrants with very narrow scopes focused only on the limited issues of a complaint.
4. Jerry asked if staff would go directly to court for a warrant to inspect space controlled by a landlord. Staff stated they would first contact the landlord, if known, to seek consent but that if that did not result in consent, would seek a warrant. Jerry asked if a warrant would be a last resort in that case; staff concurred.
5. Holly asked whether staff would expand the scope of an inspection after being granted access by a tenant. Staff answered that according to operating protocols shared with the Administrative Services Committee during Code discussions in February and April 2014, only the issue of a complaint would be inspected and the scope would not be expanded unless a different hazardous or dangerous condition was evident in the area being inspected. If during an inspection a complainant raises additional complaints, staff would act on those complaints. For example, if staff were inspecting for a complaint about interior sanitation and saw a malfunctioning door lock, the door lock would not be

inspected and the violation would not be expanded to include it unless specifically requested by the complainant.

Ken asked staff to work through the **Definitions** section of the draft Livability Code language. Rather than going definition by definition, staff asked for suggestions for language changes or definitions of additional terms the committee would like to see.

1. Carl asked for inclusion of a definition of "Ultimate Responsible Party."
2. Holly asked for a definition of "extreme hardship" or "hardship."
3. Holly also asked for a definition of "special knowledge."
4. Carl asked what would be considered "waste tires." Staff explained that under the exterior section of the Code, where solid waste standards are described, waste tires would be discarded tires no longer suitable for their intended use. Carl asked about tire swings or planters made out of tires; Trish asked about other repurposed tires. Staff responded that only tires that have been discarded and that are no longer suitable for their intended use would be considered waste. In the examples provided the tires have not been discarded.
5. Holly asked that a definition of "public nuisance" be added since it is already defined in the provisions.
6. Regarding "infestation," Carl suggested adding language to state that an infestation would be determined by a health official or competent professional, rather than being based on more subjective terms such as "harmful" or "bothersome."

IV. Next Meeting

Hearing no further suggestions regarding definitions, Ken began an overview of the final meeting, scheduled for June 23. Carl asked whether staff would be providing an overview of recommendations from members of the committee that had been accepted, or had not been accepted. Ken noted that during the next meeting staff would work through examples of how the Code will be applied; an expanded draft of the current operating guidelines will be provided; the starting Code language showing changes in redline/strikeout mode. He explained that those changes would include changes suggested by the committee as well as changes made by staff after stepping back and viewing the Code document as a whole. He added that staff will take its best shot at identifying what provisions of the Livability Code have been drawn from other codes and where that is the case, what codes they were drawn from. Initial information for the next meeting will be distributed on June 12.

Carl asked if the City Attorney will be reviewing the Livability Code document prior to the next meeting. Ken answered that staff will discuss a few of the bigger issues that have come up in discussion, but that a full review will not occur until draft language has been considered by ASC and/or Council.

Holly noted that the ASC agenda for July 8 currently includes consideration of the Livability Code, wondering whether that could be pushed back. Ken stated that the current date is a placeholder, and that the first meeting will likely be a backgrounding meeting for the Committee. Staff noted that the schedule for ASC meetings is set by the Committee and staff of the City Manager's Office, but CD staff can inquire about pushing things back a meeting to July 22.

V. Adjournment. The meeting was adjourned at 12:27.

Examples
Operational Guidelines & Compliance Processes
Housing & Neighborhood Services Division
Corvallis Livability Code

The following guidelines are established for clarifying HNS Staff interpretation of processes, terms and phrases that are utilized within the Corvallis Livability Code (CLC). These are operating guidelines. The intention is to provide guidance for the equitable, prudent, and consistent application of Staff discretion in the face of a wide range of situations and circumstances. Some of the clarifications are made by providing an explanation of a codified definition or code specific term, which are also operating guidelines intended for the same purpose.

Administration

1. **Section 9.02.7 Director:** The CLC prescribes the responsibility for implementation and enforcement of the CLC to the position of the Director. The term 'Director' is defined within the CLC. The term is utilized within the code to designate the obligation or opportunity for the performance of an administrative action to occur in the routine enforcement or interpretation of the code. As defined and when read in conjunction with CLC Section 9.02.7, the term establishes specific assignment of those responsibilities to the position of the Community Development Director. However, both the definition and the provisions of CLC Section 9.02.7 stipulate that the Director may appoint staff for the express purpose of administering the code and that a designee may be appointed to exercise all the powers of the Director, with respect to the CLC.
2. **Extension from Abatement Deadline; General:** The responsible party may request an extension of the deadline for resolution of the full abatement requirements:
    a. The request must be submitted to HNS in writing;
    b. The request must be received by HNS prior to expiration of the established deadline;
    c. The request must explain the extenuating circumstances and be supported by relevant documentation;
    d. The request must include the name and phone number of the contractor(s) who is engaged in or who is under agreement for performing the abatement work.

    Staff may extend the deadline for up to seven calendar days from the date of the established deadline if the reason for the lack of completion of the required abatement is due to repairs being in-progress; or, is due to unavoidable difficulty coordinating schedules with appropriate trade professionals. Staff will make direct contact with the contractor(s) to confirm reports of progress or that work is pending.

3. **Section 9.02.14 Extreme Hardship**: As provided for under CLC Section 9.02.14, an owner or occupant may make application to the Director for a modification or variance of the provisions of the code when adherence to the code provisions would result in an extreme hardship. The process contemplates circumstances that are more severe than just a financial impact. Similarly, this is not a process for seeking an extension, a stay or an appeal of an abatement order as those matters are addressed under separate processes. Requests for a modification or variance of a code provision are only applicable in situations when the strict application of the code standard is unachievable but the deficient condition might be mitigated through other means.

    Applications for a modification or variance of the provisions of the code must:
    a. Be submitted to the Director in writing;
    b. Be received by the Director prior to expiration of the established deadline;
    c. Clearly and fully explain the specific circumstances of the extreme hardship;

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d. Be supported by relevant documentation such as statements or reports from qualified professionals, where applicable;
e. Clearly and fully explain how the deficient condition could be mitigated by other means while still meeting the spirit and intent of the law;
f. Demonstrate explicitly how the public health, safety and welfare would be assured under a modification or variance of the code.

Scope of Investigations

1. Livability Code compliance responses will be complaint driven. Complainants must identify themselves, but may request to remain confidential. Anonymous complaints will not be accepted.

2. The scope of any site investigation shall be limited to the specific subject matter of the complaint, as it was filed; however, life and safety concerns observed in the course of investigation shall be documented by Staff and promptly reported to the Supervisor.

3. If, in the course of Staff conducting a site investigation, the party who filed the complaint under investigation requests expansion of the scope of the investigation to include additional elements that do fall under the Program purview, such party shall complete and sign the "Request to Expand Scope of Investigation" section on the Field Investigation Checklist, CC-FORM-2;
   - Before proceeding under a field expanded scope, Staff shall confirm the authority of the requesting party to provide consent to access the specific location;
   - Staff may decline to proceed with a request for field expanded scope.

4. If, in the course of Staff conducting a site investigation, the party who filed the complaint under investigation requests expansion of the scope of the investigation to include additional elements that do not fall under the Program purview, Staff will direct the party to the pertinent resource(s), if available.

On-site Investigation

1. Site visits: Prior to staff visiting a property for the purpose of performing an investigation into a livability code issue filed by a tenant-complainant that pertains to elements of the structure or amenities of a dwelling, staff shall:
   - determine that the reported issue is covered by the City's livability code;
   - attempt to inquire of a tenant-complainant if they have communicated the concern to their landlord, and, if the tenant-complainant has not, recommend that they do so following a prepared script.

2. Staff shall obtain and document consent to enter upon private property in accordance with CC-POL-2 & CC-POL-3, utilizing CC-FORM-1

3. Staff shall obtain or seek to obtain photographs of the relevant subject under investigation in accordance with CC-POL-1

4. Under no circumstances will staff be on-site without the presence of a tenant-complainant, or proxy.

5. For routine complaint matters, the inspection shall occur during normal business hours.

6. Staff shall not enter a private dwelling if only a minor person is present.

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Compliance Actions

1. Preference is for Staff to provide a written correction notice in the field for confirmed violations at Single Family and Duplex structure properties when any documented offense is attributable to an occupant as the responsible party, and the occupant is accessible.
   - Correction notices shall include:
     - Address of subject location;
     - Name, if known, of responsible party or of person with whom the correction notice is left;
     - Applicable code citation by section number;
     - Brief explanation of the conditions of violation;
     - Statement of specific corrective action;
     - Deadline for compliance, consistent with CC-POL-9; and
     - Name of Staff providing correction notice.
2. Staff shall provide a Notice of Violation to responsible party for all confirmed violations at all properties that are other than Single Family and Duplex structure properties, and in situations involving a landlord or property owner as the responsible party pertaining to any building occupancy or property use type .
   a. Exception: In the event that the property owner, Landlord, or person responsible for the property is present at the location at the time of the staff inspection and confirmation of a violation, staff will provide a correction notice, as described above, to such person(s).
3. Staff shall provide a Notice of Violation to responsible party for all confirmed violations at all properties, regardless of type or use, when noncompliance with a field issued correction notice is confirmed.
4. A Notice of Violation shall be processed in accordance with CLC 9.02.___ and CC-PRO-3, utilizing applicable CC-FORM.
5. Notwithstanding a deadline established under a field issued correction notice, a deadline for compliance with an initial Notice of Violation shall be established consistent with CC-POL-9
6. Upon confirmation of noncompliance with a Notice of Violation:
   - Staff shall prepare a Final Notice of Violation and Civil Money Penalty to responsible party;
   - Staff shall submit a report, including the Case Record documentation and the prepared Final Notice of Violation and Civil Money Penalty, to Supervisor for review;
   - A Final Notice of Violation shall be processed in accordance with CC-PRO-3, utilizing applicable CC-FORM;
   - Final Notice of Violation will:
     - State that the prior deadline has elapsed
     - State that the matter may be referred to the CAO for prosecution after 10 business days, unless otherwise provided for per CLC.
   - Notice of Civil Money Penalty established consistent with CC-POL-11 shall be provided concurrent with Final Notice of Violation.
   - Supervisor shall review Staff report and either sign-off approval or provide written direction for alternative Staff follow-up.
7. When staff issue a correction notice under Items #2, 3 & 6 of this section and if a property manager has their email address on file with HNS Housing Program, staff will send to the property manager's listed email account and email that includes a link to the electronic archive containing the copy of the Notice of Violation.

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8. Staff may issue a citation for infraction or misdemeanor offenses at any time after confirmation of an offense of the code;
   - Staff shall submit a report, including the Case Record documentation and the prepared Final Notice of Violation and Civil Money Penalty, to Supervisor for review;
   - Supervisor shall review Staff report and case documentation, shall engage in any additional research or investigation at discretion, and shall submit a cover memo report to Manager recommending proceeding with or tabling the matter;
   - Manager shall provide Supervisor direction in writing whether to proceed or to table the matter;
   - If issuance of citation is directed, Supervisor shall coordinate with CAO and CPD.

9. Staff may seek assistance of CAO for initiation of legal proceedings at any time after confirmation of an offense of the code.
   - Staff shall submit a report, including the Case Record documentation and the prepared Final Notice of Violation and Civil Money Penalty, to Supervisor for review;
   - Supervisor shall review Staff report and case documentation, shall engage in any additional research or investigation at discretion, and shall submit a cover memo report to Manager recommending proceeding with or tabling the matter;
   - Manager shall provide Supervisor direction in writing whether to proceed or to table the matter
   - If proceeding with matter is directed, Supervisor shall coordinate with Senior Staff, City Manager, Manager and CAO for further action.

<u>Interior Conditions</u>

1. **Measuring Light Levels:** Light levels may be measured in Footcandles or in Lux and may be reported concurrently or interchangeably.
   i. **1 Lux = 0.0929 FC**
   ii. **1 FC = 10.76 Lux**

   Staff will confirm the amount of light present at any given location by use of a standard light level meter (light meter) with one light sensitive cell that measures the incident light. Staff will make a reading by exposing the light meter sensor to the desired environment at the location, and will log the reading displayed. All readings will be recorded by notation specifically describing the location at which the reading was made, the distances from walls, corners, floors, and any unusual horizontal or vertical projections. For readings that report a deficient light level, per code standards, staff will make three additional readings within three feet of the location with 90 degree body rotations around an axis using the bearing of the initial reading as '0' for each reading.

2. **The Means:** This term applies to level of requirement imposed on the Landlord regarding illumination in structures containing dwelling units and in dwelling units. The standard pertains to illumination of Accessible Means of Egress, which, in the context of this term, are located within dwelling units (illumination of common areas is addressed under separate standard). In evaluating conformance with the standard, Staff shall evaluate situations to determine if the Landlord has provided components of the electrical system sufficient for an occupant to obtain the minimum levels of illumination. A variety of installations and configurations could provide *the means* for adequate lighting under the standard, including switch controlled light fixtures and, in some rooms and spaces, switch controlled outlets. It is understood that permanently installed light fixtures will be provided in hallways, stairways, toilet rooms or compartments, kitchens, bathrooms, laundry rooms, and

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boiler rooms and furnace rooms; however, it is assumed that occupants will provide lamps or other portable fixtures to meet their artificial lighting needs when natural lighting does not exist in other rooms or spaces.

3. **Reasonably Free from Dampness**: This term applies to maintaining humidity and moisture conditions at levels that are not conducive to decay, mold growth, or deterioration of a structure. The locations contemplated for which staff might need to evaluate compliance with the standard include structures containing dwelling units, their basements, attics, and crawl spaces. In evaluating the conditions within each of the locations, Staff will observe surfaces of structural members, floor, wall and ceiling coverings, fixtures, appliances and furniture for the presence of *active* mold, mildew or deterioration. Sensory indications that will facilitate such observations are odors; visual manifestations that might involve colors, textures or patterns; and tactile indications of slick or crumbling surfaces. Although significant effort might be required to access specific locations or surfaces, such as behind or beneath furniture or appliances and in attics or crawl spaces, Staff will neither engage in, nor require, destructive measures to expose any enclosed or concealed space.

4. **Peeling, chipping, flaking or abraded paint:** Pertains to the Landlord's responsibilities to maintain interior surfaces, including windows and doors, of any dwelling unit let that is rented, leased or let for occupancy. Such deficiencies shall be abated (repaired, removed or covered).

5. **Approved:** This term appears in context where measures other than those specified in a code or standard may be considered in lieu of or as alternatives to the specified standard. Whenever this term is used, it intends that only the enforcing authority can accept a specific installation or component as complying with the code. In circumstances where such installations or components are encountered by Staff or proposed by any Landlord, Staff will take the matter under advisement prior to reaching a determination. Staff may rely on past practice; may consider the expertise of others, including certified specialty inspectors or plans examiners; and, may consider reports provided via a Landlord from private contractors licensed to perform work in the particular discipline or reports from architects or engineers licensed in the state of Oregon, if provided by a Landlord. Staff shall submit a summary of their evaluation, including a recommendation for acceptance or rejection of approval, to the Code Compliance Supervisor. The Code Compliance Supervisor shall review the Staff report and prepare a cover letter noting formal recommendation for acceptance or rejection of approval, which along with the Staff report shall be submitted to the HNS Division Manager for final determination

6. **Capable *of* Producing 0.35 Air Changes per Hour:** This term applies to the provision of mechanical ventilation. The standard pertains to every bathroom and toilet room or compartment. In evaluating conformance to the standard, Staff shall first determine if the mechanical device is functioning properly. If the device does not appear to function properly, Staff shall require the Landlord to replace the mechanical device, in accordance with Oregon Mechanical Specialty Code, or to obtain and submit a performance evaluation confirming conformance with the standard, prepared by a Mechanical Contractor licensed in the state of Oregon. Indications that the device might not function properly could include sounds of grating or failing components; sounds or visible indications of slow revolution of exhaust fan or of obstructed exhaust ducting or discharge; excessive heat generation to touch on the device; and, odor of or visible indication of burnt electrical or mechanical components.

   If the mechanical device appears to function properly, Staff shall refer to the manufacturer's specifications for the mechanical device, where available, to confirm the cubic feet per minute (*cfm*) of ventilation rated for the device. A calculation of the Air Changes per Hour will be calculated from t**h**e formula:

   $n = 60\ q / V$ *where*

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n = air changes per hour (1/h)
q = fresh air flow through the room (Cubic Feet per Minute, cfm)
V = volume of the room (Cubic Feet)

7. **Exposed or Concealed:** This term applies to surfaces that are required to be free from material or conditions that are conducive to the growth of mold or mildew. The standard pertains to maintenance of a clean and sanitary condition within the interior of every structure containing a rented or leased dwelling unit. In this context, the term is understood to mean those surfaces within the dwelling unit that are accessible for observation without resort to destructive measures or the deconstruction of floor, wall and ceiling assemblies, affixed cabinets or installed plumbing fixtures. *Exposed* is understood to mean any surface that is accessible to observation without requiring alteration or manipulation of the circumstances encountered on the part of the observer. *Concealed* is understood to mean a surface that is obstructed from observation, such as due to doors (cabinet, closet and room), furnishings, appurtenances, or the personal possessions of the occupants, but for which the surface would otherwise be *exposed* for observation. In evaluating the interior of a dwelling under this term, Staff may engage in, or obtain assistance for, such efforts as opening cabinet and cupboard doors and drawers to observe the surfaces that are concealed within those compartments; opening closets and removing stored possessions; moving furniture; and, removing thumb screws or hasps from utility hatches or compartments and from mounted light fixtures and ventilation grilles intended for user maintenance access. Staff shall not engage in destructive measures or resort to the utilization of tools, other than their hands, in order to *expose* any *concealed* surface, nor shall they require others to implement such practices.

8. **Substantially Impervious to Water**: This term applies to floor surfaces in every toilet compartment, bathroom and kitchen. The standard pertains to maintenance of a clean and sanitary condition of floors in the listed locations, a condition which is clarified within the relevant Section to mean, in part, free from any material or condition that provides a surface conducive to the growth of mold or mildew. The presence of moisture within materials or on their surfaces is a prerequisite for conditions which are conducive for the growth of mold or mildew. Therefore, the intent of the standard is interpreted to specify a surface that provides a barrier to the passage of water and one that is itself nonabsorbent. In the context of this standard, *impervious* is understood to mean not allowing passage into or through, and *substantially* is understood to mean a state of being largely, but not wholly, that which is specified. The term is taken to mean that the floor surface does not absorb or allow water to pass through it, as nearly as can be determined.

   In evaluating conformance of a floor surface to this standard, Staff will observe for indications that there is no discernible passage of water into or through the particular flooring material. Sensory indications that will facilitate such observations are: visible water staining of the floor material; visible heaving or expansion of substrate, particularly at junctures of floor material to fixtures or walls; tactile indications of saturation; and odors of mildew and mold when the growth of such organisms is not otherwise visible. In the absence of such sensory indications, conformance to the standard will be demonstrated if a particular floor material surface does not absorb, or allow to pass through it, a drop of water (1-2ml) within 10 minutes under ambient room conditions. Under no circumstance shall Staff damage or destroy the floor surface or floor materials, or probe the floor surface with any tool other than their own fingers. Moisture meters will not be utilized by Staff for the purposes of confirming compliance or noncompliance with the standard.

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Exterior Conditions

1. **Exterior Walls & Exposed Surfaces**: There are several aspects to be evaluated by staff in formulating a determination of any necessary abatement scope and the time allowed when the required protective coating of weather-resistant preservative on the exterior surfaces of a structure is less than substantially impervious to the adverse affects of weather. Notice of required corrective action shall be provided to the responsible party, either as a field inspection report or a notice of violation, stipulating the scope and the deadline for abatement. The responsible party may request an extension of the deadline for resolution of the full abatement requirements, as specifically described within these guidelines.

   With respect to formulating a scope of abatement, staff will consider: (1)the degree of surface treatment degradation that has occurred such as number and size of delaminations, including depth of penetration into the substrate and the total affected area; (2) the relative aspect of exposure (south facing, under an eave or porch awning, rake or fascia board, bottom course, etc); (3) the sequencing of associated improvements or alterations; and, (4) the applicability or exhaustion of the use of temporary measures, consistent with CLC Section 9.02.73.

   With respect to establishing timeframes for achieving abatement as scoped, staff will consider: (1) the time of year; (2) the scope of abatement; (3) the sequencing of associated improvements or alterations; and, (4) the extent of any adverse impacts already incurred. In general, deficiencies under the CLC Sec. 9.02.69(a & d) provisions that are confirmed in wet weather conditions will be directed to achieve abatement with accommodation for time that provides continuation into dry weather sufficient to allow achievement of drying, surface preparation and treatment application. It is anticipated that minor deficiencies confirmed during dry weather conditions will be directed to achieve abatement within the period of the dry weather season, unless specifically coordinated with the responsible party.

Outreach and Education

As the Livability Code is finalized and adopted by the Corvallis City Council a program of community education and outreach will be implemented by the Housing and Neighborhood Services Division. Areas of focus will include:

- Physical standards and maintenance requirements of the Livability Code;
- Options for filing complaints;
- Housing and Neighborhood Services Division approach to seeking code compliance;
- Penalty provisions and imposition guidelines.

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Draft Livability Code Language Tracked to Existing Corvallis Codes
June 2015

Chapter 1 Administration

9.02.1 Short Title. CMC Sections _____ through Sections _____ shall be known and may be cited as the "Corvallis Livability Code" and may be referred to herein as "this code."

9.02.2 Scope. This code applies to all residential and nonresidential structures and all premises. This code establishes minimum requirements and standards for the protection of structures and premises from the elements, life safety and other hazards, and for their safe and sanitary maintenance; fixing the responsibility of owners and occupants; and, for administration, enforcement and penalties.

9.02.3 Intent. This code shall be construed to secure and ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises; to prevent deterioration of existing housing; to preserve and enhance the quality of life in residential neighborhoods; and, to prevent or reduce urban blight by establishing minimum property maintenance and livability standards. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance as required herein.

9.02.4 Application of Other Laws.

a. Nothing in this chapter shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Corvallis Municipal Code or the requirement to obtain all necessary permits and approvals.
b. Any repair, alteration, or addition to and change of occupancy in an existing building, or any change of use of residential property, shall be made in accordance with all applicable provisions of law, including, but not limited to the Corvallis Municipal Code, the Corvallis Building Code and the Corvallis Land Development Code.
c. Except as provided otherwise by federal, state or local law, if a provision of this code conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal authority having jurisdiction over residential property in the City of Corvallis, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this code. This code is intended to supplement rather than conflict with the habitability standards and the assignment of landlord and tenant responsibilities of the state of Oregon Residential Landlord and Tenant Act.
d. If a provision of this code conflicts with a provision of the adopted Corvallis Building Code, the provision of the Building Code shall apply to the exclusion of the conflicting provision of this code.

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

9.02.6 Saving Clause. This chapter 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.

9.02.7 Responsibility. The Director is hereby authorized to administer and enforce all of the provisions of this code. The authority of the Director to enforce the provisions of this code is independent of and in addition to the authority of other City officials to enforce the provisions of the City Code.

a. The Director may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this chapter. The Director is authorized to designate an employee as deputy who shall exercise all the powers of the Director during the temporary absence or disability of the Director.

Comment [ccw1]: Similar to CMC 1.06

9.02.8 Authorization to Inspect. The Director is authorized to make inspection of property for the purposes of enforcing this code.

9.02.9 Coordination of Enforcement. Whenever inspections are deemed necessary by the Director and any other division or department, the Director 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 divisions and departments for the purpose of eliminating conflicting orders before any are issued.

9.02.10 Enforcing Compliance. To enforce any of the requirements of this code, the Director may gain compliance by:

a. Instituting an action before the Hearings Officer; or
b. Causing appropriate action to be instituted in a court of competent jurisdiction; or
c. Imposing criminal or civil penalties, or both; or
d. Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

9.02.11 Failure to Obey Order of Director.

a. It shall be unlawful for any person acting intentionally to refuse to obey an order by the Director acting in the discharge or apparent discharge of official duty.
b. It is no defense to a prosecution for a violation of this section that the Director lacked legal authority to issue the order, provided the Director was acting under color of official authority.

9.02.12 Maintenance Requirements; Generally.

a. No person shall maintain or permit to be maintained any structure or premises that does not comply with the requirements of this code.
b. All structures shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.
c. All systems, devices and safeguards required by this code or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants.
d. An existing structure that does not comply with the provisions of this code and that does not comply with the standards of the applicable building code then in effect at the time of construction or subsequent

alteration or repair shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.

9.02.13 Historic Structures. The provisions of this code shall not be mandatory for an existing structure designated as a local or national historic resource when such structure is judged by the Director to be safe and its continued maintenance in historic condition to be in the public interest.

9.02.14 Modifications. Where there are extreme hardships involved in carrying out provisions of this code, the Director shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

9.02.15 Skilled Work Required. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a workmanlike manner.

DERELICT STRUCTURES

9.02.16 Derelict Structures Prohibited. Derelict structures on any premises are hereby declared to be a public nuisance.

9.02.17 Order to Vacate Buildings or Structures.

a. If the Director finds a building or structure in violation of CLC 9.02.16, the Director may order that a placard be posted on the building or structure, ordering the building or structure vacated. The placard shall contain the information required in CLC 9.02.26.
b. Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order.

9.02.18 Prohibited Habitation. No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Director.

9.02.19 Removal of Placard Prohibited.

a. The Director shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.
b. No person shall deface or remove a placard without the approval of the Director.

9.02.20 Temporary Safeguards. Notwithstanding any other provisions of this code, whenever, as determined by the Director, a building or structure poses an imminent hazard or incipient hazard, the Director may order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and shall cause such other action to be taken that the Director deems necessary to meet such condition.

9.02.21 Abatement of Derelict Structure by Remediation. In addition to, and not in lieu of, the abatement remedies provided for in CLC 9.02.22 - CLC 9.02.34 and receivership authority in CLC 9.02.33, the Director may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

a. Upon receipt of such notice, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and shall, not less than fifteen days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant. Notice shall also be posted on or near the derelict structure. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.
b. At the hearing, the Director shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Director's determination, and the owner and occupants shall be afforded a like opportunity to rebut the determination. Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue. The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the State of Oregon.
c. The Hearings Officer shall order the conditions creating the derelict structure be remediated if the Director demonstrates, by a preponderance of the evidence, that the building structure is a derelict structure.
d. In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is in a condition unfit for human habitation, or in a condition that is an incipient hazard, based on the number and extent of the following factors:
    i. Dilapidation;
    ii. Disrepair;
    iii. Structural defects noted by the Building Official;
    iv. Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;
    v. Uncleanliness or infestations of pests;
    vi. Condition of sanitary facilities;
    vii. The presence of a public nuisance; and
    viii. The history of unlawful activity in or around the building or structure.

PUBLIC NUISANCES

9.02.22 Public Nuisance Prohibited. In addition to the provision of CLC 9.02.16, no person shall cause, permit, or maintain a public nuisance on public or private property.

Comment [ccw2]: Similar to CMC 5.04.020

9.02.23 Public Nuisances. The following are specifically declared to be public nuisances: Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety, where such thing, condition, or act is or exists contrary to the provisions of this code.

Comment [ccw3]: Similar to but broader than CMC 5.04.040 & CMC 5.04.050

9.02.24 Notice to Person Responsible. Whenever the Director has reasonable grounds to believe that a violation of CLC 9.02.22 has occurred, a notice and order shall be served on the owner(s) and occupant(s).

9.02.25 Abatement Procedures - Joint Responsibility. If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance.

9.02.26 Form of Notice. Such notice prescribed in CLC 9.02.25 and CLC 9.02.17(a) shall:

a. Be in writing;
b. Include a description of the premises sufficient for identification;
c. Include a statement of the reason or reasons why the notice is being issued;
d. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the premises into compliance with the provisions of this chapter;
e. Include a notice that the city may abate the nuisance pursuant to this chapter and that the person responsible shall be responsible for the costs of such abatement;
f. Include instructions for an appeal.

Comment [ccw4]: Similar to CMC 5.04.070

9.02.27 Effective Date of Notice. All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing if not personally served.

9.02.28 Method of Service.

a. Notices under this chapter shall be deemed to be properly served if a copy thereof is:
    i. Personally delivered to the owner(s) and occupant(s); or
    ii. Sent by first class mail to the owner(s) and occupant(s) at their last known address; or
    iii. Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address if they cannot be located.
b. Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of the owner(s) or occupant(s) shall not render the notice void and in such case the notice shall be sufficient.

9.02.29 Recording a Violation. The city may record a notice of violation with the County Recorder. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be recorded.

9.02.30 Abatement Procedures - by the City.

a. If within time allowed under CLC 9.02.26(d), the violation has not been corrected, the Director may cause the violation to be corrected.
b. The Director shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a _____ percent charge for administrative overhead.
c. The Director or a person authorized by the Director may enter upon the property to abate the nuisance only upon obtaining consent of the owner and occupant; or upon obtaining an administrative warrant pursuant to CMC 1.15 or CLC 9.02.49 through CLC 9.02.52.

Comment [ccw5]: See CMC 5.04.100(1)

Comment [ccw6]: See CMC 5.04.100(3)

9.02.31 Abatement Procedures - Assessment of Costs.

Comment [ccw7]: See CMC 5.04.110

a. After abatement by the city, the Director of Finance, by first class mail, shall forward to the owner(s) and occupant(s) a notice stating:
    i. The total cost of correction, including the administrative overhead; and,
    ii. That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice.
b. If the costs and administrative overhead are not paid within thirty days of the billing date, the Director shall thereafter file with the Hearings Officer an itemized statement of costs and overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance.

c. Upon filing of such statement of costs and overhead, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer, and cause notice thereof to be served via certified mail to the owner(s) and occupant(s), consistent with the procedures under CLC 9.02.21(a).
d. After the hearing, the Hearings Officer shall declare the correctness of such statement and declare the same to be a lien upon the property.
e. An error in the contents or service of any notice 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.

9.02.32 Abatement Procedures - Summary Abatement. The abatement procedure provided by this chapter is not exclusive but is in addition to procedures provided by other laws.

Comment [ccw8]: See CMC 5.04.120

9.02.33 Receivership Authority. In addition to, and not in lieu of any other provision in this chapter, when the Director finds residential property in violation of this chapter, and believes that the violation is a threat to the public's health, welfare and safety, and the owner has not acted in a timely manner to correct the violations, the Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

9.02.34 Collections. Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims court or entered into the city's lien docket in the manner provided by _____ and a lien for the entire amount placed against the real property pursuant to _____.

PENALTIES

9.02.35 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or directive of the Director shall be subject to the provisions of CLC 9.02.36 through CLC 9.02.41.

9.02.36 Separate violations.

Comment [ccw9]: Common across multiple codes

a. Each day's violation of a provision herein constitutes a separate offense.
b. The abatement of a nuisance or violation shall not constitute a penalty for violating this code but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance or violation.

9.02.37 Misdemeanors and Infractions. Any person who shall violate any of the provisions herein or fail to comply therewith or who shall violate or fail to comply with any order made there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Hearings Officer, the Livability Code Board of Appeals or by a court of competent jurisdiction within the time fixed herein shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor or infraction, as specified under CLC 9.02.37(d)(i-iv).

Comment [ccw10]: See CMC 1.01.120

a. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified each day that prohibited conditions are maintained shall constitute a separate offense.

b. Upon conviction of a misdemeanor offense, any person shall be liable for the fines and terms of imprisonment provided for under CMC 1.01.120(1-3).
c. Upon conviction of an infraction offense, any person shall be liable for the fines provided for under CMC 1.01.120(4-6) and CLC 9.02.37(d)(iv).
d. Violation of the provisions of this code shall be designated as follows:
    i. Violation of CLC 9.02.___ through CLC 9.02.___ Solid Waste is a **Class A misdemeanor**.
    ii. Violation of CLC 9.02.22 Public Nuisance is a **Class B misdemeanor**.
    iii. Violation of CLC 9.02.___ through CLC 9.02.___ Fire Safety provisions; CLC 9.02.11 Failure to Obey; and CLC 9.02.18 Prohibited Habitation is a **Class C misdemeanor**.
    iv. Violation of every provision of this code not otherwise designated herein is deemed an infraction punishable upon conviction by a fine of not more or less than:
        1. 1st offense shall be $250<>$100;
        2. 2nd offense for violation of same provision of this code within 24 month period shall be $500<>$250;
        3. 3rd offense for violation of same provision of this code within 24 month period shall be $500<>$500;
        4. 4 or more offenses for violation of same provision of this code within 24 month period shall constitute a **Class A misdemeanor**.
e. **Declaration of infraction.** Notwithstanding CLC 9.02.37(d)(i-iv), any violation of the provisions of this code may be declared to be an infraction pursuant to the procedure provided in CMC Section 5.03.160.

Comment [ccw11]: See 4.01.140

Comment [ccw12]: See CMC 5.04.030

Comment [ccw13]: Enabling authority

9.02.38 Civil Penalties. In addition to and not in lieu of any other means of enforcement or any other penalty provided by law, any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or an order of the Director may incur a civil penalty in an amount as specified in CLC 9.2.41, plus administrative fee and any cost of service or recording costs.

a. **Purpose.** The purpose of a civil penalty is to provide an efficient, convenient, and practical system to enforce a violation of this code and to provide an opportunity for a prompt protest, hearing, and decision on the imposition of a civil penalty.
b. **Civil Penalty against Agents.** Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, shall likewise be subject to a civil penalty.
c. **Procedure for issuing civil penalty.** A civil penalty shall be imposed under this section by issuance of a notice of penalty. A civil penalty may be imposed for each day the violation continues or remains. The notice of penalty shall be provided in the manner as described in CLC 9.02.38(d).
d. **Notice of Civil Penalty.** If a civil penalty is imposed, the Director shall issue a Notice of Civil Penalty to the person responsible for the code violation.
    i. The Notice of Civil Penalty shall include:
        1. reference to the applicable code provision(s);
        2. a statement of the basis of the violation;
        3. a statement of the amount of the civil penalty;
        4. a statement of the party's right to protest the civil penalty to a Hearings Officer; and
        5. a statement that a delinquent civil penalty may become a lien on property.
    ii. The Notice of Civil Penalty shall be served on the person responsible for the code violation by:
        1. personal service; or,

2. posted in a conspicuous place in, on or about the structure or premises affected by such notice; or,
3. sent by US first class mail or US certified mail, return receipt requested, to the person's last known address;
    a. Failure of the recipient to sign for the certified mail shall not make the notice void.
    b. Notice served by mail shall be deemed received three days after the date mailed to an address within Oregon or seven days to an address outside of Oregon.
    c. Notice served by mail shall be concurrently posted in a conspicuous place in, on or about the structure or premises affected by such notice.

iii. If the violation relates to real property and the person responsible for the violation is not the owner of the property, an informational copy of the Notice of Civil Penalty shall be sent to the owner of the property by first class mail at the same time as service on the person responsible.

9.02.39 Protest of Civil Penalty. A person issued a Notice of Civil Penalty may protest the existence of a violation or the circumstances involved in the presence of a violation that resulted in imposition of a civil penalty to a Hearings Officer. An appeal must be submitted to the City Recorder within seven days, plus three days for mailing, from the date of service of the Notice of Civil Penalty.

a. If after a hearing in which the Hearings Officer determines that a violation did or does exist, the Hearings Officer may reduce the original penalty imposed after considering reasonable mitigating factors as determined by the Hearings Officer.
    i. The civil penalty imposed by the Hearings Officer shall not be less than amount provide under CLC 9.02.41(a).
    ii. The Hearings Officer may not reduce the civil penalty by any amount if a violation has not been corrected and inspected by the city.

9.02.40 Collection of Civil Penalty. The civil penalty shall become final upon expiration of the time for filing a protest or, if a protest is filed and the Hearings Officer affirms the civil penalty, the civil penalty shall become final upon issuance of the Hearings Officer decision. The civil penalty shall be delinquent if not paid within 30 days from the date the civil penalty becomes final.

a. A late payment charge shall begin to accrue from the date of delinquency.
b. If the civil penalty is imposed on the owner of the property where the violation occurred, and is delinquent, the notice and late payment charge shall be entered in the docket of city liens pursuant to _____ and may be recorded in the Benton County deed records. When entered in the city lien docket, the notice shall constitute a lien upon the property in violation of the code.
c. The lien shall be enforced in the same manner as liens for_____. Failure to pay may result in foreclosure in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.
d. An error in the name of the owner shall not void the lien, nor shall a failure to receive the notice render the lien void, but it shall remain a valid lien against the property.

9.02.41 Amount of Civil Penalty. The Director is authorized to impose civil penalties in the amounts as follows, and the Hearings Officer may allow reductions consistent with CLC 9.02.39(a) and operational guidelines to the amounts as follows (penalty imposed/reduction by Hearings Officer to not less than):

a. Violation of a provision of this code may be subject to a Civil Penalty no less than $50.00 and not exceeding $5,000.00 per offense, or in the case of a continuing offense, not more than $1,000.00 for each day of the offense;
b. In imposing a penalty authorized by this section, the Director shall consider:
    i. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
    ii. Any prior violations of statutes, rules, orders, and permits;
    iii. The gravity and magnitude of the violation;
    iv. Whether the violation was repeated or continuous;
    v. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
    vi. The violator's cooperativeness and efforts to correct the violation; and,
    vii. Any relevant rule of this or other City code.

APPEALS

9.02.42 Appeals Generally. Any person who is issued an order from the Director may appeal the decision to the Livability Code Board of Appeals.

9.02.43 Livability Code Board of Appeals.

a. In order to hear and decide appeals of notices, orders, decisions or determinations made by the Director relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to this code and who are not employees of the jurisdiction.
    i. The Housing & Neighborhood Services Division Manager shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board.
    ii. The Board of Appeals shall be appointed by the Mayor and shall meet as required to carry out its duties.
    iii. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Director.
    iv. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

9.02.44 Filing of Appeal. Any person upon whom a notice, order, interpretation or decision is served under this code shall have the right of appeal from the notice, order, interpretation or decision to the Board of Appeals. An appeal must be submitted to the Director within seven days, plus three days for mailing, from the date of the notice and order.

9.02.45 Appeal Fee. Any appeal submitted under this chapter shall include a $50.00 filing fee.

9.02.46 Scope of Appeal. Appeals may be filed regarding technical matters of notices, orders, interpretations and decisions made by the Director relative to this code.

9.02.47 Form of Appeal. An appeal must be in writing and include the following:

a. Name of person filing the appeal.

b. Copy of the notice and order.
c. Copy of the section of this code which is being appealed.
d. A complete explanation of the appeal.
e. What is requested of the Board of Appeals.

9.02.48 Appeal Procedure.

a. The Director shall confirm that the appeal meets the filing criteria as prescribed under CLC Sections 9.02.44 through 9.02.47
b. If the filing criteria have not been met, the person filing the appeal will be so notified and the Board of Appeals will not be convened. The Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow the appellant to resubmit an appeal that has been deemed incomplete. Only one extension may be granted.
c. If the filing criteria is met, the Director shall schedule a meeting of the board within 30 days of the filing of the appeal. The hearing shall be held not later than 30 days after the filing of the appeal.

RIGHT OF ENTRY; ADMINISTRATIVE WARRANTS

Comment [ccw14]: Similar to but with enhanced clarity and specificity than CMC 1.15

9.02.49 Right of Entry. The Director may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this code, or whenever the Director has reasonable cause to believe that there exists in any structure or upon any property any condition which makes such property substandard as defined in any regulations of this code. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

a. *Occupied Property*. If any structure on the property is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant; or,
b. *Unoccupied Property*:
    i. If the property is unoccupied, the Director shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant.
    ii. If structures on the property are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant; or,
c. *Open, Unoccupied Property*. If any structure on the property is unoccupied and open:
    i. The Director shall notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons. If the property is not secured within fifteen (15) days from the date notice is sent, the Director may secure the property as provided in CLC 9.02.20.
d. If the Director believes that a hazardous condition exists, the Director may immediately secure the property as provided in CLC 9.02.20. Following the summary abatement, the Director shall notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative or abatement warrant.
e. The Director may seek approval for an administrative warrant without first requesting entry or making contact with an owner or occupant, if, at the time, facts or circumstances reasonably show that the

purpose of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

9.02.50 Grounds for Issuance of Administrative Warrants; Affidavit.

a. *Affidavit*. An administrative warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

b. *Cause*. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any Livability Code regulation exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with Livability Code regulations.

9.02.51 Procedure for Issuance of Administrative Warrant.

a. *Examination*. Before issuing an administrative warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

b. *Issuance*. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 8:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

c. *Police Assistance*. In issuing an administrative warrant on private property, including abatement warrants pursuant to CLC 9.02.30, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the Director or representative of the department inspecting the property in any way necessary to complete the inspection or abatement.

9.02.52 Execution of Administrative Warrants

a. *Occupied Property*. Except as provided in subsection (b) of this section, in executing an administrative warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

b. *Unoccupied Property*. In executing an administrative warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection (a) of this section, but may promptly enter the property if it is at the time unoccupied or not in the possession

of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.

c. *Return*. An administrative warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within 10 business days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant, unless executed, is void.

Chapter 2 Definitions

Comment [ccw15]: Not cross-tabulated against other codes

9.02.53 Definitions. General.

a. Words stated in the present tense in this code include the future; the singular number includes the plural, and the plural includes the singular.
b. Where terms are not defined in this code and are defined in the Corvallis Land Development Code or the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes.
c. Terms not otherwise defined in this code or in the Corvallis Land Development Code or the state building, plumbing or mechanical codes shall have ordinarily accepted meanings.
d. Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this code, they shall be construed as though they were followed by the words "or any part thereof."

9.02.54 Unless the context otherwise specifically requires, for purposes of this code, the following terms and phrases mean:

a. **Abandoned Structure**. A vacant structure that is an attractive nuisance.
b. **Abatement of a nuisance.** The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.
c. **Accessible Means of Egress**. This term shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: *A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way*.
d. **Accessory Structure**. Any structure not intended for human occupancy. Accessory structures may or may not be attached to a primary structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways.
e. **Agent.** A person authorized by another to act in his/her behalf.
f. **Approved**. Meets the standards set forth by the municipal code, the community development code, the building code, or other standards referenced in those codes, or is approved by the Director.
g. **Ashes**. The residue of the combustion of solid fuels.
h. **Attic**. The unfinished, non-habitable part of a structure between the roof and the ceiling immediately below.
i. **Attractive Nuisance**. Buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.
j. **Basement**. That portion of a building or structure which is partly or completely below grade.
k. **Bathroom**. A room containing plumbing fixtures including a bathtub or shower.
l. **Bedroom.** Any room or space used or intended to be used for sleeping purposes.

m. **Boarded**. The securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings, following the standards of Appendix A of this code, that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.

n. **Building**. Any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.

o. **Building Code**. The specialty codes adopted and as may be amended by the City of Corvallis, as provided in CMC Chapter 9.01.

p. **Building Official**. The administrator of the Development Services Division of the Community Development Department, or the administrator's designee.

q. **Bulk Solid Waste**. Discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.

r. **Deterioration**. A lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.

s. **Derelict structure**. A building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:

   i. Is unoccupied and unsecured;
   ii. Is partially constructed;
   iii. Is an abandoned structure or attractive nuisance;
   iv. Is in condition of deterioration;
   v. Has an infestation of pests;
   vi. Has doors or windows boarded over, or;
   vii. Other condition that in the opinion of the Director is detrimental to public health, safety or welfare.

t. **Dilapidation**. Being in a state of partial ruin, decay or disrepair.

u. **Director**. The Community Development Director charged by the City Manager with the implementation and enforcement of this code, or that department head's designee.

v. **Dwelling**. Any structure containing one or more dwelling unit.

w. **Dwelling Unit**. A single unit within a dwelling providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. As used in this code, dwelling unit includes, as the context requires, single family dwellings, duplexes, triplexes, condominiums, residential trailers, mobile homes, manufactured homes, multi-family dwellings, and single units therein.

x. **Exit**. A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.

y. **Exterior Property**. The areas of a property which are outside the exterior walls and roof of a building. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, yards, gardens, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

z. **Extermination**. The control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Director.

aa. **Hazardous Solid Waste**. Any solid waste which, in the opinion of the Director, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.

bb. **Habitable**. Suitable for human habitation.

cc. **Habitable space**. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

dd. **Hazardous Thicket**. Blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous.

ee. **Hearings Officer**. The person or persons appointed by the City Manager to serve in that capacity and to pass on matters stipulated for quasi-judicial review under this code.

ff. **Human habitation**. The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

gg. **Imminent Hazard**. Any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.

hh. **Incipient Hazard**. Any condition that can become an imminent hazard if further deterioration is allowed to occur.

ii. **Indoor Fixture**. Any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.

jj. **Indoor Furnishing/Furniture**. Any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.

kk. **Infestation**. The presence of pests in large numbers that are harmful or bothersome within or adjacent to a building or structure or upon a premises.

ll. **Junk**. Articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this code the term "junk" includes, but is not limited to:

   i. any derelict motor vehicle, trailer, or boat, i.e., any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; or,
   ii. neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or,
   iii. wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; or,
   iv. machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; or,
   v. any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; or,
   vi. any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; or,
   vii. any bulk solid waste; and,

viii. solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

mm. **Landlord**. The owner or lessor of a dwelling unit, a building, or a premises, including a person authorized by the owner or lessor to manage the premises or to enter into a rental agreement.

nn. **Legally occupied**. The use of premises for a purpose authorized by law, including the building code and zone code. For the purposes of this code, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this code, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.

oo. **Let for occupancy** or **Let**. To permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

pp. **Maintained compost**. A small portion of a property set aside for the purpose of methodically encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer or amendment for the soil on the property. Maintained compost shows clear indicators that the organic materials placed there are being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition does not constitute maintained compost.

qq. **Means of Egress/Doors**: A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. Includes any doors that are present at the exit access, along the path of exit, and at the exit discharge.

rr. **Must**. Mandatory

ss. **Naturescape.** Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

tt. **Noxious Vegetation**. Weeds more than ten inches in height; grass more than ten inches in height; rank or dead vegetation; poison oak, poison hemlock, poison ivy; hazardous thickets; or other rank, noxious, and dangerous vegetation that is a health hazard; a fire hazard; or a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of the public right-of-way hazardous. This definition shall not include agriculture crops, endangered riparian grasses that have not come to seed and wet land grasses that are neither a fire nor a traffic hazard.

uu. **Occupancy**. The purpose for which a building, structure or premises is used or intended to be used.

vv. **Occupant**. Any person, including an owner, tenant or operator, using a building or any part of a building for its lawful, intended use or having possession of a space within a building or structure or possession of a premises.

ww. **Owner**. The person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto.

xx. **Partially Constructed**. An occupied or vacant structure, or portion thereof, has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.

yy. **Person**. An individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.

zz. **Pests**. Animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.

aaa. **Premises**. A lot or parcel of land, including any buildings or structures thereon.

bbb. **Rank Vegetation**. Any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

ccc. **Receptacle**. A trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

ddd. **Recycling**. The process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

eee. **Remediation**. The elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

fff. **Repair**. The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

ggg. **Residential property**. Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multifamily structures and mixed-use structures which have one or more dwelling units. Hotels used exclusively for transient occupancy are excluded from this definition of residential property.

hhh. **Rubbish**. Worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.

iii. **Shall**. Mandatory.

jjj. **Solid Waste**. This term shall have the same meaning as provided under CMC 4.01.010.

kkk. **Structure**. That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

lll. **Temporary**. A period up to 6 months in any 12 month period.

mmm. **Unfit for Human Habitation**. A building or structure that, as found by the Director, is unfit for human habitation due to; unsanitary conditions, infestation, accumulation of filth or contamination, lack of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

nnn. **Unoccupied**. Not legally occupied.

ooo. **Unsecured.** Any structure in which doors, windows, or apertures are open or able to be opened from the outside so as to allow access by unauthorized persons; unlocked or otherwise open to entry.

ppp. **Ventilation**. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

qqq. **Watertight**. As secure as possible against the entry of rain, melt water and storm water.

rrr. **Waste Tire**. A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

sss. **Weather tight**. As secure as possible against the entry of wind, rain, melt water, storm water and natural elements.

ttt. **Workmanlike**. Executed in a skilled manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

Chapter 3 Interior Structure Conditions

9.02.55 Lighting of Accessible Means of Egress.

a. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space, other than in 1-2 family dwellings, shall, at all times:
   i. provide minimum illumination of 1 footcandle (11 lux) at floors, landings and stairs for all common areas and spaces in all residential occupancies, with responsibility to maintain functioning bulbs; and,
   ii. for all other Accessible Means of Egress within dwelling units, shall provide the means for minimum illumination of either 3 footcandles (33 lux) at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart.

b. Every Landlord who rents, leases or lets one or more dwelling unit or sleeping unit of any 1-2 family structure shall provide the means for minimum illumination of either:
   i. 3 footcandles (33 lux) at floors, landings and stairs; or,
   ii. shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart, for all Accessible Means of Egress.

9.02.56 Ventilation.

a. Every dwelling, including basements, and attics shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

b. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to maintain legally existing ventilation systems in compliance with these requirements:
   i. Except where another approved ventilation device is provided, the total openable window area in every bathroom and toilet room or compartment shall be equal to at least one-fortieth (2.5%) of the area of the room.
      1. The glazed areas of a window in such spaces need not be openable where an approved mechanical ventilation system is provided that is functional and capable of producing 0.35 air changes per hour in the room.
   ii. In kitchens, a local exhaust ventilation system shall be maintained to remove the contaminating agent at the source.
   iii. Clothes dryer exhaust systems shall be independent of all other systems, shall be exhausted outside the structure and shall be installed in accordance with manufacturer's instructions.

iv. Mechanical clothes drying appliances and exhaust systems shall be properly installed, connected, and maintained in a safe condition and good working order. Exhaust hoses must be free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards.

9.02.57 Equipment Exposed to Water.

a. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall replace electrical equipment or portions of electrical systems that have been exposed to water.
b. For purposes of this Section, the term "exposed to water" shall include but is not limited to: submersion due to flooding; inundation due to fire fighting activities; drenching by stormwater; intrusion of moisture; or plumbing system failures.
c. Exception. Electrical equipment or portions of electrical systems that are exposed to water shall be allowed to be repaired where an inspection and testing report from the equipment manufacturer, approved manufacturer's representative, or a state of Oregon Licensed Supervising Electrician, indicates that the electrical equipment or electrical system has not sustained damage that requires replacement and may be repaired, safely reenergized, and placed back into service.

9.02.58 Circuit Protection. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each building and dwelling unit in accordance with these standards:

a. Every kitchen and other interior location with a water containment or supply fixture in its area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter.
b. Every bathroom shall contain at least one receptacle. Any new or replacement bathroom receptacle outlet shall have ground fault circuit interrupter protection.
c. All receptacle outlets shall have the appropriate faceplate cover for the location.

9.02.59 Hot Water. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each building and dwelling unit in accordance with these standards:

a. All sinks, lavatory basins, bathtubs and showers within a dwelling shall be supplied with both hot and cold running water facilities which are installed in an approved manner, properly maintained, properly connected and have a water pressure of at least fifteen psi.
b. Water heating facilities shall be supplied for each dwelling unit. Water heating facilities within a dwelling unit shall be capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit for at least 10 minutes at each hot water outlet.
    i. **Exceptions**:
        1. at a bidet the temperature shall not exceed 110 degrees Fahrenheit; and,
        2. at a shower or tub-shower combination equipped with a scald and thermal shock protection valve the temperature shall be at least 115 degrees Fahrenheit but shall not exceed 120 degrees Fahrenheit.

9.02.60 Interior Sanitation. The interior of every structure that is rented leased or let for residential occupancy shall be maintained in good repair, in a clean and sanitary condition, free from any accumulation of rubbish, garbage

Comment [ccw16]: Similar to CMC 4.01.070; And CMC 4.02.050

or solid wastes. For purposes of this section, the term "clean and sanitary" shall mean free from and any material or condition that:

a. Provides a breeding place for insects, rodents or vermin; or
b. Produces dangerous or offensive gases or odors; or
c. Blocks exits, hallways, corridors or Accessible Means of Egress; or
d. Provides a surface, exposed or concealed, which is conducive for the growth of mold or mildew.

9.02.61 Occupants shall keep that part of the dwelling unit which they occupy or control in a clean and sanitary condition.

9.02.62 Every Landlord of any dwelling who rents, leases or lets a dwelling unit within any such space shall:

a. Maintain the common halls, stairways, utility rooms and areas, and similar public areas of the dwelling in a clean and sanitary condition; and,
b. Pursuant to Section (a)(4) of this code but not withstanding the requirement under Section (b) of this code that the occupants shall keep such spaces in a clean and sanitary condition, provide and maintain all interior surfaces in good repair, including windows and doors, as follows: Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered; Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected; Walls, floors, ceilings, cabinets and interior doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch; and,
c. Pursuant to Section (a)(4) of this code but not withstanding the requirement under Section (b) of this code that the occupants shall keep such spaces in a clean and sanitary condition, be responsible to ensure that every toilet compartment, bathroom, and kitchen floor surface of every dwelling unit is constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

9.02.63 **Heat in Bathrooms and Non-Habitable Rooms**. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain every dwelling unit with permanent heating facilities capable of maintaining a year-round room temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms.

Comment [ccw17]: See CMC 9.02.090(3)(a), but expanded to include bathrooms.

a. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
b. No portable, unvented or open flame fuel burning devices may be used to meet the heat requirements of this code.
c. All heating devices or appliances shall be of an approved type.
d. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms.

Comment [ccw18]: See CMC 9.02.090(3)(b)

9.02.64 **Window and Door Security**. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain all exterior doors, windows or hatchways for every dwelling unit with devices designed to provide security for the occupants and property within.

a. Every entrance door to a dwelling unit shall be provided with a door knob and a deadbolt lock, and keys for same, designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.
    i. Deadbolt locks shall have a minimum lock throw of not less than 1 inch (25 mm) and shall be installed according to the manufacturer's specifications.

ii. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door to discourage unwanted entry.

iii. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

9.02.65 Operable windows located in whole or in part within 10 feet above ground level or a walking surface below that provide access to a dwelling unit shall be equipped with a window sash locking device.

9.02.66 Basement hatchways that provide access to a dwelling unit shall be equipped with devices that secure the unit from unauthorized entry.

Comment [ccw19]: Similar to CMC 9.02.090(6), but expanded.

Chapter 4 Exterior Structure and Premises Conditions

WEATHERPROOFING AND WATERPROOFING

9.02.67 It is the responsibility of the owner of every property to maintain every building and structure on the property in a manner that complies with the following requirements:

Comment [ccw20]: When Staff encounter owners who express concern about lack of financial or physical means to comply, Staff will endeavor to connect them with assistance resources as available via the HNS or NGO social services +programs.

9.02.68 Roofs and Drainage. All roofs, flashing, vent stacks and boots, and chimneys shall be structurally sound, tight, and have no defects which might admit rain or melt water. Roof drainage shall be adequate to prevent rain or melt water from causing dampness in the walls, attic or interior portion of the building and shall channel rain or melt water in an approved manner to an approved point of disposal. Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair. Roof drains, gutters and downspouts of a building or structure shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration.

9.02.69 Exterior Walls and Exposed Surfaces. Every exterior wall and weather-exposed exterior surface or attachment of a building or structure shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or melt water or dampness to the interior portions of the walls or the occupied spaces of the building or structure.

Comment [ccw21]: Through CLC 9.02.71, similar to CMC 9.02.090(4)(a)

a. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition.

Comment [ccw22]: The specifics of how Staff will respond to such conditions as these will be addressed an operating guidelines.

b. Every Landlord of a structure, building or premises who rents, leases or lets a dwelling or dwelling unit for residential occupancy within any such space shall maintain in a weathertight condition all siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights.

c. Every owner of any structure, building or premises that is not for rent, lease or to be let for residential occupancy, shall maintain in a watertight condition all siding and masonry and joints, including those between the building envelope and the perimeter of windows, doors and skylights.

d. Exterior metal surfaces shall be protected from rust and corrosion. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

9.02.70 Windows and Doors. Every window, sash, door and door frame of a building shall be kept in sound condition and in good repair. Every exterior door, skylight, and window shall comply with the following:

a. Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition.
b. Every exterior door, when closed, shall fit reasonably well within its frame.
c. Every exterior door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, to also substantially exclude wind from entering a building.
d. Every window sash shall be maintained in sound condition and good repair; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building when the window components are placed in a closed position within the frame and jamb.
e. Every window frame and casing shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building.

9.02.71 Glazing. Every window sash of a building exterior envelope shall be fully supplied with glass window panes or an approved substitute without open cracks and holes. All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.

9.02.72 Basement hatchways. Every basement hatchway shall be maintained to prevent as completely as possible the entrance of rodents, rain or melt water and surface drainage water.

9.02.73 Temporary Measures. The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or roofing, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building or Public Nuisance notice.

Comment [ccw23]: See CMC 9.02.090(4)(b)

9.02.74 Exterior Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner of every property shall maintain the structures, premises and all common areas of the exterior property in compliance with these requirements. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. The exterior property and premises and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

9.02.75 Holes, tanks, and child traps. Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.

Comment [ccw24]: See CMC 5.04.040(1); and, CMC 5.04.050(1)(a & d)

9.02.76 Unsecured structures. Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any unsecured structure so as to prevent access by

unauthorized persons through such openings. No requirement imposed under this section shall constitute relief from or an exemption to compliance with the provisions of ___TBD_____ for weathertight and watertight standards.

9.02.77 Rat harborage. Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.

Comment [ccw25]: See CMC 4.02.020; and CMC 4.02.030

9.02.78 Emergency access routes. Remove and keep removed all brush, vines, overgrowth and other entangling or rank vegetation located within 10 feet of a structure or within 10 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.

9.02.79 Thickets that conceal hazards. Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:

a. Concealing trash and debris; or
b. Creating rat harborage; or
c. Creating harborage for people involved in criminal or prohibited activity or for products used for criminal activity.

Comment [ccw26]: See CMC 4.02.030

9.02.80 Trash and debris. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

a. All garbage, offal, dead animals, animal and human waste, and waste materials (All garbage shall be stored as specified in CMC Section 4.01.050);
b. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;
c. All dead bushes, dead trees, and stumps with the exception of such material which:
    i. Is being maintained as part of a naturescaped property;
    ii. Does not result in a nuisance as otherwise defined in this chapter; and
    iii. Is located on a property which is otherwise substantially in compliance with this chapter;
d. All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property per the provisions in CMC Section 2.19.150;
e. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and
f. Accumulations of clothing and any other items not designed for outdoor storage.

Comment [ccw27]: See CMC 4.02.050; and CMC 4.02.060

Comment [ccw28]: See CMC 4.01.050; and CMC 4.01.070

Comment [ccw29]: See CMC 4.01.070; and CMC 4.02.050-070

9.02.81 Storage of non-trash items. Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

a. Accumulations of wood pallets.
b. Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester, per the provisions in CMC Chapter 5.05, Dutch Elm Disease.
c. Accumulations of vehicle parts or tires except for storage of non-waste, serviceable parts or tires that are reasonably expected to be used on a vehicle and are stored in a manner to protect their utility and prevent deterioration.

d. All construction materials except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.
e. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.
f. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.
g. All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal and CMC Section 4.1.070) that are stored in a well-maintained manner.
h. All other non-trash items which:
    i. Are of a type or quantity inconsistent with normal and usual use; or
    ii. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

SOLID WASTE REMOVAL.

9.02.82 All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of solid waste. Approved receptacles for solid waste shall be provided and utilized for the containment and disposal of solid waste in accordance with the provisions of CMC Chapter 4.01; bulk solid waste shall be disposed of within a week of discard, in accordance with franchise utility services, or approved alternative.

9.02.83 Every occupant of a structure or premises shall dispose of solid waste by placing all such material in an approved solid waste disposal facility or approved receptacles.

9.02.84 The Landlord of any multi-family dwelling shall:

a. Provide, in a location accessible to all dwelling units, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively for more than individual dwelling units, into which all solid waste from the dwelling unit may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid waste from occurring; and,
b. Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

9.02.85 The Landlord of any 1 and2 family dwelling, except as otherwise provided by written agreement between the landlord and the tenant, shall:

a. Provide, in a location accessible to each dwelling unit, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provide individually for each dwelling unit or cumulative for more than individual dwelling units, into which solid waste from the dwelling unit(s) may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid from occurring; and,
b. Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

Comment [ccw30]: See CMC 4.01.030

Comment [ccw31]: See CMC 4.01.050

Comment [ccw32]: Similar to CMC 4.01.050; this specifies occupant

BUILDING AND ACCESSORY STRUCTURES.

9.02.86 General Maintenance. It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

9.02.87 General. The exterior of a building or structure shall be maintained in good repair and structurally sound so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.

Comment [ccw33]: See CMC 9.02.090(1)

9.02.88 Foundations and Structural Members. Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration. All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects, rodents or pests.

Comment [ccw34]: Duplication. Addressed under 9.02.12(c)

Comment [ccw35]: Duplication. Addressed under 9.02.15

Comment [ccw36]: See CMC 9.02.090(1)

a. All supporting structural members in every building and structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

9.02.89 Exterior Walls and Exposed Surfaces. Every exterior wall of a building and all weather-exposed exterior surface or attachment of a building shall be:

a. free of holes, breaks, loose or rotting boards or timbers; and,
b. maintained in a watertight condition; and,
    i. with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building; and,
c. properly surface coated where required to prevent deterioration.

9.02.90 Every section of exterior brick, stone, masonry or other veneer applied to a building shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

9.02.91 Chimneys. Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of a structure shall be permanently sealed using approved materials.

9.02.92 Roofs. All building roofs shall be structurally sound and watertight.

Comment [ccw37]: See CMC 9.02.090(1 & 4)

9.02.93 Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration. When any building or structure is found to be missing a decorative feature, the Director may require the missing decorative feature to be replaced.

9.02.94 Accessory Structures. Every accessory structure, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

9.02.95 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.

9.02.96 Decks, Stairs and Handrails; Maintenance. It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:

9.02.97 Every exterior stairway, deck, porch and balcony and attachment to stairways, decks, porches and balconies shall be:

a. Maintained so as to be safe to use and capable of supporting the loads to which it is subjected;
b. Kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, rotten, deteriorated or loose.

9.02.98 Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good repair, and capable of supporting the loads to which it is subjected.

a. Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced;

9.02.99 Exterior Lighting. It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:

a. Exterior site lighting required by the land development code or the building code at the time of development shall be maintained or, if removed, shall be replaced.

Comment [ccw38]: See LDC 1.3.40 & 60

Chapter 5 Fire Safety

Comment [ccw39]: Broadens Fire Code provisions to include 1 & 2 Family occupancies and to pertain to interior of dwelling units.

9.02.100 Means of Egress Door Locks. All means of egress doors shall be readily openable from the side from which egress is to be made without the use of a key or any special knowledge or effort.

9.02.101 Unobstructed Path of Travel. Every accessible means of egress, fire escape or stairway, stair platform, corridor or passageway which may be one of the regular accessible means of egress or means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

9.02.102 Fire-Resistive Assembly; Maintenance. Where required by the code in effect at the time of construction, the fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. The surfaces of all other interior walls, floors and ceilings shall be free of holes larger than four inches in diameter.

Existing Code Language
June 2015

Chapter 1.01 - GENERAL PROVISIONS

All ordinances included in this and the following Chapters shall constitute and be designated the "Corvallis Municipal Code" and will hereafter be referred to as "Code."

(Ord. 92-34 § 4, 1992)

Section 1.01.020 - Definitions.

The following definitions and rules of construction apply to the Code, unless inconsistent with the intent of the Council or the context clearly requires otherwise:

1) City. The City of Corvallis, Oregon, and the area within its boundaries, including its boundaries as extended in the future.
2) City Attorney. The City Attorney of the City of Corvallis or his/her designated representative.
3) City Engineer. The City Engineer of the City of Corvallis or his/her designated representative.
4) City Manager. The City Manager of the City of Corvallis or his/her designated representative.
5) Code. The municipal code of the City of Corvallis, Oregon.
6) Council. The City Council of the City of Corvallis, Oregon.
7) Fire Chief. The Fire Chief of the City of Corvallis or his/her designated representative.
8) Holiday. Holiday shall have the same meaning as defined in ORS 187.010(1) and 187.020(2), or as otherwise specified by City rules and regulations.
9) Legislative body. The Council of the City of Corvallis.
10) Municipal Court or Court. The Municipal Court for the City of Corvallis.
11) Municipal Judge or Judge. The Municipal Judge of the City of Corvallis or his/her designated representative.
12) ORS. Oregon Revised Statutes.
13) Person. Any individual, firm, partnership, unincorporated association, public or private corporation, government or government instrumentality.
14) Police Chief. The Chief of Police of the City of Corvallis or his/her designated representative.
15) Recorder. The City Recorder of the City of Corvallis or his/her designated representative.
16) State. The State of Oregon.

(Ord. 92-34 § 4, 1992)

Section 1.01.030 - Rules of construction.

The following rules of construction apply to the Code, unless inconsistent with the intent of the Council or the context clearly requires otherwise:

1) Computation of time. The time within which an act is to be done is computed by excluding the first day and including the last, unless the last day falls on a holiday or on Saturday, in which case the last day is also excluded.
2) Gender. The masculine gender includes the feminine and neuter.
3) Plural/Singular. The singular includes the plural, and the plural includes the singular.
4) Shall and may. "Shall" is mandatory and "may" is permissive.
5) Tenses. The present tense includes the past and future tenses, and the future includes the present.

(Ord. 92-34 § 4, 1992)

Section 1.01.040 - Construction.

The provisions of this Code and all proceedings under it are to be construed with a view to effecting its objectives and promoting justice.

(Ord. 92-34 § 4, 1992)

Section 1.01.050 - Continuation of existing ordinances.

Comment [ccw1]: See CLC 9.02.6

The provisions appearing in this Code, so far as they are the same as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations of those provisions and not as new enactments.

(Ord. 92-34 § 4, 1992)

Section 1.01.060 - Effect of repeal or amendment.

The repeal or amendment of an ordinance or Code section shall not revive an ordinance or Code section in force before or at the time the repealed provision took effect. The repeal or amendment of an ordinance or Code section shall not affect a punishment or penalty incurred before the repeal or amendment took effect, nor a suit, prosecution, or proceeding pending at the time of the repeal or amendment, for an offense committed under the provision repealed or amended.

(Ord. 92-34 § 4, 1992)

Section 1.01.070 - Severability of parts.

Comment [ccw2]: See CLC 9.02.5

It is hereby declared to be the intention of the Council that the Sections, subsections, paragraphs, sentences, clauses and phrases of this Code are severable; and if any phrase, clause, sentence, paragraph, subsection or Section of this Code is declared by any court of competent jurisdiction to be unconstitutional or invalid, the judgment shall not affect the validity of the remaining portions of this Code.

(Ord. 92-34 § 4, 1992)

Section 1.01.080 - Section titles not part of law.

Section titles in this Code are not part of the substance of the Code.

(Ord. 92-34 § 4, 1992)

Section 1.01.090 - Offenses outside City limits.

When permitted by Oregon law, an act made unlawful by this Code shall constitute an offense when committed on property owned or leased by the City, even though outside the corporate limits of the City.

(Ord. 92-34 § 4, 1992)

Section 1.01.100 - Repeal.

All ordinances of a general and permanent nature and not excluded by Section 1.01.110 are hereby repealed.

(Ord. 92-34 § 4, 1992)

Section 1.01.110 - Exclusions.

Notwithstanding inclusion within this Code of the general subject matter, in whole or in part, this Code does not repeal or amend: any special ordinance affecting the general public on a temporary basis; any ordinance relating to or resulting from annexation; vacation of streets; waiver of fees or code provisions, bids or contracts; any ordinance fixing or changing a district designation or Comprehensive Plan designation; any ordinance relating to the Land Development Code; any ordinance relating to the budget; any ordinance granting a permit; any franchise ordinance; any ordinance creating local improvement districts and spreading assessments for the improvement; any ordinance calling for an election; and any ordinance to create a special fund.

(Ord. 92-34 § 4, 1992)

Section 1.01.120 - General Penalty.

Comment [ccw3]: See CLC 9.02.37

Except as otherwise provided in the Code provision defining the offense, a violation of a provision of this Code is punishable as follows:

1) An offense classified as a Class A misdemeanor is punishable by a fine not to exceed $2,500 or imprisonment not to exceed one year, or both fine and imprisonment.
2) An offense classified as a Class B misdemeanor is punishable by a fine not to exceed $1,000 or imprisonment not to exceed six months, or both fine and imprisonment.
3) An offense classified as a Class C misdemeanor is punishable by a fine not to exceed $500 or imprisonment not to exceed 30 days, or both fine and imprisonment.
4) An offense classified as a Class A infraction is punishable by a fine not to exceed $500.
5) An offense classified as a Class B infraction is punishable by a fine not to exceed $100.
6) A violation of a provision that is identical to a State statute is punishable by a fine and/or imprisonment not to exceed the penalty prescribed by the State law.

(Ord. 92-34 § 4, 1992)

Existing Code Language
June 2015

Chapter 1.06 - DELEGATION OF DUTIES

Sections:

Section 1.06.010 - Delegation powers.

Comment [ccw1]: Consistent with CLC 9.02.7

1) That the City Manager of the City be and that she or he is hereby authorized to delegate to any employee of the City who is under the direct supervision and control of the City Manager any and all administrative duties imposed upon the City Manager by ordinances, resolutions, or policies of the City.
2) This Chapter shall be liberally construed to the end that the City Manager shall not be required to personally perform the administrative duties and functions for which she or he is held responsible under the terms of the ordinances, resolutions, and policies of the City.
3) Any acts done by any employee who is under the direct supervision and control of the City Manager and done pursuant to a delegation of authority given by the City Manager to said employee shall be deemed to be done by the City Manager of the City as required by the ordinances, resolutions, and policies thereof.
4) This Chapter shall not be construed to make the City Manager liable for any damage or injury caused by a negligent or willful act or omission of any such employee.

(Ord. 63-56, 1963)

Existing Code Language
June 2015

Chapter 1.15 - ADMINISTRATIVE SEARCH WARRANTS

Comment [ccw1]: See CLC 9.02.49-53

Section 1.15.010 - Authorizing Municipal Judge.

The Municipal Judge is hereby authorized to issue administrative search warrants upon application by the City Attorney, Building Official or Fire Chief, or their duly authorized representatives, acting in the course of their official duties, whenever an inspection or investigation of any place is required or authorized by any municipal ordinance or regulation. The warrant is an order authorizing the inspection or investigation at a designated location.

(Ord. 79-27 § 1, 1979)

Section 1.15.020 - Grounds for issuance.

1) A search warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant hereunder, the ordinance or regulation requiring or authorizing the inspection or investigation, the location to be inspected or investigated, and the purpose for which the inspection or investigation is to be made, including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without a warrant.
2) Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to the location or there is probable cause to believe that a condition of nonconformity with a health, public protection or safety ordinance, regulation, rule, standard or order exists with respect to the particular location, or an investigation is reasonably believed to be necessary in order to determine or verify the condition of the location.

(Ord. 79-27 § 2, 1979)

Section 1.15.030 - Procedure for issuing search warrant.

1) Before issuing any search warrant, the Municipal Judge shall examine under oath the applicant and any other witness and shall satisfy her or himself of the existence of grounds for granting such application.
2) If the Municipal Judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the warrant are satisfied, she or he may issue the warrant, particularly describing the same and title of the person or persons authorized to execute the warrant, the place to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 am and 6:00 pm, or where the Municipal Judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

(Ord. 79-27 § 3, 1979)

Section 1.15.040 - Execution of search warrant.

1) Except as provided in subsection 2) of this Section, in executing a search warrant, the person authorized to execute the warrant shall, before entry, make a reasonable effort to present credentials, authority and purpose to an occupant or person in possession of the location designated in the warrant and show her or him the warrant or a copy thereof upon request.

2) In executing a search warrant, the person authorized to execute the warrant need not inform anyone of his or her authority and purpose, as prescribed in subsection 1) of this Section, but may promptly enter the designated location if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition.

3) A peace officer may be requested to assist in the execution of the warrant.

4) A warrant must be executed and returned to the Municipal Judge by whom it was issued within 10 days from its date, unless such Municipal Judge before the expiration of such time, by endorsement thereon, extends the time for five days. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

(Ord. 79-27 § 4, 1979)

Existing Code Language
June 2015

Chapter 4.01 - SOLID WASTE REGULATIONS

Section 4.01.010 - Definitions.

1) Solid Waste. Discarded putrescible, non-putrescible, and recyclable materials, including but not limited to garbage, rubbish, refuse, ashes, paper, cardboard, sewage sludge, septic tank and cesspool pumpings, or other sludge, useless or discarded commercial, industrial, demolition, and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances and furnishings, manure, vegetable or animal solid and semi-solid wastes, dead animals and infectious waste as defined in ORS 459.386.
2) Person. Any individual, partnership, business, association, corporation, trust, firm, estate, joint venture or other private entity or any public agency.
3) Receptacles. Cans, carts, bins, containers, drop boxes, or dumpsters used for the containment and disposal of solid waste.

(Ord. 2008-21§ 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.020 - Supervision by City Manager.

The regulation of the disposal and hauling of solid waste in the City under the provisions herein shall be under the supervision of the City Manager, her or his power and duties to include but not be limited to authority to conduct inspections to ensure full compliance with the terms and provisions herein, and to arbitrate or to provide for arbitration of any and all disputes arising between franchise holders hereunder and citizens of the City and suspend or revoke the franchise of any franchise holder hereunder for noncompliance after reasonable notice of any award or decision made in arbitration or upon conviction of any violation of this chapter in the Municipal Court.

(Ord. 2008-21§ 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.030 - Restrictions.

It shall be unlawful for any person to dump, collect, remove or in any other manner accumulate or dispose of solid waste upon any street, alley, public place or private property within the City.

(Ord. 2008-21§ 1, 12/15/2008; Amended 05/04/1998; Ord. 74-04, 1974; Ord. 58-60 § 4, 1958)

Section 4.01.040 - Hazardous waste.

No person shall place hazardous wastes for collection or disposal at the curbside. Hazardous waste shall only be disposed at collection events for this specific purpose.

(Ord. 2008-21 § 1, 12/15/2008)

Section 4.01.050 - Solid waste accumulation and solid waste receptacles.

Comment [ccw1]: Draft language refers to this definition; definition shall live for both codes as CMC 4.01 will continue to exist, including for franchise administration purposes.

Comment [ccw2]: See CLC 9.02.80

It shall be unlawful for any person in possession, charge, or control of any dwelling, multi-family housing, manufactured home park, fraternity, sorority, restaurant, place of business, school, or manufacturing establishment where solid waste is created or accumulated to fail at all times to keep portable receptacles of standard type and construction, and to deposit said solid waste therein. Said receptacles shall be strong, watertight, rodent proof, insect proof, and shall have tightly fitting lids. Said receptacles with capacities pursuant to applicable franchise agreements, shall be kept tightly closed at all times except when being emptied or filled, and shall be kept and maintained out of the right-of-way when not placed out for collection. Receptacles placed for collection shall be located in a manner to provide safe, above-ground access without hazard or risk to franchisee or as to pose a hazard to pedestrians, bicycles, or motor vehicles. No person shall accumulate or store waste that is unsightly or in violation of City, County, or Oregon Department of Environmental Quality regulations.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 98-08 § 1, 5/04/98; Ord. 58-60 § 3, 1958)

Section 4.01.060 - Curbside receptacle placement.

Comment [ccw3]: Draft language refers back to provisions of CMC 4.01 (here and 4.01.050) for provision and use of receptacles "...in accordance with the provisions of CMC Chapter 4.01..."

Placement of receptacles must be within three (3) feet of curb but shall not restrict access to bicycle lanes or sidewalks and shall not be blocked by vehicles or other items. Items not for collection must be at least three (3) feet from receptacles. Placement of receptacles is limited to a time period of twenty-four (24) hours prior to scheduled pick-up by a franchised hauler and twenty-four (24) hours after scheduled pick-up. Receptacles within alleys shall be placed to accommodate collection vehicles.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.070 - Disposal requirement.

Comment [ccw4]: See CLC 9.02.60; See CLC 9.02.80

All persons in the City are hereby required to dispose of all perishable solid waste before the same shall have become offensive, and to dispose of all nonperishable solid waste promptly and not permit the same to accumulate on or about premises.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.080 - Private disposal.

Comment [ccw5]: Remains applicable under draft language.

Any person, may transport solid waste generated by herself, himself or itself upon the streets of the City without procuring a franchise therefor; provided, that such solid waste is hauled in such manner as to prevent leakage or litter upon the streets.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.090 - Unauthorized disposal of solid waste prohibited.

1) It shall be unlawful for any person to remove the lid from or interfere with any solid waste receptacle to dump or dispose any solid waste accumulated on or about her or his home, residence or any house or building or place of business into any public or semipublic solid waste receptacle or privately owned solid waste receptacle other than that owned by such person without the consent of the owner thereof.

2) It shall be unlawful for any person to dump or dispose of solid waste in any public or semipublic solid waste receptacle or disposal unit, except solid waste accumulated or acquired within an area reasonably contemplated to be served by such solid waste receptacle or disposal unit.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.100 - Franchise requirement.

1) It shall be unlawful for any person to collect solid waste within the City without having first procured a franchise to do so from the City unless said collection is exempted in the current solid waste franchise.
2) No person, other than the generator of the materials contained therein, or an officer, employee or permittee of the City, or an employee of a franchisee shall interfere with any solid waste receptacle serviced by a franchisee, or remove any such receptacle or its contents from the location where the same has been placed by the generator, or remove the lid from any solid waste receptacle, or enter into such solid waste receptacle.

(Ord. 2008-21 § 1, 12/15/2008; Amended, 05/04/1998; Ord. 58-60 § 1, 1958)

Section 4.01.110 - Nonexclusivity clause.

The powers and duties herein granted for the suspension or revocation of franchises hereunder shall not be exclusive, and shall not preclude the filing of complaint or complaints and subsequent prosecution thereunder of any person for any violation of this Chapter.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 1, 1958)

Section 4.01.120 - Disposal equipment and maintenance.

It shall be unlawful for any franchised solid waste hauler or person transporting solid waste produced by herself, himself or itself to transport solid waste on the streets of Corvallis, except in a covered, watertight and drip-proof vehicle.

(Ord. 2008-21 § 1, 12/15/2008)

Section 4.01.130 - Downtown collection hours.

No person shall operate solid waste collection equipment within the business district of the City between the hours of 12 noon and 6:00 pm of each day; except that the City Manager is authorized to issue to any franchise holder hereunder at any time permit and authority for special consideration.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 98-08 § 2, 5/04/98; Ord. 58-60 § 10, 1958)

Section 4.01.140 - Penalty.

Comment [ccw6]: Carried over into draft language. See CLC 9.02.37

A violation of this Chapter is a Class A Misdemeanor. Upon conviction, the Court shall sentence the defendant to pay a fine and/or to serve a term of imprisonment with the following maximum limitations: the fine shall not exceed $2,500, nor shall the term of imprisonment exceed one (1) year.

(Ord. 2008-21 § 1, 12/15/2008; Ord. 58-60 § 13, 1958)

Existing Code Language
June 2015

Chapter 4.02 - RAT ERADICATION

Section 4.02.010 - Definitions.

1) Eradicate all rats. The elimination or extermination of rats by any or all of the accepted measures, such as: poisoning, fumigating, trapping, and clubbing.
2) Occupant. The individual, partnership or corporation that uses or occupies any building, lot, or premises or part or fraction thereof.
3) Owner. The actual owner, agent or custodian of any building, lot or premises, whether individual, partnership or corporation.
4) Rat harborage. Any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under, or outside of any structure.

(Ord. 61-58 § 1, 1961)

Section 4.02.020 - Buildings to be rat-proof and rat-free.

Comment [ccw1]: See CLC 9.02.77

The owner and occupant and each of them of any building, lot or premises in the City shall cause said building, lot and premises to be rat-proofed, freed of rats, and maintained in a rat-proof and rat-free condition to the reasonable satisfaction of the City Manager.

(Ord. 61-58 § 2, 1961)

Section 4.02.030 - Rat elimination by owner and occupant.

Comment [ccw2]: See CLC 9.02.77

The owner and occupant of any lot, building, or premises in the City shall eliminate all rats and destroy any rat harborage in, on or about all lots, buildings, and premises owned and occupied by them.

(Ord. 61-58 § 3, 1961)

Section 4.02.040 - Covered containers prescribed.

Comment [ccw3]: See CLC 9.02.80(a)

Within the corporate limits of the City, all garbage or refuse consisting of waste animal or vegetable matter upon which rats may feed, and all small dead animals, shall be placed and stored until collected in covered containers of a type prescribed by the City Manager. It is further declared unlawful for any person, firm, or corporation to dump or place on any premises, land, or waterway, any dead animals, or any waste vegetable or animal matter of any kind. Waste vegetable matter collected on private property for the purpose of residential composting is exempt from this prohibition.

Comment [ccw4]: See CLC 9.02.80(e)

(Ord. 2004-12 § 1, 07/19/20040; Ord. 61-58 § 4, 1961)

Section 4.02.050 - Garbage accumulation prohibited in buildings.

It shall be unlawful for any person to place, leave, dump, or permit to accumulate any garbage, rubbish, or trash in any building or on any premises, improved or vacant, or on any open lot or alley in the City.

(Ord. 61-58 § 5, 1961)

Section 4.02.060 - Garbage accumulation prohibited on lots.

It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any open lot or alley in the City any lumber, boxes, barrels, bottles, cans, containers, furniture, fixtures, or similar materials unless the same shall be maintained in a rat-free condition.

(Ord. 61-58 § 6, 1961)

Section 4.02.070 - Penalty.

Any person, firm, or corporation who shall violate any provision or provisions herein shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $500.00 or imprisonment of not more than 90 days, or both. Each day's violation shall constitute a separate offense.

(Ord. 61-58 § 7, 1961)

Existing Code Language
June 2015

Chapter 5.04 - NUISANCES

Sections:

Section 5.04.010 - Article 5.04.010 General Provisions.

Section 5.04.010.010 - Definitions.

1) Person. Any natural person, firm, partnership, association, or corporation.
2) Person in charge of property. An agent, occupant, lessee, contract purchaser, or person other than the owner having possession or control of the property.
3) Sidewalk. On the side of a highway which has a shoulder, that portion of the highway between the outside lateral line of the shoulder and the adjacent property line capable of being used by a pedestrian; or, on the side of a highway which has no shoulder, that portion of the highway between the lateral line of the roadway and the adjacent property line capable of being used by a pedestrian.

(Ord. 82-79 § 1A, 1982)

Section 5.04.010.020 - Construction of chapter.

In this Chapter, the singular includes the plural and the masculine includes the feminine.

(Ord. 82-79 § 1B, 1982)

Section 5.04.020 - Prohibition against nuisances.

Comment [ccw1]: See CLC 9.02.22

No owner or person in charge of property may permit or cause a nuisance affecting public health or safety to exist as enumerated in Sections 5.04.040 and 5.04.050.

(Ord. 82-79 § 2, 1982)

Section 5.04.030 - Penalty.

Comment [ccw2]: See CLC 9.02.39(d)(ii)

A violation of Section 5.04.020 may be punished, upon conviction, by a fine not to exceed $1,000 for each day the nuisance exists.

(Ord. 82-79 § 3, 1982)

Section 5.04.040 - Nuisances affecting the public health.

The following are nuisances affecting the public health and may be abated as provided herein:

1) Privies. An open vault or privy constructed and maintained within the City, except those constructed or maintained in connection with construction projects in accordance with the Oregon State Health Division regulations.

Comment [ccw3]: See CLC 9.02.75

2) Stagnant water. Stagnant water which affords a breeding place for mosquitoes and other insect pests.

3) Water pollution. Pollution of a body of water, well, spring, stream, or drainage ditch by sewage, industrial wastes, or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.

4) Odor. Premises which are in such a state or condition as to cause an offensive odor which is detrimental to health.

5) Surface drainage. Drainage of liquid wastes from private premises.

(Ord. 82-79 § 4, 1982)

Section 5.04.050 - Nuisances affecting public safety.

The following are nuisances affecting the public's safety and may be abated as provided herein:

1) Attractive nuisances.

a) An abandoned, unattended, or discarded icebox, refrigerator, or similar container accessible to children which has an airtight door with a snap lock or lock or other mechanism which may not be released for opening from the inside.

Comment [ccw4]: See CLC 9.02.75

b) Unguarded machinery, equipment, or other devices on such property which are attractive, dangerous, and accessible to children.

c) Lumber, logs, or piling placed or stored on such property in a manner so as to be attractive, dangerous, and accessible to children.

d) An open pit, quarry, cistern, or other excavation without erecting adequate safeguards or barriers to prevent such places from being used by children.

Comment [ccw5]: See CLC 9.02.75

e) This subsection shall not apply to authorized construction projects if during the course of construction reasonable safeguards are maintained to prevent injury or death to playing children.

2) Surface waters, drainage, snow, ice, mud, gravel, leaves, and other debris.

a) No owner or person in charge of any building or structure may suffer or permit rainwater, ice, or snow to fall from such building or structure onto a street or public sidewalk or to flow across such sidewalk.

b) The owner or person in charge of property shall install and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about such building is not carried across or upon the sidewalk.

c) It is hereby made the joint and several duty of all owners and/or persons in charge of property adjacent to a sidewalk to maintain such sidewalk free of ice and/or snow, mud, gravel, leaves, and other debris and such owners and occupants are hereby declared to be liable for all damages to whomsoever resulting or arising from their fault or negligence in failing to keep any such sidewalk free and clear of ice and/or snow, mud, gravel, leaves, and other debris.

(Ord. 99-05 § 1, 05/17/1999; Ord. 92-29 § 5, 1982)

Section 5.04.060 - Declaration of nuisance, general nuisance.

The acts, conditions, or objects specifically enumerated and defined in Sections 5.04.040 and 5.04.050 are hereby declared to be public nuisances and such acts, conditions, or objects may be abated by the procedures set forth in Section 5.04.070 through Section 5.04.120 herein.

(Ord. 82-79 § 6, 1982)

Section 5.04.070 - Abatement notice.

1) Upon determination by the City Manager that a nuisance as defined herein or in any other law of the City exists, the City Manager shall cause a notice to be delivered to the owner or person in charge of the property or posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate such nuisance.
2) If the notice was delivered to someone other than the owner or posted on the property, the City Manager shall cause a copy of such notice to be forwarded by certified mail, postage prepaid, to the owner of the property at the last known address of such owner as shown on the County tax records.
3) The notice to abate shall contain:
   a) A description of the real property, by street address or otherwise, on which such nuisance exits.
   b) A direction to abate the nuisance within 5 days from the date of the notice.
   c) A description of the nuisance.
   d) 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.
   e) A statement that the owner or other person in charge of the property may protest the declaration of the nuisance by requesting a hearing in writing to the City Manager within 5 days from the date of the notice and stating reasons for the protest. If the owner or other person in charge of the property requests a hearing before the nuisance is abated by the City, abatement shall not occur until a hearing is set and held in accordance with Section 5.04.090
4) The use of a name other than that of the owner or other person or the mailing or delivery of notice to the wrong person or address or a failure in the delivery of notice shall not make the notice void and in such a case the posted notice shall be sufficient.

(Ord. 82-79 § 7, 1982)

Section 5.04.080 - Action by the owner.

Within five (5) days after the delivery or posting and mailing of the notice as provided in Section 5.04.070, the owner or person in charge of the property shall remove the nuisance or request a hearing in writing to the City Manager. If a hearing is requested, it shall be held in accordance with Section 5.04.090.

(Ord. 82-79 § 8, 1982)

Section 5.04.090 - Hearing.

1) Upon request of the owner or the person in charge of the property, a hearing shall be held before a hearings officer appointed by the City Manager. The hearing shall be set and conducted within 48 hours of receipt of the request, holidays, Saturdays, and Sundays not to be included. The hearing

can be set for a later date if the owner so requests. At the hearing the owner may contest the validity of the action of the City Manager in declaring the nuisance.

2) If the hearings officer finds that:

   a) The action of the City Manager in declaring the nuisance was invalid, the hearings officer shall invalidate the notice declaring the nuisance.

   b) The action of the City Manager in declaring the nuisance was valid, the hearings officer shall reaffirm the declaration of the nuisance and direct the owner or person in charge of the property to abate the nuisance within five (5) days of the date of the hearing officer's decision.

3) The action of the hearings officer is final.

4) If the owner or person in charge of the property does not appear at the scheduled hearing, the hearings officer may enter an order supporting the declaration of the nuisance.

(Ord. 82-79 § 9, 1982)

Section 5.04.100 - Abatement by the City.

1) If within the time allowed the nuisance has not been abated by the owner or person in charge of the property, the City Manager may cause the nuisance to be abated.

2) 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.

3) The City Manager shall keep an accurate record of the expenses incurred by the City in abating the nuisance and shall include therein a charge of $10.00 or 20 percent of the expenses, whichever is greater, for administrative overhead.

(Ord. 82-79 § 10, 1982)

Section 5.04.110 - Assessment of costs.

1) The City Manager shall post a notice on the premises where the nuisance was abated to the owner or person in charge of the property stating:

   a) The total cost of abatement including the administrative overhead;

   b) That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice;

   c) That if the owner or person in charge of the property objects to the cost of the abatement as indicated, she or he may file a written notice of objection with the City Manager not more than 10 days from the date of the notice.

2) Upon the expiration of ten (10) days after the date of the notice, the hearings officer shall hear and determine the objections to the costs to be assessed.

3) 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 the hearings officer shall thereupon be entered in the docket of City liens and upon such entry being made shall constitute a lien upon the property from which the nuisance was removed or abated.

4) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of 10 percent per annum; such interest shall commence to run from date of the entry of the lien in the lien docket. That lien herein shall have priority over all other liens and encumbrances of any character.

Comment [ccw6]: See CLC 9.02.30(a)

Comment [ccw7]: Similar to CLC9.02.30(c)

Comment [ccw8]: See CLC 9.02.30(b)

Comment [ccw9]: See CLC 9.02.31

(Ord. 85-46 § 8, 1985; Ord. 82-79 § 11, 1982)

Section 5.04.120 - Summary abatement.

The procedure provided by this Section is not exclusive but is in addition to procedures provided by law and other regulations of the City. The City Manager may summarily abate a situation involving a health, safety, or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

Comment [ccw10]: See CLC 9.02.32

(Ord. 82-79 § 12, 1982)

Section 5.04.130 - Separate violations.

Comment [ccw11]: See CLC 9.02.36

1) Each day's violation of a provision herein constitutes a separate offense.
2) The abatement of a nuisance shall not constitute a penalty for violating this Chapter but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.

(Ord. 82-79 § 13, 1982)

Section 5.04.140 - Saving clause.

Comment [ccw12]: See CLC 9.02.6

Ordinance 62-38 as amended, repealed hereby, shall remain in force to authorize the arrest, prosecution, conviction, and punishment of a person who violates any of the provisions therein prior to the effective date of this Chapter.

(Ord. 82-79 § 15, 1982)

Existing Code Language
June 2015

Chapter 9.02 - RENTAL HOUSING CODE

Sections:

Section 9.02.010 - Title.

These regulations shall be known as the Corvallis Rental Housing Code, may be cited as such, and will be referred to herein as "this code."

(Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.020 - Purpose.

The purpose of this code is to provide minimum habitability criteria to safeguard health, property and public welfare of the owners, occupants and users of residential rental buildings.

(Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.030 - State of Oregon Residential Landlord and Tenant Act.

This code is intended to supplement rather than conflict with the habitability standards of the State of Oregon Residential Landlord and Tenant Act.

(Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.040 - Scope.

1) Except as described below, these standards shall apply to all buildings or portions thereof which are legally used for human habitation and are covered by a rental agreement.
2) Those arrangements identified in the State of Oregon Residential Landlord and Tenant Act as excluded from its authority are also exempted from this code. The following are exempted from this code either through the State of Oregon Residential Landlord and Tenant Act or in addition to it:
    a) Hotels, motels and lodging houses.
    b) Buildings located on the Oregon State University campus.
    c) Hospitals and other medical facilities.
    d) Nursing homes and similar facilities.
    e) Group SR Occupancies.

(Ord. 2003-32 § 1, 10/20/03; Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.050 - Dangerous Buildings Code.

Conditions which define a building as dangerous as per the City Dangerous Buildings Code will be abated through the use of the Dangerous Buildings Code.

(Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.060 - Severability.

If any section, paragraph, subdivision, clause, sentence, or provisions of this title shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the title, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this title notwithstanding the parts to be declared unconstitutional and invalid.

(Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.070 - Liability.

The City officials charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other related laws and ordinances shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.

(Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.080 - Definitions.

For purposes of this Chapter, the following definitions shall apply:

Agent. A person authorized by another to act in his/her behalf.

Comment [ccw1]: See CLC 9.02.54(e)

Building Code. The currently adopted edition of the State of Oregon Structural Specialty Code.

Building Official. The City's Development Services Manager.

Dangerous Buildings Code. Those provisions of the City Building Code adopted for the abatement of unsafe buildings.

Dwelling Unit. A single unit providing complete independent living facilities for one or more persons including provisions for living, sleeping, eating, cooking and sanitation. For purposes of this Code, where portions of a residential building are occupied under separate rental agreements, but tenants share eating, cooking, and/or sanitation facilities, each portion under a separate rental agreement shall be considered a dwelling unit.

Habitable Room. Any room used for sleeping, living, cooking or dining purposes, but excluding closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.

Group SR Occupancies. Special residences where personal care is administered and that are licensed by, or subject to licensure by, or under the authority of the Oregon Department of Human Resources or any other State agency.

Mechanical Code. The currently adopted edition of the State of Oregon Mechanical Specialty Code.

Plumbing Code. The currently adopted edition of the State of Oregon Plumbing Specialty Code.

Rental Agreement. All agreements, written or oral, concerning the use and occupancy of a dwelling unit and premises.

Rental Housing Code Board of Appeals. The 6 member board authorized by and described in Section 1.16.245 of the Municipal Code.

(Ord. 2003-32 § 2, 10/20/03; Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.090 - Standards.

1) Structural Integrity.
   a) Roofs, floors, walls, foundations and all other structural components shall be capable of resisting any reasonable stresses and loads to which these components may be subjected.
   b) Structural components shall be of materials allowed or approved by the Building Code.
2) Plumbing.
   a) Plumbing systems shall be installed and maintained in a safe and sanitary condition and shall be free of defects, leaks and obstructions.
   b) Plumbing components shall be of materials allowed or approved by the Plumbing Code.
3) Heating.
   a) There shall be a permanently installed heat source with the ability to provide a room temperature of 68 degrees Fahrenheit three feet above the floor, measured in the approximate center of the room, in all habitable rooms.
   b) All heating devices or appliances shall be of an approved type.
   c) Ventilation for fuel-burning heating appliances shall be as required by the Mechanical Code.
4) Weatherproofing.
   a) Roof, exterior walls, windows and doors shall be maintained to prevent water leakage into living areas which may cause damage to the structure or its contents or may adversely affect the health of an occupant.
   b) Repairs must be permanent rather than temporary and shall be through generally accepted construction methods.
5) Smoke Detectors.
   a) Every dwelling unit shall be equipped with an approved and properly functioning smoke alarm or smoke detector installed and maintained in accordance with the State Building Code, ORS 479.270, 479.275, and 479.285, and applicable rules of the State Fire Marshal.
6) Security.
   a) Working locks for all dwelling entrance doors and latches for all windows by which access may be had to that portion of the premises which the tenants is entitled to occupy to the exclusion of others.
7) Interpretations.
   a) The Community Development Director is empowered to render interpretations of this Chapter.
   b) Such interpretations shall be in conformance with the intent and purpose of this code.

(Ord. 2008-17 § 1, 12/01/2008; Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.100 - Enforcement.

1) Authority.

Comment [ccw2]: See CLC 9.02.87

Comment [ccw3]: See CLC 9.02.88

Comment [ccw4]: Remains to be added to CLC

Comment [ccw5]: See CLC 9.02.63

Comment [ccw6]: See CLC 9.02.63(c)

Comment [ccw7]: See CLC 9.02.68-72; See CLC 9.02.89(b)

Comment [ccw8]: See CLC 9.02.73

Comment [ccw9]: Remains to be added to CLC

Comment [ccw10]: See CLC 9.02.64

a) The Community Development Director or his/her designee is hereby authorized and directed to enforce all the provisions of this code.

2) Complaint.

a) A complaint must be in writing and may be filed in person or by mail, e-mail or fax.

b) A complaint must include the following:

1] Name of person filing the complaint; complaints may not be submitted anonymously.

2] Name of the landlord.

3] Address of the alleged violation.

4] A complete description of the alleged violation.

5] A copy of the written notice of the alleged habitability violation that has been sent by the tenant to the landlord.

c) A person who files a complaint must be a party to the current rental agreement covering the property in question or an agent of this party.

d) Complaints will be processed by Housing Division staff using an administratively adopted written procedure which includes the following:

1] confirmation that the complainant has standing to file a complaint

2] confirmation that the subject of the complaint, if confirmed, would be a violation of this code

3] confirmation that the landlord has had seven days, plus three days for mailing per ORS 90.150(3), since mailing of the written notice by the tenant to respond to the complaint except that when the Code violation is an absence of: heat, water or hot water, or any properly functioning toilets, sinks or smoke detectors in the dwelling unit, confirmation that the landlord has had 48 hours by written notice from the tenant to respond to the complaint.

4] notification of the landlord by Housing Division staff of the complaint per written procedures.

3) Investigations.

a) Investigations will be initiated only after the above process has been followed.

b) Housing Division staff will conduct an investigation to confirm the validity of the complaint.

c) If the complaint is determined to be not valid, the case will be closed and all parties notified.

d) If the complaint is determined to be valid, Housing Division staff will issue a notice and order.

4) Inspection and Right of Entry.

a) When it may be necessary to inspect to enforce the provisions of this code, Housing Division staff, in accordance with administrative policy, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, Housing Division staff shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, Housing Division staff shall have recourse to the remedies provided by Municipal Code Chapter 1.15 to secure entry.

5) Notices and Orders.

a) For valid complaints, Housing Division staff shall issue a notice and order to the landlord. The notice and order shall include the following:

1] Street address.

2] A statement that Housing Division staff has found the premises to be in violation of this code as alleged in the complaint.

3] A thorough description of the violation.

4] Statements advising the landlord that if the required repairs are not completed within seven days, plus three days for mailing from the date of the notice and order (48 hours when the Code violation is an absence of: heat, water or hot water, or any properly functioning toilets, sinks or smoke detectors in the dwelling unit), then Housing Division staff will:

a] Record the notice and order against the property.

b] Coordinate the issuance of a citation to the landlord to appear in Municipal Court.

c] Initiate action to recover all City costs associated with the processing of the complaint, investigation and the resolution of the issue.

5] Statements that the landlord may appeal the notice and order as specified in this code.

6] The date by which the repairs must be completed and a reinspection scheduled.

b) The Notice and Order, and any amended or supplemental notice and order, shall be posted on the premises and shall be served to the landlord by first class mail.

6) Failure to Comply.

a) If there is no compliance with the Notice and Order by the specified date, Housing Division staff will:

1] coordinate the issuance of a citation to the landlord to appear in Municipal Court

2] record the Notice and Order against the property with all recording costs to be the responsibility of the landlord

3] initiate an accounting for all costs associated with the processing of the complaint, investigation and the resolution of the issue with the intent of recovering these costs from the landlord

7) Compliance.

a) Upon compliance with the Notice and Order Housing Division staff will issue a Notice of Compliance to the landlord and the complainant.

b) If a Notice and Order was recorded against the property, Housing Division staff will record the Notice of Compliance against the property.

c) If an accounting was initiated for all costs associated with the processing of the complaint, investigation and the resolution of the issue, Housing Division staff will proceed with collecting these costs from the landlord using adopted City procedures.

8) Penalties.

a) Any person violating any of the provisions of this code shall, upon court conviction thereof, be punished by a fine not to exceed $250.00 per violation. Each day that a violation exists is a separate offense.

(Ord. 2008-17 § 2, 12/01/2008; Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.110 - Appeals.

Comment [ccw11]: Largely carried into draft language. See CLC 9.02.42-48

1) Rental Housing Code Board of Appeals.

a) In order to hear and decide appeals of orders, decisions or determinations made by the Community Development Director relative to the application and interpretation of this code,

there shall be and is hereby created a Rental Housing Code Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to this code and who are not employees of the jurisdiction. The Housing Division Manager shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board. The Rental Housing Code Board of Appeals shall be appointed by the Mayor and shall meet as required to carry out its duties. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Community Development Director.

b) The Rental Housing Code Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

2) Filing of Appeal.

a) Any person upon whom a notice and order is served under this code shall have the right of appeal from the notice and order to the Rental Housing Board of Appeals. An appeal must be submitted to the Community Development Director within seven days, plus three days for mailing, from the date of the notice and order.

3) Appeal Fee.

a) Any appeal submitted under this chapter shall include a $50.00 filing fee.

4) Scope of Appeal.

a) Appeals may be filed regarding notices, orders, interpretations and decisions made by the Community Development Director relative to this code.

5) Form of Appeal.

a) An appeal must be in writing and include the following:

1] Name of person filing the appeal.

2] Copy of the notice and order.

3] Copy of the section of this code which is being appealed.

4] A complete explanation of the appeal.

5] What is requested of the Rental Housing Board of Appeals.

6) Appeal Procedure.

a) The Community Development Director shall confirm that the appeal meets the filing criteria.

b) If the filing criteria have not been met, the person filing the appeal will be so notified and the Rental Housing Board of Appeals will not be convened. The Community Development Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow the appellant to resubmit an appeal that has been deemed incomplete. Only one extension may be granted.

c) If the filing criteria is met, the Community Development Director shall schedule a meeting of the board within 30 days of the filing of the appeal. The hearing shall be held not later than 30 days after the filing of the appeal.

(Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.120 - Fees.

Comment [ccw12]: Not addressed under draft language process but will be resolved at time of final revision process.

1) For the purpose of offsetting costs to the City associated with the enforcement of this code there is hereby imposed an annual fee, to be set by the City Council, for each dwelling unit covered by a

rental agreement. The total annual fee for fraternities, sororities, and other similar group living structures will be calculated based on the occupancy capacity of each structure divided by the U.S. Census-determined average household size of renter-occupied units, multiplied by the annual per-unit fee.

2) The following unit types, while subject to the standards, enforcement procedures, and other requirements established in this Chapter, shall be exempt from the fee payment requirements of this Section: rentals with a recorded deed restriction requiring the units to be rented affordably to households at or below 50% of the Area Median Income; rentals under contract with a public agency that requires the rental to be inspected at least annually and verifies that the dwelling is rented to a low income household; and rentals designated as senior or disabled housing by a public agency.

3) The landlord is responsible for paying the annual fee upon written or electronic request. The landlord is responsible for paying the annual fee upon written or electronic request. The Director shall adopt and implement policies and procedures which include multiple written or electronic communications with landlords before assessing a penalty. The penalty established below is necessary to offset the actual cost of these procedures when payment of the annual fee is not timely or when payment of the annual fee is not made.

4) Policy regarding penalties. Providing minimally habitable rental housing is of great importance within the City of Corvallis. The costs of this program are intended to be somewhat offset by the annual fees, but the City Council also desires to not greatly increase the cost of renting residential property within the City. The City Council has balanced raising the amount of the annual fee in order to offset the cost of the program against the desire for landlords to pay the annual fee in a timely manner, and finds that an artificially lower annual fee that encourages timely payment is more likely to provide funding that offsets the costs of this essential program than is a higher fee which would capture all the administrative costs of collection. The City finds that staff charged with administration and enforcement of this program spend a grossly disproportionate portion of their time attempting to collect fees or to collect untimely fees from a relatively few landlords. The City Council finds that relatively low penalties for failing to pay the annual fee or for failing to pay the annual fee in a timely manner, encourages some landlords to fail to make payments or to make late and untimely payments. The City Council finds that relatively low penalties therefore result in an even more unfair apportionment of the cost of providing this essential program to other landlords and taxpayers, and threatens the City's ability to provide the service for the low annual fee.

5) Failure to pay the fee as requested will subject the landlord to the following actions:

   a) A penalty fee of $100.00 will be assessed to the landlord for each unpaid per unit fee if the annual fee is not paid by the date specified in the written or electronic request for payment.

   b) The City will initiate appropriate action to collect the fees due and all costs associated with these actions will be assessed to the landlord.

   c) Appropriate action may include placing a lien on the property.

(Ord. 2011-18 § 1, 12/19/2011; Ord. 2003-32 § 3, 10/20/03; Ord. 2002-25 § 1, 07/15/2002)

Section 9.02.130 - Sunset (repealed).

Editor's note— Repealed by Ord. 2006-16.

City of Corvallis Community Development Department
Livability Code Departmental Advisory Committee
Notes for the meeting of March 10, 2015
Meeting time: 3:00 p.m.
Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Carl Carpenter, Holly Sears, Jerry Duerksen, Jim Moorefield, Karen Levy Keon, Ken Gibb
Staff present: Bob Loewen, Chris Westfall, Kent Weiss

I. Call to order at 3:02.
Chair Gibb introduced staff and noted that members had introduced themselves.

II. Review and discuss committee charge and meeting protocols
Gibb outlined the committee's charge, noting that it is a Departmental Advisory Committee, which is a committee formed to advise staff on technical matters. Weiss provided an overview of the livability code gap matrix contained in the meeting packet, which reflects direction provided in December by the City's Administrative Services Committee as to whether or not code language should be developed to address specific gaps. He noted that the matrix will guide discussion during the next four meetings. He stated that the next meeting (meeting two) would consist of a discussion of "starting point" language developed by staff to address interior code gaps; meeting three will bring back interior code gap language refined to reflect discussion from meeting two, and then move to discussion of starting point language for exterior gaps; meeting four will bring back refined exterior code gap language and starting point administrative language; meeting five will reconsider all refined language.

Gibb provided an overview of other meeting protocols:
- Meetings will be fairly informal, held in a work session format, and will last approximately two hours;
- Staff will bring a few extra hard copy meeting packets to each meeting;
- If members have ideas they would like considered between meetings, or questions they would like staff to answer, they should be e-mailed to Weiss for internal coordination and redistribution;
- Off-line discussions among members is fine, but deliberations on committee business should only be conducted during meetings;
- Staff will attempt to distribute packets at least seven days in advance of a meeting (note that there may not be an opportunity to include staff responses to questions or issues raised by members between meetings in the next meeting's packet);
- E-mails to and from staff are of public record and subject to disclosure; and
- The code language that results from the committee's work will be packaged for consideration by the Administrative Services Committee later this spring.

III. Set future meeting dates
Members discussed potential meeting dates and determined the following schedule:
- Meeting two will be held at 10:00 on Wednesday, March 25;
- Meeting three will be held at 10:00 on Tuesday, April 7;
- Meeting four will be held at 10:00 on Thursday, April 23; and
- Meeting five will be held at 9:00 on Monday, May 11.

All meetings are scheduled to occur in the Madison Avenue Meeting Room.

IV. Other business. There was no other business.

V. Adjournment. The meeting was adjourned at 4:25.

City of Corvallis Community Development Department
Livability Code Departmental Advisory Committee
Notes for the meeting of March 25, 2015
Meeting time: 10:00 a.m.
Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Carl Carpenter, Holly Sears, Jerry Duerksen, Jim Moorefield, Karen Levy Keon, Ken Gibb, Trish Daniels
Staff present: Bob Loewen, Chris Westfall, Dan Carlson, Kent Weiss

I. Call to order at 10:02.

II. Review of March 10, 2015 meeting notes
Gibb asked for comments, changes or additions regarding the March 10 meeting notes; no changes were requested.

III. Review and discussion of livability code language: interior code gaps
Gibb asked Weiss to introduce the staff report and provide background on the planned presentation of materials in the meeting packet. Weiss outlined the content of the packet, pointing out its inclusion of examples of language from other jurisdictions, starting point examples for local language, and draft operating guidelines. He invited Westfall to begin an element-by-element review of the seven interior gaps and potential coverage language identified in Attachment 1 as a "Starting Point."

Before beginning Westfall explained that examples of other jurisdictions' language included in the packet were selected where they seemed to address the gaps identified by the Administrative Services Committee; not all were included for each gap element because some jurisdictions did not cover each of the code provisions, and in some cases there were redundancies between jurisdictions. Beginning with the packet materials for the Committee's April 23 meeting, staff will include all jurisdictions for each point and when examples are not included for one or more of them, explain why that is. Staff will also begin including verbatim restatements from the gap matrix for each element to be covered.

Interior Lighting of Accessible Means of Egress

Westfall began an overview of code gap language examples for interior lighting of accessible means of egress, and noted the suggested Corvallis starting point for local language. Committee discussion focused first on the use of the term "footcandle" as a measurement of illumination, with some members feeling it is too technical for property managers or owners to interpret and determine whether they are in compliance. Staff noted that the Administrative Services Committee has asked for objective standards for code language, and so the draft code language reflects an attempt to avoid using subjective standards that might be difficult to apply consistently and that could be open to broad interpretations. Staff will look at alternative or additional, simpler "plain language" for the measurement of illumination that still includes a standard and means to quantify, although the Committee's concluding thoughts on this matter included a recognition that technical standards will be necessary and that the interest in providing "plain language" could be accomplished in separate outreach materials.

Westfall clarified that, other than in the common hallways, stairways, etc of multi-family dwellings, landlords must provide the means for lighting – either permanent fixtures or switched electrical outlets into which lamps can be plugged – but the operating guidelines do not stipulate that the landlord must provide light bulbs for interior spaces. For common spaces (e.g., hallways and stairways, etc.) in apartment complexes, the landlord would be required to provide and maintain the required lighting, including bulb replacement. Staff will refine the starting point code language to clarify this point. Staff will also look to provide clarification regarding how "grandfathering" of older units that might not meet the code requirements would be approached.

Interior Ventilation/Maintenance for Bathrooms, Kitchens and Clothes Dryers

Westfall reviewed examples of code language from other jurisdictions and the starting point language included with the staff report. Discussion focused first on the standard that will be used to evaluate the performance of a bathroom ventilation system. Concern was expressed about the use of a standard requiring .35 air changes per hour and the difficulty landlords and tenants might have evaluating performance against that standard. Others noted that the calculation of room volume and air change rates, as clarified in the draft operating guidelines, would be relatively simple. Westfall clarified that the intent of the standard is to prevent conditions conducive to decay, mold growth or deterioration of the structure, and that if none of those conditions is present it is unlikely the City would receive a complaint. A tenant would be most likely to complain if one or more of those conditions are present, and in that case staff would evaluate the ventilation system's ability to meet the standard. In discussing how tenants and landlords will know about the standard and how it is or is not being met, staff explained that once code language is finalized there will be outreach to educate all parties regarding this and other livability code standards.

In response to a question about whether language in (a) ii should read "kitchens and other spaces" or simply "kitchens" to be consistent with the wording of the livability code gap matrix Westfall explained that cooking or other activity that creates fumes, dust etc. sometimes occurs in spaces that are not kitchens; however, staff will review Administrative Services Committee minutes to confirm intent. In response to a question about whether language in (a) should include "Every dwelling, including basements, attics and crawl spaces" Westfall explained that that section is a general statement that does not include standards, and that sections (a)i, (a) ii, and (a) iii have room-specific standards. The inclusion of those spaces reflects broader ASC discussion of water intrusion into dwelling units.

Discussing ventilation in kitchens and other spaces Westfall explained that if a local exhaust ventilation system is present it must be maintained, but if there is no ventilation system the draft code language does not require that one be installed. Staff will clarify in this section and others when applicable that the code requirement is to maintain systems or components that exist rather than add new systems or components. Staff will also remove "other spaces" from section (a) ii.

Returning to a discussion of the .35 air changes per hour standard for bathroom ventilation, there was no consensus as to whether this or another standard should be included in code language. Gibb invited members of the Committee to send suggestions or ideas to Weiss for staff consideration.

Electrical Systems

Westfall explained that the intent of paragraph (a) a. of this section is to require the replacement of electrical components that have been exposed to water, noting that typically at the time of exposure an electrical component will not show indications of damage, but through oxidation and subsequent deterioration is likely to become hazardous. Discussion focused on whether code language should specify "exposed to water" or "damaged by water." Westfall explained that current electrical code authority gives the City the ability to address hazardous electrical systems or components, such as hazardous situations caused due to damage, but that the 'gap' is in the area of the potential and latent impacts that develop over time when the electrical components have been exposed to water. Gibb stated that staff will confer with the City's electrical inspector to get his perception of how well the ultimate damage that will occur following water exposure of electrical components can be assessed; staff will also get the inspectors' assessment of what happens when long term water damage occurs and what components will become most dangerous.

Moving to the next section of Electrical Systems code language Westfall explained that the code would require laundry areas to have a grounded (three prong) receptacle or a receptacle with ground fault circuit interrupter (GFCI) protection; every bathroom to contain at least one receptacle and that any new or replacement receptacle have GFCI protection; and that all receptacle outlets would be required to have an appropriate faceplate. Discussion of whether the intent was to require new GFCI outlets in laundry areas and bathrooms, or just the addition of GFCIs when replacing existing outlets in those rooms. Also discussed was whether kitchens should be included in the areas to have GFCI protection. The code gap matrix states

"Require installation of ground fault interrupt outlets in bathrooms, kitchens, etc." in its Suggested Gap Closure language. Westfall noted that the "etc." reflected ASC discussion of this issue in which GFCI protection was recommended for bathrooms, kitchens and other water containing or producing rooms.

Following further discussion it was concluded that staff would bring back revised language for this section reflective of the discussion, stating something along the lines of "All kitchens, bathrooms and laundry areas shall have a ground fault circuit interrupt outlet."

Noting that two hours had elapsed since the beginning of the meeting, Gibb asked committee members if they would like to continue for another 30 minutes or pick up again at the next meeting. Consensus was that waiting for the next meeting was preferable. It was noted that this may mean an additional meeting will need to be scheduled to complete the process. Discussion will pick up on April 7 with the fourth interior standard (Plumbing Systems), and following discussion of the interior standards a discussion of exterior standards will begin. Toward this end the packet of information for the next meeting will include examples of language from other jurisdictions, potential beginning language and definitions/implementation guidelines relative to exterior standards, in a format similar to the one used for interior standards.

IV. Review of upcoming meeting schedule. Meeting dates and times were listed in the agenda; this item was not discussed further.

V. Other business. There was no other business.

VI. Adjournment. The meeting was adjourned at 12:05.

City of Corvallis Community Development Department
Livability Code Departmental Advisory Committee
Notes for the meeting of April 7, 2015
Meeting time: 10:00 a.m.
Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Carl Carpenter, Holly Sears, Jerry Duerksen, Jim Moorefield, Karen Levy Keon, Ken Gibb, Trish Daniels

Staff present: Bob Loewen, Chris Westfall, Kent Weiss

I. Call to order at 10:01.

II. Review of March 25, 2015 meeting notes

Gibb asked for comments, changes or additions regarding the March 25 meeting notes. Comments included:

- "Grandfathering" – frequent mentions of this topic are not noted, it is only mentioned under interior lighting but was more overarching.
- City Council's goal of housing affordability is left out.
- The suggested alternative language regarding using Albany code language for electrical systems is not included.
- It will be helpful to the committee and ASC if the meeting notes are formatted to show bullet points of the comments made in discussions e.g., more clarification for the record when there is a concern.

Gibb asked for any other thoughts from the group about the level of detail in the notes.

Staff noted that "grandfathering" wasn't mentioned multiple times because it will be addressed when discussion turns to the Administration element. The committee wanted to address it on a variety of topics across the sections. As these notes will be reviewed by the ASC members, they should clearly reflect a concern or objection.

Regarding the interior electrical standards, questions still remain about the electrical components that are exposed to water and what each one applies to. Staff will review that and bring back more information for future follow up conversations when the interiors section is revisited, so that is not going to go off the table.

All thoughts and suggestions will be taken under advisement in developing the next round of meeting notes, and those notes will try to reflect the conversations in more detail.

Progress to date: 3 items were reviewed in the last meeting. There are still 4 interior items and 7 exterior items to be discussed and not likely that all will be handled at this meeting. To manage time effectively, Staff suggested the group check in after about 15 minutes of conversation on each item to determine where the conversation is headed. The group can determine whether to continue the discussion if they are at a point where Staff can develop some clarifying language or if follow up information is needed to move on. This process should make the conversation productive and as succinct as possible to move forward.

Gibb noted that Carl Carpenter had provided comments related to exterior standards via e-mail on April 6, which Weiss forwarded to the committee. (Those comments are attached to these meeting notes.)

Beginning a discussion of new language Weiss noted that the approach will be similar to the process from last time: staff will provide background information briefly, talk about the language that is provided as a starting point, and then answer any technical type of questions.

III. Review and discussion of Livability Code language: Interior Code Gaps

Plumbing Systems

Westfall referred the committee to Attachment 3, the Gaps Matrix; the plumbing system is on page 1 of Attachment 3. Currently, there is no performance standard for, or definition, of "hot water," which may prevent the production of a temperature adequate for bathing and cleaning. In reviewing other jurisdictions' existing code language, and the Oregon Revised Statutes, a range of temperature and pressure performance standards exist that range from 110 -120 degrees of hot water production. Salem code identifies a pressure performance to provide the ability to get adequate water for cleaning. Last point made, the 120 degree standard matches up with the new building code construction. Concerns or points raised were:

1. A question regarding the "scope" of the gap was raised. It was just water temperature and now PSI and 10 minutes of hot water are included? It appears that the gap is only defining the temperature of the water.
   Staff - gap is not just in temperature but a performance standard, with the objective of providing adequate hot water for bathing and cleaning. The goal is to set a performance standard that is quantifiable.

2. How is pressure measured?
   Staff - Pressure is regulated at several points along the supply system; one of the most relevant in a residential dwelling is at the meter. Multi units would have interior pressure regulating devices upstream of the meter. There are no tools to measure by just turning on the tap.

3. All three components, temperature, pressure and length of time, seem necessary to determine whether hot water is delivered. Part of the testimony presented by the Collaboration project's Livability Work Group included people who were not able to take even a 5-minute shower.
   Staff - The testimony did not identify the cause, just the need to address the initial problem.

4. Does new construction address the 15 PSI and the 10 minutes?
   Staff- Code language identifies what hot water temperatures are with an upper limit but not a lower limit. However, these are not intended to be building codes but livability standards, not specifically for new construction or revision of construction, just livability standards.

5. If code exists, then why address livability? No gap exists with the code already, why is pH not included?
   Staff - The gap exists regarding inadequate hot water. Code language from other jurisdictions was provided as a starting point for discussion. Staff suggests that to get to the gap identified as "hot water" you need pressure and availability for a length of time.

6. When a structure is built it must be maintained to the code that applied to it through the life of that structure, is that correct?

   Staff - No, that is why a Livability Code is needed. It is not that the Livability Code would be supplanting the Building Code. The Livability Code would be a trigger for City involvement if complaints are received regarding ongoing maintenance.

7. The committee is addressing gaps that aren't thoroughly fleshed out and at each point, City staff make recommendations that make a comprehensive Livability Code that are based on sound research that are benchmarked against what other jurisdictions are doing. Does dealing with "pressure" present a major problem to deal with? If things don't seem to be a major problem and they seem to be comprehensive in the interest of livability and safety can the committee come to a threshold of agreeing or disagreeing?

8. The minutes of December 17th captured lengthy discussions with ASC about these gaps, maybe reviewing those would be helpful? It doesn't seem that these three minor elements: temperatures, pressure, duration, were brought up in that three hour meeting.

   Staff's responsibility is to provide advice about these gaps. The advice is that hot water has three components to it; otherwise, one thing by itself is meaningless. This language is appropriate.

9. A concern is that in each section, it seems staff are taking the most restrictive elements of each gap, putting them into the *Starting Point* language and what we are getting is restrictive and more laborious code language than any of them. Some include PSI, some include water temperature, some don't have water temperature but they have the running time. I don't think any of them have all three. So again are all three really necessary?
   Staff – This is for the group's consideration. ASC will review whatever this committee decides and the record will show if committee members did not agree with what Staff drafted. Then ASC will be the decision maker.

10. Is the code language that is being developed more restrictive than necessary?
    Staff - to our knowledge, the standards in the draft language do not exceed any existing standard in the Building Code.

The meeting notes will attempt to reflect the diversity of opinions.

Interior Sanitation

There are two elements to the interior sanitation gaps: 1) standards for maintaining the conditions in the dwelling and assignment of responsibility for those standards; 2) Interior surface sanitation. ASC would like the two combined into one element, preventing the accumulation of solid waste and the maintenance of sanitary surfaces. Concerns or points made:

1. Staff – In reviewing the minutes, it was going to be a broader more encompassing definition of unsanitary and that's how the surfaces would get rolled in to the unsanitary conditions, rather than being explicitly stated in code language.

2. Would the language in Section A. 1 – 4 cover the surfaces?
   Staff – Correct. The items in section A. 1 - 4 are those which should be corrected. Below that are mechanisms which Staff are proposing based on other language reviewed. These are measures and standards which occupants and property owners would understand.

3. This does not appear to be the direction that was given to the committee, ASC wanted to stop looking at sanitary surfaces, the minutes state, "because it would be too subjective." Requiring surfaces to not be unsanitary seemed to be too subjective. ASC wanted broader language that would then encompass that gap.

4. Regardless of how this draft is presented, there was a discussion of "what is sanitary, what does sanitary mean?" A lengthy discussion that concluded with, it will be defined in code. And this is the defining of it in code at this meeting. You can't enforce something if you don't have a definition of it.
   Staff – Staff referred to documentation for examples of what might be considered for operating guidelines. Sample language that would identify which elements in 1 through 4 would not meet a basic definition of clean and sanitary, and then assign occupant responsibility or landlord responsibility. The ASC direction for this element as Staff understood it, was for the committee to provide a standard and definition and then identify which party is responsible for maintaining which element.

5. Paragraph B seems that it should put some responsibility on occupants. There were long conversations regarding this, and the committee wanted to make sure that not just the owner was responsible that everything was in good repair. It appears that B and C delineate those responsibilities.

Staff - In the gaps matrix it states, "adopt standards for sanitary conditions and assign responsibilities between landlords and tenants."

6. In reference to Section B, is that something that is usually in a property rental agreement, and that is already covered there? This code should not creep into what are already in agreements and are already in a private contract between two parties. It seems that this is something that would be in there.
Staff - will be guidance language for people for who don't use standard forms; from prior testimony a large number of the concerns have been for these issues. In reference to ORS 90 and local code, ORS is a separately enforced set of statutes; to go through enforcement can be an onerous process. The intent of what the committee is doing is to provide a local mechanism to get relief as these situations that arise.

7. In reference to organization in the reading, the topic of this section B is sanitation, things being sanitary. Section C, subset b and c, are about maintenance kind of things as opposed to sanitation. That appears to be two different topics. Section C is "this is what good repair looks like" but that is not a sanitation issue. The things above in section B are then about sanitation. Section C goes beyond just defining responsibility, it adds other things the parties are responsible for. So re-organizing the sections to be more consistent would be helpful.

8. In Section C, subsection A, "maintain the shared and public areas of the structure clean and sanitary," the way it reads "shared and public" may lead to different interpretation. The meaning that it references seems to be those areas in multi-family buildings that are shared, like hallways or common spaces, or lobbies. But "shared" could refer to the common areas in the interior of a unit that are shared by multiple parties. What is the intent?
Staff – The intent is to have common spaces outside of private units be the responsibility of the landlord, and spaces inside the units be the responsibility of the tenant. In reference to Section C, subsection b and c, those are to reflect back to element 4 of A.4 "provides a surface exposed or concealed which is conducive to the growth or mildew." Sections B and C identify maintaining those surfaces, so it isn't the expectation that the occupant is going to repair a torn vinyl floor. So b and c of subsection C are identified as sanitation standards for achieving A.4.

9. Suggestion that b and c each begin with the phrase "per whatever section, section A.4", so that's it clear that these relate particularly to that condition. That may also address the possible misunderstanding of the phrase "shared and common."

10. The burden is on the landlord to maintain conditions to achieve a "clean and sanitary condition" and then b and c tell describe what the City is looking for. The occupants are required to maintain what they control in a "clean and sanitary" condition so why not stipulate the requirements that meet the" clean and sanitary conditions" that the occupant is required to maintain? How is a landlord to know if they have satisfied the expectation in terms of "provides a surface" that is "not conducive to this growth of mold?" The occupant does not have that standard.

11. But the tenants have to maintain it in a "clean and sanitary" condition that is "not conducive to mold," so there is something that allows the landlord and tenants to understand where their division is.

12. Why did the ASC stop if they wanted the committee to continue with this? Subsections b and c go beyond the direction of ASC but even if you remove that, you are getting at it anyway. A.4 gives the landlord some flexibility to do what he wants in the best interest of his own property and gives him some flexibility to meet that standard. It seems that peeling, flaking, and chipping paint seem beyond the clean and sanitary purview to me.

13. It appears that, even if b and c are removed, those requirements still remain. The provisions allow some flexibility for those landlords or property owners to comply. They could probably figure out that if you have torn up laminate, that situation is conducive to mold.
Staff – that was the direction given by ASC, to provide standards that are as clear and objective as staff could come up with. And so to do that, in the language provided, prohibiting surfaces that are

conducive to mold defines how staff would determine whether someone satisfied the minimum standard.

14. What would it mean if someone is in compliance with it? In other words, how are we and the landlord or the occupant going to evaluate "has that expectation been satisfied?"
    Staff - Landlord and tenant are both required to maintain the areas that are their assigned responsibilities in a clean and sanitary manner. Sub C and b/c then identify standards that staff would use to evaluate that. Those are the areas that we're anticipating, based on the conversations that came up through ASC, where it was most ambiguous.

15. It sounds like maybe those could be guidelines; those would be good guidelines.

16. It seems clear what we are really saying is "landlord you need to provide these X surfaces in X condition, when you rent the unit and renter you need to keep them clean." But it's hard to keep them clean if they are full of cracks and holes and peeling. It is the tenant's responsibility to keep it clean, but it's the landlord's responsibility to make that possible.

    Staff – we will take this information and you will see it reflected in the next round.

Heating

Staff noted that the gap that was identified was "there is no requirement for heat in bathrooms which may make it difficult to maintain a dry, mold free environment". The task is to adopt standards for heat in bathrooms and other habitable areas not currently covered by the Rental Housing Code and to continue discussion of defining "habitable areas." Section A language is currently in the Rental Housing Code in terms of minimum standards; other spaces, as in Section C are then added. Concerns or points made:

1. Clarify language in Section B where it states "no portable unvented open flame" - maybe to clarify, make it "portable or unvented open flame devices may not be used." Would that be clearer?
   Staff - in internal discussions there has been recognition that layman's language vs. administrative language may not align. From an administrative perspective, to use the word "may" indicates a permissive stance where "No, not, or never any" provide specificity. This identifies "none of these" at all.

2. Does current code require that bathrooms and kitchens to be heated?
   Staff- There is no requirement.

3. Then why would this be a requirement for livability if it's not required in new construction?
   Staff – That was the direction received from the ASC.

4. These are not livable spaces, all livable spaces is understandable. Kitchens and bathrooms are not livable spaces.

5. There was testimony from people complaining about how miserable their rental properties were because their kitchens were freezing and bathrooms were freezing.

6. The point is that if you are not requiring it for new construction to be built to this standard but afterwards you need to meet these standards, this doesn't make sense. If the Livability Code exceeds what the Building Division otherwise requires at the time of construction, then we have to go back and install something one month later after it's approved for occupancy? That doesn't make sense.
   Staff – The discussion that led to Section C gap assignment is based on the testimony received about concerns from tenants, this is for tenant occupied spaces, not owner occupied. That was the discussion that evolved from the ASC meetings. The distinctions are nuanced, under the Building

Code, habitable space is a term specific to areas that encompass living activity, toilet rooms and kitchen rooms are not identified as habitable space. Therefore, they are not included in the areas that are considered to be habitable under heat requirements. The tenant occupied space conversations pointed to the fact the City does not have the ability to require a safe means of heat in some of these other spaces if it isn't provided by the landlord. So then people were coming forward identifying that they are using temporary sources of heat such as portable electric heaters in their bathrooms that are cold or in the kitchens that are also cold; leaving their oven door open or using propane heaters. Staff have encountered spaces where tenants were using propane BBQs to heat their space because they don't have the means to provide heat to those spaces.

Gibb - The notes will reflect the discussion about what the Building Code does or does not require at the time of construction. There is a gap identified, the group has reviewed some language addressing that gap as identified. There are two conversations: 1) Should this be a standard that should be enacted? 2) Should the focus initially be on responding to the gap as identified and the language that has been presented here?

7. Is there a reason to not expand the definition of habitable, to bring bathrooms into that under the Rental Housing Code?
   Staff – Part of the task in looking at codes such as the Rental Housing Code and a new Livability Code is maintaining alignment of definitions. One of the confusing elements in the administrative sections is definitions of terms that differ. If the City adopts definitions that conflict with what the State based building codes identify for habitable space it could be problematic. We are then confusing contractors, landlords, groups like this, where we are discussing habitable space and that is a defined statewide term under State code. By using the common definition of habitable space and then adding these other spaces staff are looking for consistency between codes.

8. That makes sense. So is this language already included in the Rental Housing Code, if so, why don't' we just take the Rental Housing Code language and add bathrooms to that? It already speaks to heat in habitable areas, so just add the term "and bathrooms."
   Staff –And not include any other spaces here?

9. So if it is already in the Rental Housing Code and we are asked to expand the definition of "habitable" and I understand why that makes perfect sense why we wouldn't do that, why not then add bathrooms to the Rental Housing Code or when it talks about heat and habitable spaces?

10. Perhaps add "for the purposes of this code only" the definition of habitable space is being expanded?
    Staff – What staff looked at was to address the issue in a holistic approach to identify: here are the rooms, the locations in which these standards would be applicable, and here is how you might accomplish the standard. From the ASC conversations there was a need for clarifications, i.e. in order to maintain that 68 degrees minimum temperature, what would contribute to that and what would NOT contribute to that. Part of that is in the Rental Housing Code and part of that isn't currently. This is the best practices research that Staff have gleaned from other jurisdictions and local current codes to provide a recommendation for one way to address those gaps.

11. One clarification for being able to maintain the 68 degrees minimum is for the doors to be open, in any spaces that don't have their own heat, like a typical kitchen for instance.
    Staff – The expectation here is that the space is capable of maintaining that temperature year round under typical conditions of use.

12. If this is going to be a concern at every juncture, what good does it do to have this set of building codes and that set of building codes when they're not compatible? As a group should we maybe take that out of our conversation, because we weren't challenged to do this thing based on Building Code for new construction, it was to fill the gaps among existing codes? Does it make sense to do away with that part or should we use that as comparison every time we discuss anything?

Gibb – This is a good acknowledgment of the difference between Building Code and an on-going Livability Code, and explains some of the rationale that is in place. In this case, language would differentiate between what is required in new construction vs. what a Livability Code will require. This will be included in our staff communication with ASC and referenced in the meeting notes. It could be in the end ASC says we don't want to do this standard. The focus should still be what language would work best assuming you want to continue the standard in a Livability Code.

13. Should we go forward with "should" vs. "shall?" If we have a difference between Building Code and Livability Code perhaps we revert to "should?"
    Staff – As mentioned earlier, code language that uses "should" is suggestive, but not enforceable.

14. Codes represent a community standard, these are basic minimum standards for decent and safe living conditions. Do the building codes we have now get reviewed periodically or just when the State standard is updated?
    Staff – We are obligated to update building codes locally when the State changes. It's typically on a three year cycle. The State reviews and updates based on code development changes.

15. Those are basic minimum standards but it doesn't preclude a jurisdiction from requiring higher standards for their new construction, correct?
    Staff- A local jurisdiction would be precluded from exceeding state standards, they are min-max codes. What it doesn't preclude is a local jurisdiction from identifying other non-building code standards, property maintenance codes or livability codes that are not specifically included in Building Codes.

16. Regarding heat in the kitchen, if the community felt it really needs to be required, we couldn't put it in the Building Code but we could put it in our Livability Code or some other code?
    Staff – Correct.

17. Were kitchens discussed in the December 17th ASC meeting? The actual heading of this code section is "Heating" and then in parenthesis, bathrooms. So it's pretty explicit that it is to pertain only to bathrooms. Including kitchens appears to be beyond what the ASC intention was. In regard to the discussion about the Livability Code standard and adding the standard for the Rental Housing Code that does not include bathrooms, one suggestion would be to just add the words "and bathrooms."
    Staff – An approach that has been discussed is identifying Rental Housing Code language that would be subsumed by the Livability Code. At this point, staff are not sure what the outcome might be but in terms of what is specifically in the current Rental Housing Code, it is the majority of A, although not verbatim; B, C and D are not specifically in the current Rental Housing Code standards. Again, it is intended that the Rental Housing Code would be subsumed into the Livability Code.

Windows, Security

Westfall - Security is an element within the current Rental Housing Code; the gap is to "adopt maintenance standards for doors and door hardware, deadbolts, etc., to be maintained to a level sufficient to provide security and safe exiting for occupants." Even though current Rental Housing Code standards specify security of those entrance points, the performance of those security items and how staff would evaluate it is not specified. That is what the language excerpted from the examples from other jurisdictions brings forward, and which led to the Starting Point recommendations. Concerns or points made:

1. Does new construction require deadbolts?
   Staff – There is language specifying that if you are going to install security, how each security item should function, but there is no requirement that a deadbolt be there.

2. So Building Code for new construction does not say that doors must have locks?
   Staff – The requirement of the current Building Code is that if you have a security device, that it not require any special knowledge or a key from the inside to get out. That is in place, a requirement for the presence of security devices is not, other than in the current Rental Housing Code.

3. What about using alternative language found in the Albany Property Maintenance Code at 18.32.10 with the change to say "shall" instead of "should". It would read "All exterior doors, door assemblies, 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." That would sum up what the intent of ASC is and at the same time provide some flexibility for the landlord to put on their rental unit what they feel would be the most adequate equipment for that. This language would keep it simple and provide that flexibility.
   Staff – that was reviewed along with the guidelines from ASC that included deadbolts so staff included the specificity of deadbolts in order to identify how they are going to function, and a performance standard for those items. There is draft language, under A.2, which requires "locks for all entrances, dwellings units, and sleeping units shall tightly secure the door to discourage unwanted entry." Staff were looking at responding to the testimony received through ASC's meetings about doors that have locks that don't actually align with the jam or don't meet the strike. The doors and locks are there, but don't actually perform the designed function.

3. It seems that "tightly secure the door" would satisfy the concern. If the security device is not working or there's a huge gap, then it is not tightly securing the door.

4. Is that sufficient? Or do we need to specify dead bolt. It seems that "tightly secure" the door gets at the intent of the gap.
   Staff – In reference to A sub ii, "all exterior doors, door assemblies, and hardware shall be maintained in good condition," what staff have experienced and identified through the ASC testimony is that it is possible to have doors that lock, but that do not have the ability to secure or prevent entry, and no requirement to maintain those locking devices so they actually function properly. Staff have seen examples where the lock on the doorknob may secure the door, there could be a hasp, or a throw bolt, or other devices that require special knowledge to operate or that are not maintained in a way in which the operator, the occupant, can easily operate them. Staff have encountered situations where people have modified the locking device so that the door can only be closed, but a tenant may not be able to actually open that door. Staff have encountered some situations where the entrance door is locked and doesn't function as an 'in-out' door anymore, because the lock is not maintained or the door is nailed shut.

5. In reference to the staff comment regarding hasps, throw bolts and required special knowledge: where is that term "special knowledge" defined?
   Staff – To clarify the context, types of situations encountered in the field where it may not be a functional door for people were included. Staff see hasps and throw bolts being utilized. The Building Code identifies that for the means of egress doors, "egress doors shall readily open and allow for movement from inside the dwelling unit without the use of a key or special knowledge or effort." So that is where the special knowledge language comes from.

6. Special knowledge is a concern. We should not be saying that we are trying to make code here that says you can't use a chain, or you can't use a throw bolt, or you can't use a hasp. I cannot find where "special knowledge" is defined.
   Staff – We will define "special knowledge" in revised language.

7. We have discussed what Building Code does or does not require, and I worry that hypothetically, with something as important and complicated as a heating system, fixing that or retrofitting that depending on the building can be a complicated thing. Locks, even if the

Building Code doesn't require locking doors, the ability to add a lock that's functional that meets certain requirements post-construction does not come close to having the complexity of a heating system. So there may not end up being any conflict; I don't know of anyone who owns a building that doesn't put locks on the doors. The fact that there isn't a code requirement in this case doesn't worry me, because adding a lock is not that hard.

8. This really gets at the heart of what it means to have a livable place, it's your physical security, first of all for your person and frankly a lot of crime. We don't want people breaking into our houses. There really does need to be a secure lock protection from the outside and if there is a fire or some other emergency where it's dark, everybody needs to be able to get out pretty readily without having to think about it.

9. We all support the security of the houses and for all of the doors, it's the degree and the number of locks that I have questions about. The term special knowledge is something I also question.
   Staff – Staff will provide a state interpretation that identifies what is understood to be special knowledge. The current Oregon Structural Specialty Code identifies that "manually operated bolts or surface bolts are not permitted on entrances." Whether they are identified as requiring special knowledge or not, these are the ones that specifically are not permitted for entrance locks.

Gibb – I'm hearing a suggestion for language from the Albany Code and it will be noted; I heard a request for a definition of special knowledge and an interpretation; I heard concerns whether a deadbolt should be required or not. Any other issues?

10. How would historic homes be affected by this? Taking that into consideration if a historic home were to be rented.
    Staff – Staff are anticipating those typically would fall under the administrative provisions, looking there for guidance on alterations to historic homes.

Exterior Weather and Waterproofing

Westfall – The discussion of exterior standards will be structured in the same way staff did for interiors. The matrix items are included in each section under discussion to provide reference to look back to, and again we have developed potential standards for your beginning discussions. The two parts in this Section 1 identify maintenance provisions to prevent wind from entering a structure, and also to maintain the exterior envelope in order to prevent water from entering into a structure. The exterior building envelope - roof, walls and exterior components would need to provide protection from the elements. The language is intended to provide a starting point for identifying how to get to a point where staff have the ability to determine whether a condition would prevent intrusion of wind or water into the structure. Staff looked at different ways of identifying that and arrived at the term "weather tight," which captures both wind and water. Rather that writing two separate sets of standards for how to deal with water and wind, the language for both has been combined into one response. The operating guideline for this section provides definitions as well as guidelines. The term "weather tight" is being defined as a specific term, meaning in this case, secure against wind, rain and natural elements. Concerns or points made:

1. In reading the matrix, wind is to apply to rentals only and water to all structures. But that is not the starting point language.
   Staff - Staff would appreciate the committee's thoughts on how all of this works together.

2. Under temporary measures, the draft language states that tarps can only be used for so much time. Is that appropriate, and does it consider how much time it might take to repair some of these issues, especially if it involves painting or replacing a roof, repairs that are weather

dependent? Is that a guidelines issue or a code issue - the time someone has to address the condition?
Staff – What was discussed in the ASC meetings was specific to those questions. It's not captured here. As discussed with ASC, operationally staff expect to have guidelines that identify that if a complaint led to a determination that there are surface treatment failures, staff would provide a notice that repairs would need to be completed within a specific time frame, determined based on an examination of what the conditions are. Practically, if the owner has lined up a contractor to get the work done, but the contractor can't get the work done because of extenuating circumstances, staff would likely extend a completion date in that case vs. one in which we have had no contact or no effort to make repairs.

3. The code should have a maximum time limit with certain accommodations for any type of exterior repair, a time limit within a year's period. At least to show substantial progress.
Staff – The City's case tracking mechanism will allow for forecasting deadlines and tracking progress.

4. There should be flexibility in this, not only in the guidelines but also in the code language so people who are not hearing this conversation or don't know of the flexibility and are nervous seeing 30 days. If there is flexibility something should be written into this that says "or longer if substantial progress is made." Especially as this is the only standard with a time limit, so it really stands out.
Staff – In the Rental Housing Code time frame standards are specified in the code language and then the operating guidelines clarify that where the owner of the building has an arrangement with a contractor to perform the work but there is a delay, flexibility may be applied. It references the code to reflect that. Staff cannot gain compliance based on an operational guideline or policy. It has to be based on language found in code.

5. Why is there a time line here and not anywhere else?
Staff – Due to the temporary measures for an emergency such as a broken window, the immediate response that the window is boarded up, but that is not the repair, it is a temporary measure. The time limit is needed because some things, besides being maintenance issues, become blighting issues. This is what the ASC heard in discussions about these places that are perpetually tarped or perpetually under repair but never actually completed. That is the intent of the time limit.

   Gibb – maybe we need more conversation about temporary measures timelines vs. repair timelines. Is there any more conversation about that?

6. Does this language reflect any remedies for those types of properties, such as the one on Grant, this type thing? That was a difficult one to enforce; is this something that is going to substantially give the City the tools to remedy it? So when this Livability Code is put in place, will Grant go away at some point?
Staff – Today staff only have code authority to ensure that a structure can be addressed if it constitutes a dangerous building or attractive nuisance. There is no code to require building maintenance in order to prevent units from reaching a point of failure. The language as proposed in the starting point here would address those issues if staff received complaints. We anticipate that when the code comes into effect, the City will receive a spike in complaints regarding properties that people had previously given up complaining about. There are units like that scattered throughout the community.

7. The group discussed 30 vs. 45 days to remedy. Under glazing an owner would have 30 days to deal with a broken window, correct?
Staff - Yes. The code would look for quick resolution to avoid a blighting influence.

8. If a tree feel on top of a house and the roof is penetrated, then a tarp would then come under temporary measures?
   Staff – Yes. The distinction can be clarified.

9. In 4, glazing, it says glass window panes or approved substitute. What is an approved substitute? What is the definition of an approved substitute?
   Staff – In the interior provisions we included in our operational guidelines an explanation of what we intended by approved and if you read through the Building Code, the Livability Code and Rental Housing Code, approved means there is prescriptive language that specifies how to achieve a code standard. That is prescriptive code. Then there are options for the official administering the code to look at alternate approaches that would meet the intent of the prescriptive code. An approved substitute for glass might include other translucent elements such as plexiglass. The market also has new abandoned property materials that are coming out that are much different than boarding up a building with plywood. They are practically indestructible form of a plexiglass for securing windows so some elements of just plexiglass.

10. The concern is in regard to putting up a translucent plexiglass after the pane has been broken three times, and then being told by the City that it is not a suitable substitute.
    Staff – One would need to confirm acceptability before using an alternate material.

11. If a window has optional weather glass with a crack that doesn't violate the weather-tight or air infiltration standard, is there a requirement for that pane to be replaced?
    Staff – The window envelope would need to be secured one way or the other whether the broken glass is in the interior sash or the outside storm window.

Gibb - In the interest of time, I'm doing a check in and thinking we are a point to break for the evening. Staff will follow up with meeting notes.

IV. Review of upcoming meeting schedule. Meeting dates and times were listed in the agenda; staff asked about tentatively adding a meeting on Tuesday or Wednesday May 26 or 27th 9 am to 12 noon. Staff will conduct a Doodle poll and include more options.

V. Other business. There was no other business.

VI. Adjournment. The meeting was adjourned at 12:05.

City of Corvallis Community Development Department
Livability Code Departmental Advisory Committee
Notes for the meeting of April 23, 2015
Meeting time: 10:00 a.m.
Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Carl Carpenter, Holly Sears, Jerry Duerksen, Jim Moorefield, Karen Levy Keon, Ken Gibb, Trish Daniels

Staff present: Bob Loewen, Chris Westfall, Kent Weiss

I. Call to order at 10:01.

II. Review of April 7, 2015 meeting notes,
Staff commented that the current plan was for two more Committee meetings, on May 11 and June 3. The meeting notes are attached and staff noted they are not sure that the right balance has been reached yet; meeting notes are still a work on progress. Comments made:

- When there is discussion on topics it should be summarized in a way such as "a number of people thought A, the others thought B"
- Attribution of who said what, so ASC can make note, would be helpful. Karen suggested members could state their names prior to speaking.
- Question as to whether ASC will read the level of detail captured. The conclusion was that ASC will have notes from all of the Committee's meetings but will likely focus on the group's final review of the refined code language.

Staff reminded the Committee of its approach to addressing the code gaps identified and discussed with ASC. Staff have taken the approach that what is contained in the matrix represents an abbreviated notation of gaps, and not necessarily the full breadth of what is to be covered with new code language. Thus rather than focusing solely on one piece of a system e.g., a minimum water temperature, staff are looking at things systematically or holistically - not expanding on the direction received, but looking to completely cover identified gaps, e.g., ensuring that water pressure and the duration of availability are adequate in addition to a minimum water temperature.

Holly commented that the crafted language did not address ASC's direction that the gap structure for water/weatherproofing be distinct between renter- and owner-occupied properties, noting that wind intrusion is to apply to rentals only, and water intrusion is to apply to all properties. Staff responded that this was an incomplete revision that is trying to create that distinction within one code provision. The requirements will be separated into two provisions.

Other general comments:

- Carl, referring to page 6, pointed out that the administrative language as stated in the *Starting Language* makes it difficult to determine where things are at the present time in the current Municipal Code. He felt it was necessary to know where this all begins to understand where the gap is. There is sample wording from Gresham and Portland, but not what exists currently in Corvallis.
- Staff responded that this primarily is the case because there is no existing local code language to cover the identified gaps.
- Carl responded that in some cases it is, but it is not included. That leaves Committee members trying to go back and check "Do we already have this language?"
- Staff reviewed the discussion with ASC, noting that it had focused on what was in the Rental Housing Code, the Municipal Code, and the Land Development Code, and had

then identified the gaps where language does not exist to deal with specific gap issues. That work was then reflected in the matrix, which was created based upon ASC direction. Essentially, there may be a reference regarding sanitation in the Municipal Code but it doesn't address the identified gap.

- Staff also noted that there is language in the Rental Housing Code that identifies heat, security, weatherproofing, etc., and provided a reminder that the Rental Housing Code provisions will ultimately be replaced by the Livability Code.
- Holly suggested the charge was to craft language to address gaps keeping in mind ASC's direction, and should use a bottoms-up approach working with what exists without completely subsuming it to fill the gaps.
- Trish pointed out that ASC had already determined the gap and that language did not exist in the existing code, or was not sufficient; therefore creating language to address the gaps holistically was the task.
- Staff stated that what is prepared is based on ASC direction to devise language that would fill gaps not using an existing property maintenance code such as the IPMC model, and instead crafting language based off of other local jurisdictions and best management practices. Staff will note the concerns raised and review existing Corvallis codes and bring existing language that might be helpful for the Committee to review.
- Trish summarized that in order to bring conversation to closure, the TF task is to address the gaps as identified by ASC, develop language to address these, to decide where there is agreement, and move forward. ASC will decide whether more is needed. The task is to review staff-drafted language to fill these gaps in one holistic fashion.
- Staff stated that concerns are noted and maybe some things can be resolved in the review of a final version product which will bring another opportunity for review.

III. Continued Committee review and discussion of livability code language: Exterior Code Gaps

In reviewing **Exterior Weather/Waterproofing**, the following comments were made:

- Trish asked about the requirement to address peeling, chipping and flaking paint as reflected in the starting language, when the point of this section is to keep water from entering the structure. It appears to be too prescriptive. She suggested removing this sentence.
- Staff responded that in reference to peeling, flaking and chipping paint there were some extensive discussions with ASC and one of the responses was to look at developing operational guidelines for how to handle those situations in case of a complaint. This issue of paint condition may be better placed in guidelines.
- Jim asked whether the goal was to address conditions that might allow moisture to enter a building and cause a problem, or to address conditions that actually created a problem. It would be easier to form an opinion with a clear understanding of the goal.
- Ken responded that it was written as a preventative measure, so the feedback from this group could be whether they should be preventative or responsive to identified conditions after they occur.
- Trish noted that staff will be unable to know whether water is getting inside or not unless they go inside, so it seems imprudent to make it dependent on whether or not it is actually happening.
- Staff pointed out that identified observable conditions as stated in the opening section of Paragraph 2 would be indications of proper performance. The intent as stated is to eliminate conditions that let water into the interior of both occupied spaces and exterior wall cavities, where it might ultimately lead to structural deterioration.
- The general consensus of the Committee was that it was a good idea to put language dealing with paint condition in the operating guidelines.
- Discussion followed about the guideline language under paragraph 6, temporary measures not exceeding 45 days in any 12-month period.

- Staff responded that the 45 days would start following confirmation that there was a violation of some sort.
- Holly commented that as these things are required it impacts housing affordability, increasing rents, driving up the housing market and costs of houses.
- Trish noted that balance is key in recognizing it will impact housing affordability but will also improve conditions for those living in the units.
- Jim suggested a need to respect owners' timelines regarding budgets and their own priorities, with sensitivity to timelines based on owners' needs. Holly concurred.

Exterior Sanitation

Staff explained that this section addressed maintenance for exterior property and premises for sanitation. It looks at conditions in which exterior property including structures and premises might fall into an unsanitary condition that could include health and safety issues. Comments included:

- Jerry suggested the Grant Street property violates all language in this section, however it is unknown if the property is a rental or owner occupied space. He asked if filing a complaint would do any good if a distinction cannot be made as to type of property.
- Discussion followed regarding defending home ownership and owners' budgets but also being aggressive to deal with these structures.
- Trish asked how often decaying owner-occupied units are due to lack of funds, or to other issues.
- Staff answered that typically issues beyond a lack of funds, such as the inability to understand maintenance needs, or failing health, cause problems. The City has programs to help in these circumstances, and the operating guidelines for the Livability Code will reflect this.
- Carl asked about the definition of emergency access routes and the ten foot requirement, and about the difference between rank vegetation and pruned hedges, questioning the need for this specificity. He stated it appears too vague and also too specific, and he was not sure where there is a gap.
- Staff replied that the provision looks at conditions that could impact life safety and health which through control of the exterior conditions could be prevented or eliminated. The language identifies the emergency access route and the thickets and rank vegetation as elements that might impede emergency access through those areas.
- Holly asked about staff's interpretation of the wording in the last column of the matrix which says, "first focus on indoor furniture outdoors." She noted there are three full pages of wording; section 7.f regarding exterior sanitation seems too strict if we are only to look at indoor furniture.
- Staff replied that there was originally a presumption that the Committee might work on sections of code language and recommendations to ASC would be presented in pieces rather than a comprehensive set of recommendations. Under this premise, ASC wanted to primary focus first on indoor furniture. Because the whole set of recommendations will come at once that first focus piece will not be needed.
- Holly stated that it appears to be much broader; referencing the December 17 minutes the focus seemed to be on the accumulation of personal property outdoors, now the Committee was discussing brush, vines, overgrowth, thickets, trash and debris, pools, tanks and child traps. Are those clean and sanitary issues?
- Staff noted that sanitary means something different in indoor vs. outdoor situations, but that in staff's perception this scope reflects ASC's discussion.
- Ken pointed out that the list is not exhaustive but was the list provided to ASC regarding exterior sanitation conditions based on complaints that the City has received. He suggested reviewing the list so Committee members could state their perspectives on each.
- There was general consensus that all of the items were important and need to be dealt with comprehensively; however, Carl and Holly were concerned that language being applied in isolation would be over reaching. Holly suggested defining "blight" to apply to

those properties that are deteriorating and currently cannot be dealt with under the Dangerous Buildings Code.

- Jim pointed out that affordable housing is typically small, 900 square feet vs. 2,000 square feet; by definition the smaller units come with less storage and will create an on-going issue where household overflow may end on porches. He expressed a need to be flexibility in the type of accumulation - that which is a health and safety issue attracting rat harborages vs. bicycles in the backyard that are junky and unsightly. The wording suggests that something must be removed just because it exists, not because it is a health or safety issue.
- In the interest of time Ken stated that staff will refine the language to reflect the comments heard about not requiring something to be removed entirely if it could be contained in some way.

Solid Waste

Staff stated this was a continuing discussion on establishing provisions for the removal of solid waste: provisions that would require solid waste removal, how it's going to be done, and who is going to be responsible between the landlord and tenant for accomplishing that. It allows for a rental agreement to place that responsibility for removal on the tenant, but ultimate responsibility for removal will still be the landlord's if the tenant doesn't perform.

Staff called attention to Item 2.a relative to capacity for containing trash that requires a 32-gallon container per unit. This size container was pulled from other jurisdictions' language as adequate capacity for a single dwelling unit to actually store solid waste. Under current code, it is allowable to store solid waste is in different sizes and kinds of containers as long as they are water-tight and rodent-proof. Staff feel the wording regarding size could be generalized as long as what is provided insures the capacity for storage. If solid waste is not contained then apparently the container is not adequate.

Comments made were:

- Carl pointed out that the matrix only addresses properties that are renter occupied; he asked why rentals need to be clean and home owners don't have the same requirement?
- Staff clarified that this gap is about assigning responsibility for solid waste removal. Current code identifies that solid waste must be contained and removed from all properties. The assignment from ASC was to designate who is responsible in rental situations for solid waste removal.
- In reference to 2.a, and the requirement that the number of receptacles must be sufficient to prevent the overflow of solid waste," Jim asked whether another standard exists for overflow and what this means. He said that in some circumstances when tenants dispose of large items of furniture or mattresses there is no way to know in advance or keep a container of adequate size available.
- Staff clarified that excess solid waste generated on the property cannot be placed out for disposal without being in a receptacle. There are other ways to dispose of furniture or mattresses such as scheduling a special pickup and then setting items out on the day of collection. Or they could be hauled away by the person who owns them and disposed of at the dump. Current Municipal Code language prohibits setting out solid waste without it being properly contained.
- Staff added that this new wording only identified who was responsible for preventing or remedying overflow in a rental situation and did not change current code. Ideally tenants would notify the landlord if they were going to have an accumulation that would exceed minimum capacity.
- Trish recommended crafting language that identifies the situation, and that if an overflow should occur the landlord will be responsible to stop the situation from occurring by

communicating appropriately with the tenant. The landlord and tenant could share the responsibility but ultimately the landlord would be responsible.

- Staff confirmed that this is the intent, but that the City cannot require communication. In the anticipated outreach to the community, that would be language to include. Staff will work on code language that states that solid waste, if not contained, will be removed.
- Holly pointed out that the matrix directs the development of language to deal with renter occupied property, but that the first paragraph in subsection 1 appears to apply to everyone.
- Staff agreed, noting that this is consistent with and a restatement of current Municipal Code requirements.
- Holly asked whether, under Sections 2.b and 3.b which require subscribing and paying for weekly solid waste management services, self haul would be allowable? Does the owner of the rental have the ability to haul the solid waste themselves?
- Staff explained that under current code, anybody can haul the solid waste they themselves generate and dispose of it at the dump. In terms of larger items, they can pay an extra fee to remove it or haul it themselves. A landlord is not allowed under current code to haul their tenant's solid waste.
- Carl asked whether in reference to renter occupied spaces the new language is mandating weekly service. Jerry added that he provides a maintenance truck to pick up his tenants' trash.
- Carl suggested that the requirement to subscribe to waste removal service was taking away the right of a tenant to self haul. If a tenant elects to self haul why would the landlord still be required to subscribe to service? Perhaps the wording should include "and /or."
- Staff pointed back to the introductory statement for one- and two-family dwellings, noting that it allows that if an arrangement with a tenant is made regarding the removal of solid waste, subscription is not required, but this does not displace the landlord's responsibility; if the tenant fails to perform, ultimately the landlord has responsibility.
- Holly noted that 1 to 4 unit dwellings are commonly considered multi-family in practice. This language defines multi-family as 3 or more units, which could cause confusion.
- Staff explained this code language follows Building Code standards, with multi-family dwellings being 3-plus units.
- Carl asked whether when the tenant is no longer on the property, and the landlord goes in to clean it out, the landlord would need to maintain service or could the landlord remove the solid waste himself.
- Staff answered that under 2 and 3, the landlord would be in control of the property, and could haul the solid waste.

With only 8 minutes remaining of the meeting time, discussion turned to next steps.

IV. Review of upcoming meeting schedule
Discussion followed regarding needed meeting dates and TF members' availability. It was decided to meet on:

a. Monday, May 11 from 9:00 am to 12 noon
b. Wednesday, June 3 from 10:00 am to 1:00 pm (note that this meeting will need to begin at 9:30 and end at 12:30)
c. If needed, Thursday June 4 from 10:00 am to 1:00 pm

V. Adjournment. The meeting was adjourned at 11:57.

City of Corvallis Community Development Department
Livability Code Departmental Advisory Committee
Notes for the meeting of Monday, May 11, 2015
Meeting time: 9:00 a.m.
Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Carl Carpenter, Holly Sears, Jerry Duerksen, Jim Moorefield, Karen Levy Keon, Ken Gibb, Trish Daniels

Staff present: Bob Loewen, Chris Westfall, Dan Carlson, Kent Weiss

I. Call to order at 9:01.

II. Review of April 23, 2015 meeting notes: No comments or feedback provided.

III. Continued Committee review and discussion of livability code language: Exterior Code Gaps

D. Building/Accessory Structure Maintenance

- Ken pointed out that the language for review begins on page 22 of the draft language provided in the April 7 packet.
- Staff provided an overview of the draft language on this topic, noting that the standards under discussion apply to all property types.
- Trish asked whether "skilled manner" is defined or to be interpreted; staff read the definition of the term contained in the administrative section of the livability code.
- Holly asked for confirmation whether this section applies to residential, commercial, industrial and vacant properties; staff confirmed that it does.
- Jerry asked whether "skilled work" requires a licensed contractor; staff confirmed that if the work requires a permit a licensed contractor would likely be required, but also stated that not all potential work required in this code section would require a permit, for example, repairing a fence. Jerry stated that his property management firm uses licensed bonded contractors for all repair work. Staff explained that requirements for permits and contractor licensing fall under the building code, this code provision is looking at the quality of work that is completed to address code violations.
- Carl recommended taking the reference to "skilled work" out as he felt it was unnecessary and that the code is too long.
- Holly recalled her attendance at Administrative Services Committee (ASC) meetings and direction to focus on conditions of buildings and properties that are causing blight. She wondered why this section is not defining blight and requiring that it be addressed.
- Staff noted that the draft provisions are intended to address conditions of blight or that could contribute to blight.
- Holly commented that the language in this section is too prescriptive in terms of specifying what and how certain conditions must be addressed; she suggested including only paragraph 1 and eliminating the balance of the section that addresses specific conditions. She concurred with Carl that the code is getting too long.

- Ken noted that the draft language as presented represents direction from ASC based on comments received that standards must be specific in order for people to understand them and for staff to apply them objectively.
- Trish noted that blight is defined generally as “an impaired condition,” which is general and vague. She questioned how the City could gain compliance with conditions of blight unless there are specific conditions and standards cited in the code.
- Carl noted his support for Holly’s suggestion that specific standards not be included.
- Ken summarized that the proposal from Holly and Carl is to keep paragraph 1 in section D, and remove paragraphs 2 through 10.
- Holly added that the conditions described in paragraphs 2 through 10 could be included in the guidelines as suggestions of ways to meet 1.
- Carl disagreed that maintenance of decorative features and a requirement for replacement of features if missing should be included. Trish agreed with Carl’s statement, clarifying that she thinks the features should be maintained, but that there should not be a requirement to replace them if they are missing.
- Ken provided an example of why this provision was included, noting that a decorative feature on the Whiteside Theater had fallen to the sidewalk a few years ago, and represented a public hazard. Trish reiterated her agreement with this portion of the standard; Carl stated that he felt it would be covered in paragraph 1.
- Jim recognized the need to balance general guidance with the specificity of code standards; he felt Holly’s suggestion of including the specificity in the code guidelines might be a compromise.
- Karen stated support to keep the standards within code language.
- Holly reiterated that paragraph 1 is all that is needed; the paragraphs that follow should only be suggestions.
- Ken explained that the language in 1 is a general goal statement, and the paragraphs that follow it are the specific ways to achieve that goal.
- Jerry asked if staff could achieve compliance if only paragraph 1 is included; Ken answered that the language under review was drawn in part from existing codes of other jurisdictions, and responds to direction from ASC to develop specific standards.
- Trish pointed out that if 2 – 10 are moved to guidelines, 9 and 10 (accessory structures and vacant land) need to be captured in paragraph 1. She suggested that if only the general language is included, it will take staff longer to gain compliance because of the need to defend interpretations throughout the process.
- Carl disagreed, stating that if more specific standards are included staff will be looking for conditions that represent violations of those standards.
- Trish noted that staff responses will be based on complaints, not inspections.
- Carl asked why prevention of insects was included in the foundation standards (in paragraph 4). He asked why “unsafe obstructions” was included in paragraph 9 under accessory structures.
- Holly concurred regarding insects; she felt a property owner would need an engineer to know whether structural members are sound and that there is no evidence of decay.
- Jim pointed out that if there is no evidence of decay there would be no reason for someone to complain.
- Holly asked for clarification of the meaning of paragraph 2 and compliance with previous code or statute; staff explained that the intent was to allow repairs to be made to the original code standards in place at construction or alteration rather than requiring that repairs bring a structural element up to current code.

- Ken summarized that staff will take under advisement the suggestion to move specific standards out of code and into guidelines, reviewing whether some or all might be moved without changing staff's ability to implement this section of code.
- Jim stated that where there is less specificity/more flexibility in the code language it may be more difficult to get a complainant's agreement that a violation has been remedied; he suggested it may be to a property owner's or manager's benefit to have specific standards so complaints can be resolved in a more straightforward way.
- Carl noted that because the City will not require a tenant to contact their landlord before accepting a complaint from them, he cannot agree to the inclusion of specific standards. He felt it would be more difficult for a landlord so only the general language of paragraph 1 should be included. If the City requires landlord contact before a tenant can complain he would be open to including the specific standards of paragraphs 2 through 10.
- Jerry stated that he did not think the question of a landlord/tenant contact requirement had been resolved; Ken concurred, noting that ASC will provide guidance on that question, but that as currently drafted the livability code would encourage but not require that contact.
- Trish would like to have the standards in paragraphs 2 through 10 included for purposes of neighborhood livability.

E. Decks, Stairs and Handrails Maintenance

- Staff summarized the standards contained in this livability code section, explaining that the standards apply to structures of all types. As in the previous section, repairs to address violations of the livability code would generally be required to meet the building code requirement in place at the time of construction or alteration unless there were no such standards, in which case current building code standards would apply.
- Holly asked for confirmation whether this section applies to residential, commercial, industrial and vacant properties; staff confirmed that it does. She felt that 2.b. does not provide requirements for maintenance because it requires adding handrails if not present according to current building code standards, and as such should be removed; she suggested that where handrails and stairs are referenced in this section it should be made clear that they are exterior elements.
- Staff explained current building code requirements for stairs and handrails, noting that they have been in place in various forms since the adoption of the state-wide building code in 1974 and prior to that in local building code.
- Holly suggested rather than including a requirement to add handrails, the building code should be modified for this purpose. Staff noted that the building code applies to new construction and alterations, but not to maintenance.
- Carl asked what current code requires for the inclusion of handrails; staff stated that a stairway of three or more stairs is required to have a handrail.
- Holly reiterated that although the requirement to add a handrail for safety purposes when one is not present makes sense, that is not what this code is supposed to be doing; she asked that this section and section 2c be removed from the draft code language. She added that staff should have brought this up as a specific issue with ASC if there was a desire to include it in the code.

F. Exterior Lighting

- Staff provided a brief overview of the draft language in this code section, noting that the language has been pulled in from other jurisdictions' examples. An example was provided

of complaints from people walking from an apartment to a parking lot where existing lights are not maintained, creating potentially dangerous situations.

- Trish concurred that inadequate lighting is a safety issue. She asked about the City's standard for directing light down vs. out in exterior settings, feeling that people looking to comply should understand this requirement rather than installing the incorrect type of lighting.
- Carl stated that paragraph 1 has nothing to do with exterior lighting. He feels paragraph 2 is adequate to cover the identified gap.
- Holly suggested alternate language, to state "For safety purposes, lighting shall be provided and kept in a proper state of repair in all areas designed to include pedestrian activities, such as streets, sidewalks, multi-use paths, parking lots, and plazas." She agreed that paragraph 1 did not address inadequate lighting.
- Staff suggested modifying paragraph 1 to state that lighting provided in the areas designated, whether required originally by code, must be maintained.

IV. Fire Safety and Administrative Provisions

Ken directed Committee members to attachment 1 in their packet for the May 11 meeting, which contained the re-issued draft language for fire safety and code administration provisions. Staff re-issued the packet after completing and including penalty provisions language to the administrative section.

A. Fire Safety

- Staff explained that the first area covered addresses being able to open egress doors from inside a structure without keys or special knowledge.
- Carl asked how this requirement fits with HUD's requirement that sliding glass doors have a locking pin or sliding bar. Staff explained that not all doors are egress doors, and that sliding glass doors are not typically considered egress doors. Egress doors are generally a front door. Carl requested the addition of a definition of "egress door;" staff agreed and suggested that also clarifying that an egress door lies along an egress path, as defined in the interior standards, might be helpful.
- Holly asked why "special knowledge" is not a defined term in this code. Staff explained that the term comes from the building code, but it not defined there or in other codes in which it is used.
- Trish provided examples of door types she has encountered where one would need to know where a key is hidden in order to unlock a door; staff added an example of a button on a wall that must be pushed to open a door, which in a dark and smoke-filled room would be difficult to find.
- Holly asked about whether this requirement might conflict with the interests of day care or assisted living facilities, where preventing egress may be desired. Staff explained that such facilities have different codified requirements for egress doors, which would not be superseded by the livability code.
- Staff explained the second fire safety area covered in the code requires the maintenance of an accessible means of egress from residential structures. "Means of egress" is a term included in the definitions section of the code.
- Carl asked if this meant every means of egress, so every door. Staff explained that this section considers maintaining a path to a structure's egress door, and that not every door (or window) is an egress door (or window).

- Holly asked if existing code contains language relative to multi-family properties and egress paths therein. Staff explained that the Fire Department may inspect commercial and residential buildings for adequate egress, but will not typically extend these inspections into the interiors of dwellings. This code provision would require that those interior paths be maintained as accessible.
- Carl asked for confirmation whether this section applies to both residential and non-residential properties; staff confirmed that it does.
- Acknowledging that discussion is yet to come, Holly asked about education and outreach and how topics like this would be addressed through that effort. Staff acknowledged that development of that outreach and education plan would follow the completion of livability code provisions.
- Staff explained the third element of fire prevention standards, describing what types of surfaces are considered fire-resistance rated.
- Carl asked if his widening of a door as a reasonable accommodation for a tenant in a building constructed long ago would require him to bring the entire wall up to current building code. Staff explained that the plan review and permit issuance process would establish the answer to the question. Staff further explained that in practice these reviews look to prevent impacts that create building or structural hazards, and that if this would be the case the structural element would need to be brought to current code. If there would be no such impacts, compliance with current building code would not be required.
- Holly asked if the examples included (fire stops, shaft enclosures, etc.) are as described in building code. Staff explained that these types of fire-rated assemblies are described in the building code, and while not typically found in one- and two-family dwellings, could be found in multi-family and commercial structures.
- Holly asked why holes larger than four inches in diameter were included as they were not in the examples from other jurisdictions. Staff explained that these requirements are also included in interior sanitation language discussed in an earlier meeting, and are included again as a means to help prevent the spread of fire if it occurs. Holly asked for clarification whether such holes included those made to install a light or switch. Staff confirmed that holes made for purposes of building systems would not be included.
- Carl asked if he could put a fire-stop drywall patch over a hole created by a tenant in the wall of a structure built in 1915, or would he need to replace the whole wall. Staff stated that all this section requires is that the hole be closed.

Ken called for a five-minute break. The meeting resumed at 11:03.

B. Administration

- Staff described the code language structure that has been put in place for the administration section, noting that structurally it mirrors other typical sections of the Municipal Code, and uses the chapter numbering found in the Rental Housing Code, which would be subsumed upon adoption of the livability code. Staff further explained generally what each section of the administration section includes: Intent, identification of derelict structures, public nuisances, penalties, noticing, appeals, etc.
- Although not the first provisions in the administration section, staff turned to the “grandfathering” provisions of 9.02.11 and 9.02.12 given committee interest and concern about these provisions expressed in earlier discussions and meetings. Cited specifically as examples of what people refer to as “grandfathering” was the provision at 9.02.11(c) that “All systems, devices and safeguards required by this Code or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or

premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of inhabitants." Also cited was 9.02.11(d) "An existing structure that does not comply with the provisions of this code and that does not comply with the standards of the applicable building code then in effect at the time of construction or subsequent alteration or repair shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein." Summarizing these provisions, staff noted that 9.02.11(c) intends that structures be maintained to the code standards in place at the time they were originally built or subsequently altered; 9.02.11(d) intends that if a structure does not comply with the livability code or the code in place at the time of construction or alteration, it will be brought into a condition that will provide a minimum level of health, safety and maintenance. This minimum level of health, safety and maintenance may be achieved either by modifying the structure in compliance with the code under which it was built, or bringing it up to current code.

- Carl asked what he would be required to do to replace a failing 30" shower shell in a home built in 1915 – whether he could replace it with a like size, or would need to replace it with today's minimum allowed size shell. He added that having to go with a size larger than 30" would require moving a wall to maintain required separations in the bathroom. Staff answered that building code would be applied to this situation, and that under that code, or using an alternative methods and materials determination, a 30" shell could be put back in place. In situations that are less clear under building code, and that are determined by the Director to create hardship, the Director may make a determination to provide relief.
- Karen asked what "Director" means in this use; staff noted that the term is defined in the code as the Community Development Director or his/her designee.
- Carl stated that decisions regarding the code should always be made by the Director unless that person is sick or on vacation; Ken noted that operationally the authority of a Department Director or the City Manager is commonly assigned to others in order to keep workloads manageable; this livability code provision is a provision common to most City codes and policies.
- Staff explained that 9.02.12 pertains to historic structures, which are structures designated locally or nationally as historic resources. With regard to maintenance condition issues with these structures, e.g. exterior waterproofing , the livability code official may allow the condition to continue if the building is determined to be safe, and maintaining it in its historic condition is in the public interest.
- Jim asked if 9.02.12 would exempt historic properties from having to comply with non-structural exterior maintenance requirements such as sanitation, or with interior maintenance requirements. Staff answered that the only provisions subject to this paragraph are those that pertain to the exterior of a structure; the other provisions of the code would still apply.
- Ken noted that staff will review this language with the goal of making it easier to understand.
- Carl stated that he did not think historic structures should be exempted from the building exterior provisions of this code, and that if any exemptions were granted they should be based on a determination of the Director, not the code official.

Ken directed discussion back to the beginning of the administration section, beginning with 9.02.2, Scope.

- Carl noted that this section states that the code applies to all structures and premises in the City, and asked for confirmation that nursing homes, OSU buildings, sororities and fraternities are also covered. Staff responded that this code would apply to those

structures unless another code or statute authority specifically applied, in which case that other code or statute authority would prevail.

- Holly asked why vacant land is covered by the code; she asked when this code went from being a property maintenance code to being a livability code. Staff explained that the ASC had provided direction not to implement the International Property Maintenance Code, and instead build a code to cover gaps in current code in order to address community livability.
- Holly suggested adding language regarding affordability to 9.02.3. She noted that if someone does not like their neighbor they could complain about each of the provisions in the code, and the cost to address them for the owner could be significant.
- Carl asked for clarification of the last sentence of 9.02.3, which requires existing structures and premises that do not comply with the livability code to be altered or repaired to provide a minimum level of health, safety and maintenance as required by the livability code. He wondered if that was in conflict with 9.02.11. Staff explained that 9.02.3 is a blanket statement of code applicability, and that other provisions of the code such as 9.02.11 direct how and/or if that minimum level of health, safety and maintenance is to be achieved.
- Holly stated that the code itself does not identify that it will be enforced on a complaint basis; she suggested that language and a description of the complaint process be added. Staff explained that the code guidelines will contain an explanation of the complaint process, and added that it is anticipated that most violations will come to the City through that process. However, some violations may come through other City work groups or departments when hazardous conditions are encountered. Code compliance staff would not be inspecting buildings, nor would staff patrol the City looking for violations. Holly suggested that the code should include language that would prevent staff from patrolling. Staff responded that the guidelines would include that language, and that the approach would change only if the City Council determined they want the City's code compliance program to operate in a more proactive way. Holly reiterated that she believed language explaining the complaint process, and that staff would not proactively look for violations, should be included in the code itself.
- Jim stated that he believed procedural language should be included in guidelines; he added that he did not oppose having other work groups or departments bring violations to the attention of code compliance staff. He suggested that these cases seem like complaints.
- Holly stated again her belief that the code itself should, in 9.02.3, contain language explaining that it is complaint-based rather than inspection-driven. She was concerned that if not written into the code the purpose and staff's approach to code compliance could be changed with no public review.
- Trish understood the difficulty of putting operating guidelines in code language, but wondered if there might be a way to have a simple statement regarding the complaint-based approach.
- Carl noted agreement with Holly's statements on this issue, suggesting that while current staff may be true to the intent of the guidelines, future staff may not. He also believed that City staff should be able to bring complaints about health or safety conditions, but there should be limits.
- Karen expressed support for City staff complaints, noting that they often have access to see things other people wouldn't, and having this capacity may be helpful to underserved populations who might be less likely to complain themselves.
- Holly suggested adding a simple statement regarding the program being complaint-based to the Intent section (9.02.3).

- Ken summarized, stating that staff will review the comments received and adjust language as appropriate. He then asked for comments regarding other language on page 21 of the packet.
- Holly asked what would happen under the change of use requirements in 9.02.4 if someone who owned a house was going to leave the country on a six-month sabbatical, and while they were gone would rent out their house. Would they need to modify it to meet all of the maintenance conditions required for renter-occupied units at that point?
- Staff explained that change of use in this context is from one type of residential use to another, e.g., from single family to a duplex or triplex. It did not apply to a change from owner occupancy to renter occupancy. In terms of physical conditions, as a rental the property would be subject to complaints about both interior and exterior conditions that were not compliant with the livability code.
- Carl asked for confirmation that the statement in 9.02.4.d is saying the building code overrides the livability code. Staff explained that building code does not override the livability code; that paragraph is establishing an order of authority between the building and livability codes, and that if the two codes conflict on a specific issue, the building code would prevail.
- Carl pointed to livability code provisions such as the requirement for heat in bathrooms and for dead bolt locks on exterior doors, which he believes conflict with the building code because it does not require these things. Staff reiterated statements made during earlier meetings of the Committee that these livability code standards do not conflict with building code standards because there are no building code standards for them; the livability code standards are filling gaps in what the building code requires.
- Carl asked for an explanation of 9.02.7, which mentions inspections deemed necessary by the Director, and coordination of such inspections with other departments. Staff explained that some situations that contain violations of the livability code may also have violations of the building code, fire code, and/or statutes for which Public Works is responsible. In these cases, rather than each of these City interests inspecting individually, effort is currently and would continue to be made under the livability code to coordinate the inspections into a single initial site visit.
- Holly asked if such coordinated inspections would occur only in response to a complaint, or if they might be driven by another City inspection. Staff responded that as written the provision would cover both of those cases.
- Holly asked for an explanation of “extreme hardship” as used in 9.02.9, Modifications. She wondered whether a home owner with a scope of repairs that had them addressing the condition of a bathroom first, and windows later due to available funds, would have a case for extreme hardship. Staff said there is not yet an operational guideline for this concept but there will be one developed prior to code implementation. This guideline language will include examples that staff would consider to be extreme hardships.
- Jim pointed out that the assessment of extreme hardship would likely be tempered by the degree to which public health, safety or welfare is threatened by the condition.
- Carl asked how under 9.02.9 an occupant could apply for a determination of extreme hardship. Staff explained that renter occupants have responsibility for maintaining interior and in most cases exterior conditions in a sanitary manner, and might request a hardship determination if they felt they were unable to comply when given a notice to correct.
- Carl asked if additional staff would be hired to implement the livability code once it is approved by the City Council, as 9.02.8(b) authorizes. Ken noted that there is no current plan to hire more staff than the 1.5 FTE and limited part-time help currently in place, and that to do so would require budget review and authorization from the Budget Commission and City Council.

- Holly asked about 9.02.10, Failure to Obey Order of the Director, which states that it is no defense to a prosecution for a violation of the code that the Director lacked legal authority to issue an order. Staff explained that someone could not refuse to follow an order of the Director without going through a City process available for an appeal of an order.
- Staff pointed out that the sections beginning at 9.02.14 and ending with 9.02.19 contain a discussion of Derelict Buildings, a term included in the Definitions section of the code. Under this section of the code, buildings determined to be derelict are declared to be a public nuisance, and may not be occupied until the nuisance condition has been abated. 9.02.19 details the means of and process for abatement. Staff anticipate that in most cases the owner of a property will address violations of the livability code following receipt of a correction notice or notice of violation; in some cases owners may not comply, or the City may not be able to contact the owner, and summary abatement will be required. Under a summary abatement process the City may either undertake repairs to, or demolish, a property that constitutes a derelict building/public nuisance, or may contract for that repair work/demolition. Costs the City incurs in the course of summary abatement would be secured through a lien on the abated property.
- Staff added that the City currently has summary abatement authority, but has used it infrequently due primarily to a lack of funding to cover the costs of abatement.
- Carl asked if the placement of a lien against a rental property would prevent the owner from renting it to a tenant. Staff explained that the lien would secure the City's costs of abatement, but would not address building occupancy. However, under the derelict structure provisions of the code, a building may not be occupied until the conditions causing it to be derelict have been abated.
- Carl asked whether refusal to repair a broken window would lead to a derelict building determination; staff responded that the broken window itself would not, but that if the window was subsequently boarded up rather than being repaired, that could lead to a derelict building determination if the building was found to be unsafe for human habitation. This could occur if the boarded window was an egress window as described in the earlier Fire Safety discussion. In that case, part or all of the building might be determined to be derelict.
- Carl asked if that meant City services to the building would be cut off. Staff answered that the City could order that the building be vacated, but under this code could not cut off services.
- Jerry noted that the power to abate and secure the City's costs exists, and asked if the City now had funding to carry out summary abatement. Ken answered that the original budget for an inspection-based code compliance program had included funds for abatement, but with the shift to a complaint-based system and uncertainty about the frequency and scope of summary abatement proceedings, those funds were not budgeted for the coming fiscal year. Discussion of funding a summary abatement line item remains on the table for future budget discussions.
- Carl asked what summary abatement Community Development has done in the past. Staff answered that it has been limited to boarding of windows and doors and removal of accumulated trash and garbage under the Dangerous Building Code. The department has not conducted summary abatement for several years.
- Holly asked if the City currently has the ability to declare a building derelict. Staff answered that the term derelict, and the process for a determination, do not currently exist in City code. Including the language and process in the livability code will fill the gap that currently exists between a building in good repair and a building that must be declared dangerous. It will be a tool, in most cases, to return a building to good repair rather than wait until it decays to the point of becoming dangerous.

- Trish commented that having the intermediary step of a derelict building determination to address buildings that are eyesores but not yet dangerous will help prevent the neglect that has led in the past to the loss of some of the City's affordable housing stock.

V. Review of upcoming meeting schedule
Discussion followed regarding needed meeting dates and Committee members' availability. It was decided to meet on:
   a. Wednesday, June 3 from 9:30 am to 12:30 pm
   b. Because there would not be time for review and revision of the language that comes out of the June 3 meeting by June 4, staff will distribute a Doodle poll so that another meeting to complete the review process can be scheduled for mid-June.

VI. Adjournment. The meeting was adjourned at 11:52.

City of Corvallis Community Development Department
Livability Code Departmental Advisory Committee
Notes for the meeting of Monday, June 3, 2015
Meeting time: 9:30 a.m.
Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Carl Carpenter, Holly Sears, Jerry Duerksen, Jim Moorefield, Karen Levy Keon, Ken Gibb, Trish Daniels

Staff present: Bob Loewen, Chris Westfall, Dan Carlson, Kent Weiss

I. Call to order at 9:30.

II. Review of May 11, 2015 meeting notes: No changes/additions/deletions suggested.

III. Continued Committee review and discussion of livability code language: Administrative Provisions

Ken pointed out that the language for review during this meeting begins on page 23 of the draft language provided in the committee's May 11 packet. Discussion first focused on **Derelict Structure** and **Public Nuisance** provisions.

1. Staff provided an overview of the draft language on this topic, providing a reminder that the administrative language under review is intended to provide a single, consistent path to gaining compliance on Livability Code violations. An explanation of the concept of derelict structures was provided. Derelict structures are those with conditions poor enough that some or all of the structure is uninhabitable, but not poor enough that the structure has reached the point of being declared dangerous. An explanation of the process for determining that a structure is derelict and receiving direction for abatement of the derelict building through a hearings officer process was provided.
2. Holly asked whether this process would run parallel to a civil process. Staff responded that it could. She then asked how long an owner of a derelict structure would have to remedy the deficiencies. Staff responded that the time frame would depend on the conditions encountered, but that the declaration of a derelict building would occur following the time frames to remedy violations that are specified in the Livability Code, and if/after a hearings officer made a finding that the structure was derelict. At that point the City could initiate a summary abatement process.
3. Holly asked if the derelict structure provisions differed from the dangerous building provisions the City currently utilizes. Staff answered that the dangerous building code directs that a dangerous building either be repaired or demolished; the derelict structure provisions of the Livability Code are intended to require repairs in order to address the cause(s) of the derelict structure determination.
4. Jerry asked how long it would take to declare as derelict and abate the structures on Grant Avenue and Second Street that he has mentioned in past meetings. Staff answered that the process would begin following the City's receipt of a complaint, and in a case in which the City receives no response from the owner could take only a few months to move through a declaration process and order for summary abatement. In this event

however the City would need to have funds to carry out the abatement activity if ordered by the hearings officer; there currently are no funds budgeted for abatement activities.

5. Trish expressed satisfaction for the time frame in the draft language, noting that the City's finally having a tool to address eyesore structures will improve livability in neighborhoods.
6. Carl asked how historic buildings, such as the one on Second Street, would be considered relative to determining it a derelict structure and requirements for abatement. Staff pointed to code provisions that provide relief to an owner of a historic structure where the structure is determined to be safe and allowing such relief is in the public interest. Although it has not been inspected, the Second Street structure may be deemed unsafe and in that case, it would be deemed to be a public nuisance; it would likely not be in the public interest to allow that situation to continue. Review of the City's abatement requirements would be considered by the City's Historic Resources Commission; HRC review would also be required if the owner intended to carry out work to address violations that could affect the structure's historic characteristics.
7. Jim asked for an explanation of receivership in the context of the Livability Code. Staff explained that receivership would be an option to achieve abatement under which a court would grant authority to the City, as receiver (not owner) of a property, to carry out abatement on the owner's behalf. Typically in these cases an owner is incapable or unwilling to carry out the prescribed abatement. Costs incurred by the City in carrying out the abatement would become a lien against the property.
8. Holly pointed out that referencing numbers within this section appear to not be pointing to the correct provisions; staff noted that as the code language is put into a final format the numbering will be checked and corrected as needed.
9. Holly asked whether current City codes include provisions for derelict structures. Staff answered that there are currently no provisions for derelict structures; the closest would be the Dangerous Building Code. She asked if there is currently a hearings officer position within the City; staff answered that there is not but that both HNS and Development Services are creating code provisions that would utilize a hearings officer. The position would be on-call, and would become a function of the City Manager's Office.
10. Holly asked for the definition of "public nuisance." Staff pointed out that the term is currently contained in the Municipal Code, as well as in the Dangerous Building Code and in Public Works codes. There is no single definition; rather there are multiple paths to declare something a public nuisance, with each depending on the intent of the code in which the term is defined.
11. Holly asked if under the Livability Code only a derelict structure would become a public nuisance. Staff responded that this would be the intended outcome, but that other violations of the Livability Code that do not rise to the level of a derelict structure but are contrary to the code could also be declared a public nuisance.
12. Jim noted his assumption after reading the administrative provisions that any violation of the Livability Code could be considered a public nuisance. Staff confirmed.
13. Carl asked why occupants are included for notification of code violations and enforcement processes. Staff explained that there could be instances where as the cause of the violation the occupant would be responsible, and would receive the correction notice and if necessary, a notice of violation and further enforcement actions. An example would be a tenant building up trash and waste materials in their garage or on the premises of a property. Staff noted that if a tenant failed to comply the owner would likely then become responsible. Carl suggested removing "occupant" from this section. Jim noted that it would be reasonable to keep "occupant" in that until they fail to comply they are responsible.

14. Jerry stated that he believes only the landlord should be contacted when violations occur because the landlord is ultimately responsible. Staff noted that if the City knows who the landlord or property manager for a property with a tenant-caused violation is, the City will attempt to provide a courtesy notice to that landlord. But if a tenant does something that violates the Livability Code, the tenant has broken the law and is the responsible party for addressing the violation. If the tenant leaves and no longer controls the property then the owner would become responsible. Staff stressed again that where property landlords are known they will contacted when violations, caused by a tenant or not, occur. This approach will be outlined in the operational guidelines.
15. Holly asked if code violations of all types will be recorded as described in the public nuisance provisions. Staff explained that if there is a violation of any type a correction notice will be provided; if there is no response to the notice, a first notice of violation will be provided; if there is no response to the first notice of violation a second notice of violation will be provided; if there is no response to the second notice the property will be determined to be a public nuisance. The determination that the property is now a public nuisance may be recorded with the County recorder. It is unlikely that a failed lock on an egress door would be recorded, but a failed, unrepaired roof likely would. The notice is intended to alert the public of the public nuisance. This process mirrors the process currently used under the City's Rental Housing Code. Ken noted that at the next meeting staff will walk through an example of how violations of the Code will be approached.
16. Holly asked how the complaint process will work. Staff noted that the process is being written into the operating guidelines, but as discussed earlier the Livability Code compliance program will operate on a complaint basis, and anonymous complaints will not be accepted or acted on. Holly suggested that the process for filing a complaint should be written into the Code.

Ken called for a five minute break.

Following the break discussion turned to the **Penalty Provisions** of the Administrative chapter. Staff provided a brief overview of both the criminal penalties and the civil penalties that could result from the failure of a party to comply with the Livability Code. Some offenses, such as solid waste violations, would be misdemeanors while others, such as violations of the current Rental Housing Code, would be an infraction. A civil penalty could be charged as well. If charged with a misdemeanor or infraction the party charged would contest it in Municipal Court; if a civil penalty is imposed the charged party would contest it either through a board of appeals process if the matter under appeal is technical, e.g., the violation is that water does not reach 120 degrees and the owner of a property believes they can show it does. If the charged party wishes to appeal the amount of a civil penalty, it would be taken through a hearings officer review process. Subsequent appeals from either process could be taken to the City Council.

Staff continued, noting that the Livability Code's civil penalty provisions will provide a means to address violations more quickly than a process that relies only on imposing criminal penalties. It will also provide a means to impose penalties that increase in severity in response to multiple or egregious violations of the code. The push to establish this progressive enforcement stance rose originally from the Collaboration's Livability Work Group and has continued to be a priority through the PMC Advisory Group and Administrative Services Committee consideration processes.

1. Holly asked if current code authority includes criminal penalties. Staff responded that the Rental Housing Code and the Municipal Code's solid waste provisions include processes for imposing criminal penalties.
2. Holly asked why civil penalties are being included in the Code, suggesting that the ASC didn't discuss them and they were not identified in the gap matrix. Ken answered that civil penalties have been under discussion as a progressive enforcement mechanism for several years as a result of the Collaboration process and the Livability Work Group. Holly continued, suggesting that the penalty provisions should be toned down. Trish read an excerpt from a report to the Collaboration Steering Committee from the Livability Work Group that recommended the implementation of a progressive enforcement system.
3. Staff pointed out that the criminal penalties and classifications of misdemeanors and infractions already exist in City code. A description of circumstances under which civil penalties might be imposed (e.g., to achieve expedited resolution), and under which criminal penalties might be imposed (e.g., when civil penalties have been ineffective at preventing recurrence of violations) was provided. The civil penalty system will be structured such that things like the frequency of recurrence of the same violation, the level of threat or danger caused by the violation, and whether the violator knew or should have known about that threat or danger will be considered to establish the level of a penalty. That is what gives the system its progressive nature.
4. Holly asked that staff bring back information that shows what provisions of the Livability Code come from existing code and where in existing code they are found, vs. what currently has no existing code basis. Staff is working on a way to provide that information in a form that will minimize confusion.
5. Jerry suggested that having the Livability Code penalize someone for leaving their garbage cans on the sidewalk with a $2,500 fine and a year in jail seems excessive. Staff responded that these penalty provisions currently exist in the Municipal Code's solid waste provisions. By having a civil penalty system in place these types of violations can be resolved quickly, without staff having to take work through a sometimes year-long court process to achieve an outcome. There currently is no mechanism for staff to use discretion as to the severity of a violation when the criminal process is invoked; the civil penalty approach would allow for staff discretion to reduce the severity of a penalty.
6. Carl agreed that the penalty provisions are appropriate and as discussed with ASC, but he asked that rather than the Code Official having the authority to determine and impose penalties, this authority should be at the Director level. Carl asked if violations are currently or will be appealable directly to the City Manager; staff responded that there are some violations that can be appealed to the City Manager and some to a hearings officer, but most are appealable to the City Council. Carl pointed out that an appeal going to a hearings officer would likely have a cost, while an appeal to the City Manager would not.

Staff began an explanation of the **Appeals Provisions** that are found in the Administrative chapter of the Livability Code. Currently appeals of technical matters relative to the Building Code, Rental Housing Code and Fire Code are heard by a Board of Appeals – the same body hears appeals of each code. The Board of Appeals will also hear appeals of technical matters of the Livability Code.

1. Holly asked for a description of a technical matter that could be appealed under the Building Code. Staff explained that a determination by the Building Official that the rise of a newly built stairway does not comply with what the building code requires would be a

technical matter. Holly asked if staff interpretations of administrative provisions of a code would be appealable to the Board of Appeals; staff explained that they would not.

2. Holly pointed out that she sees a potential conflict in having the Director oversee staff who are responsible for declaring violations of the Livability Code, and also make determinations whether an appeal meets filing criteria. Staff explained that all of the City's codes have similar provisions. Trish pointed out that the standards for appeals are very objective and leave little room for interpretation. Carl stated that it seems like "the fox guarding the henhouse."
3. Carl noted that although the appeal fee is only $50, it would be subject to change by the City Council. He suggested modifying Livability Code language to state that if someone appeals and prevails their appeal fee would be returned to them.
4. Jim suggested a minor edit to clarify the meaning of "form of appeal" to add "criteria." He added that court judges commonly rule on cases and determine whether an appeal of their ruling has standing. He noted a parallel between the court system and the City's system. He agreed the system described in the Livability Code is appropriate.

Staff next explained the provisions for **Right of Entry** found in the Administrative chapter, noting that in order to confirm the presence of violations of the Livability Code staff must be able to gain entry onto a premises or into a structure. The process described in the Code is consistent with current Municipal Code provisions, including provisions for seeking administrative search warrants. These are warrants issued by a judge. Such warrants are not frequently sought or issued in Community Development, but the Fire Department uses them somewhat frequently in abating fire hazards on public property.

1. Trish stated that she appreciated the level of detail in this section of the Code.
2. Jim asked what would happen if the City was investigating a complaint in one unit that was likely the result of conditions in another unit from which no complaint has been received. In this case staff would request access to the second unit, and if granted would inspect it for or as the cause of the same condition. If access is denied staff could seek an administrative warrant to inspect the second unit. Such a warrant would likely be sought when the only likely way to resolve a violation would be to enter the second unit. Staff added that a tenant could only grant access to the areas under that tenant's control or to common areas, but could not grant access to a roommate's space or space controlled by the landlord.
3. Trish stated her belief that the scope of an administrative search warrant would be limited to only the subject of the complaint, and not broader issues such as the presence of drugs. Staff concurred, noting that judges typically issue warrants with very narrow scopes focused only on the limited issues of a complaint.
4. Jerry asked if staff would go directly to court for a warrant to inspect space controlled by a landlord. Staff stated they would first contact the landlord, if known, to seek consent but that if that did not result in consent, would seek a warrant. Jerry asked if a warrant would be a last resort in that case; staff concurred.
5. Holly asked whether staff would expand the scope of an inspection after being granted access by a tenant. Staff answered that according to operating protocols shared with the Administrative Services Committee during Code discussions in February and April 2014, only the issue of a complaint would be inspected and the scope would not be expanded unless a different hazardous or dangerous condition was evident in the area being inspected. If during an inspection a complainant raises additional complaints, staff would act on those complaints. For example, if staff were inspecting for a complaint about interior sanitation and saw a malfunctioning door lock, the door lock would not be

inspected and the violation would not be expanded to include it unless specifically requested by the complainant.

Ken asked staff to work through the **Definitions** section of the draft Livability Code language. Rather than going definition by definition, staff asked for suggestions for language changes or definitions of additional terms the committee would like to see.

1. Carl asked for inclusion of a definition of "Ultimate Responsible Party."
2. Holly asked for a definition of "extreme hardship" or "hardship."
3. Holly also asked for a definition of "special knowledge."
4. Carl asked what would be considered "waste tires." Staff explained that under the exterior section of the Code, where solid waste standards are described, waste tires would be discarded tires no longer suitable for their intended use. Carl asked about tire swings or planters made out of tires; Trish asked about other repurposed tires. Staff responded that only tires that have been discarded and that are no longer suitable for their intended use would be considered waste. In the examples provided the tires have not been discarded.
5. Holly asked that a definition of "public nuisance" be added since it is already defined in the provisions.
6. Regarding "infestation," Carl suggested adding language to state that an infestation would be determined by a health official or competent professional, rather than being based on more subjective terms such as "harmful" or "bothersome."

IV. Next Meeting

Hearing no further suggestions regarding definitions, Ken began an overview of the final meeting, scheduled for June 23. Carl asked whether staff would be providing an overview of recommendations from members of the committee that had been accepted, or had not been accepted. Ken noted that during the next meeting staff would work through examples of how the Code will be applied; an expanded draft of the current operating guidelines will be provided; the starting Code language showing changes in redline/strikeout mode. He explained that those changes would include changes suggested by the committee as well as changes made by staff after stepping back and viewing the Code document as a whole. He added that staff will take its best shot at identifying what provisions of the Livability Code have been drawn from other codes and where that is the case, what codes they were drawn from. Initial information for the next meeting will be distributed on June 12.

Carl asked if the City Attorney will be reviewing the Livability Code document prior to the next meeting. Ken answered that staff will discuss a few of the bigger issues that have come up in discussion, but that a full review will not occur until draft language has been considered by ASC and/or Council.

Holly noted that the ASC agenda for July 8 currently includes consideration of the Livability Code, wondering whether that could be pushed back. Ken stated that the current date is a placeholder, and that the first meeting will likely be a backgrounding meeting for the Committee. Staff noted that the schedule for ASC meetings is set by the Committee and staff of the City Manager's Office, but CD staff can inquire about pushing things back a meeting to July 22.

V. Adjournment. The meeting was adjourned at 12:27.

City of Corvallis Community Development Department
Livability Code Departmental Advisory Committee
Notes for the meeting of Monday, June 23, 2015
Meeting time: 1:00 p.m.
Location: Madison Avenue Meeting Room, 500 SW Madison Avenue

Members present: Carl Carpenter, Holly Sears, Jerry Duerksen, Jim Moorefield, Karen Levy Keon, Ken Gibb, Trish Daniels

Staff present: Bob Loewen, Chris Westfall, Kent Weiss

I. Call to order at 1:00 p.m.

II. Review of June 3, 2015 meeting notes: Ken acknowledged a suggested language change provided by Trish, noting that it will be made; no additional changes/additions/deletions suggested.

III. Final Committee review and discussion of livability code language.

Ken stated that this would be the last meeting of the Committee, acknowledging that members may want to provide additional feedback on the Livability Code language after reviewing it today. Staff will distribute meeting notes for the Committee's review and comments on July 6; any comments about the notes, or more generally about the Code and its content, if received by staff by July 14, will be included in the packet of information that will be developed and forwarded to the Administrative Services Committee (ASC) for its July 22 meeting.

Background Information

1. Staff provided an overview of a recent discussion with the City Attorney regarding whether the Code should, as currently written, point either to occupants or to owners as "responsible entities" for Code violations at residential rental properties, or if it should instead assign responsibility for all violations to the "ultimately responsible party" as proposed by Carl and Jerry at the Committee's last meeting. As proposed by Carl and Jerry, in renter-occupied units the "ultimately responsible party" would always be the owner. Staff explained the City Attorney's position that calling out either the occupant or the owner as being responsible for specific actions that are violations would provide a more direct line to the person who actually committed the violation, and that the use of "ultimately responsible party" might create difficulty if the owner did not agree they were responsible for their tenant's actions. Ken added that for occupant violations in rentals for which the property manager has been identified staff would attempt to provide a courtesy notice.

2. Jerry asked whether the landlord notice would be a courtesy, or mandatory. Staff answered that as currently captured in the operating guidelines, staff would make an effort, where the property manager is known, to contact them regarding an occupant's violation.

3. Ken noted that there will be a report on the Livability Code and a review of its operations to the City Council each year, which will provide an opportunity for public comment and adjustments to the Code or operating guidelines as necessary.

4. Trish asked whether staff would be able to make changes to the operating guidelines prior to a Council review if problems or issues could be addressed through revision. Staff confirmed that they could be revised.

5. Staff provided an outline of the mechanisms available in the Livability Code to achieve compliance when a violation occurs. The intent will be to proceed with the lowest level of engagement available, beginning with a correction notice written and delivered on site following the determination that a violation exists. This approach would be the first step for owner occupied properties and for one- and two-family rental properties. It would also be applied if the owner of a multi-family property were present when a violation was determined. If a correction notice does not result in compliance, the next level of engagement would consist of a notice of violation. If the notice of violation does not achieve compliance, a second notice of violation would be sent concurrent with a civil citation and penalty, calculated as described in the Administrative Provisions of the Livability Code. If the second notice and civil citation do not result in compliance, the next step would be to cite the violator into Municipal Court or Circuit Court.

6. Staff began an overview of three hypothetical code violation cases with the intent of providing examples of the approaches that could be used to gain compliance. In the first example the tenant in a rental unit has accumulated solid waste on their property; they receive a correction notice on-site and a time frame to resolve the violation. Staff returns to the site a few days later and the violation is still present, so staff issue a notice of violation to the tenant with a copy to the landlord. Trish asked if the notice of violation would state that a correction notice had already been issued. Staff confirmed. Trish pointed out that this would give the landlord a heads-up that the tenant had already had a chance to resolve the violation. Jerry asked why the City would not contact the landlord at issuance of the correction notice. Staff explained that the correction notice would be provided to the person responsible for creating the violation. Continuing the example, staff noted that after receiving the notice of violation, the tenant resolves the violation, so the case is closed.

7. Carl and Jerry asked how long it would take for staff to return to a property at which a correction notice had been issued for a solid waste violation. Staff stated that a return visit would occur within five to seven days, and added that it is typical for these types of issues to get resolved by a tenant when staff are on site issuing the correction notice.

8. The next example involved an inoperable heating system, which requires a 48-hour resolution. The notice of violation would be issued to the property owner with a copy to the landlord if staff know who they are and have contact information. In this example the violation is not resolved within 48 hours so a second notice of violation is issued. Concurrent with the notice of violation, a civil money penalty is issued. If the violation is not resolved within 48 hours of the second notice of violation, a citation into Municipal Court would be issued to the owner. This would lead to resolution of the violation through an order of the Municipal Court Judge. Staff noted that this step will likely be very rare, as it is typical for violations to get resolved after a correction notice or issuance of the first notice of violation.

9. In the final example, staff explained that a rental unit has a leaking roof and leaking plumbing. In this case a first notice of violation is issued to the owner with a copy to the landlord, if known. The violations are still present when staff return to inspect after 48 hours, so a second notice of violation and a civil money penalty are issued. When the violation is not resolved within 48 hours, a court citation is issued. After two months the Municipal Court process directs the violations to be corrected, and issues a money penalty. The plumbing leak gets repaired within the court-stipulated time frame, but the roof leak does not. At this point the City would take the matter to Circuit Court to seek injunctive relief.

10. Staff reiterated that the City's approach will always begin with the lowest level of response, and escalate only if compliance is not achieved. Ken added that this approach reflects the progressive enforcement stance that was suggested when the Livability Code discussion began at the City/OSU Collaboration's Livability Work Group.

11. Holly asked if the City would charge a fee for working through the notice of violation and citation process. Staff explained that there would be no fee charged unless the violation was going to be addressed by the City through summary abatement. In that case the costs to the City to carry out the abatement would be tracked and charged to the property owner.

12. Carl asked if the City could send out notifications of violations to the landlord when the violation occurs. Staff agreed that this is the intent when the landlord's e-mail address is on file, and that with the coming year's invoicing for the annual rental housing fee, e-mail addresses would be requested.

13. Holly asked how the appeal process would overlay the examples provided by staff. Staff described that in the solid waste example, if the tenant wanted to appeal based on their belief that the solid waste materials are actually their own private possessions, the appeal would go to the City's Board of Appeals because it would involve a technical matter. If the appeal involved the amount of the civil penalty or another administrative issue was appealed, that appeal would be heard by a hearings officer. Appeals of the determinations of the Board of Appeals or hearings officer could be taken to the City Council.

14. Jerry asked about the difference between appeals to the Director, to the Board of Appeals, or to the hearings officer. Staff explained that appeals of a technical issue such as water temperature would be heard by the Board of Appeals, and that appeals of administrative matters such as the issuance or amount of a civil money penalty would be appealed to the hearings officer. The Director would not hear appeals. Carl asked if other jurisdictions use the same appeals structure and processes; staff answered that the approach is typical among other jurisdictions, and already exists in other City codes.

15. Carl asked how repeat offenders would be addressed. Staff explained that the civil citation and money penalty process is structured to consider repeat offenses by a violator at the same or a different property.

Discussion of redline/strikeout, final draft Livability Code document

Ken stated that this would be a general overview and discussion, not a point-by-point discussion of each Livability Code provision. He asked staff to explain why a definition of "special knowledge" had not been included as had been requested at the last meeting. Staff explained that when there had been agreement to define the term, it was believed it existed in another code. Subsequently it was learned that it is not defined in other codes, although it appears, as undefined, in many. Given that lack of a common definition, staff have determined it will be most effective to apply definitions of "special knowledge" on a case-by-case basis. Staff added that given the speed of change in hardware technology, if the term was defined in the Code it would soon be obsolete. The City's Fire Marshal had concurred with this determination and suggested not including a definition.

1. Trish agreed that the primary concern is someone being able to exit a building safely in an emergency, and because each situation could be different, the definition of "special knowledge" would also differ by situation. Carl stated that if "special knowledge" could not be defined it should not be used in the Livability Code. Trish noted that an undefined term would be fine as long as its intent is clear.

2. Ken asked for comments regarding Chapter 1, Administrative Provisions. Carl stated he did not believe the Code actually includes grandfathering provisions. Staff explained that repairs required under the Livability Code would need to meet the code requirements in place at the time of original construction or alteration. For example, if a home was built to code in 1950, repairs under the Livability Code would need to meet the 1950 code requirements. If the home was altered in 1960, repairs would need to meet the 1960 code. The requirement to repair a deficiency under the Livability Code would be limited to that identified deficiency, and would not apply to other aspects of a property. Carl asked for clarification using the example of installing a GFCI outlet in a 1950 home, asking if he would need to bring the entire system up to current code. Staff stated that he would not be required to do that. Ken stated that staff will attempt to make the provisions on this topic easier for a reader to understand.

3. Holly asked if a rental built in 1928 that had no permanent source of heat in the bathroom would need to have a heater installed if the tenant complained it was cold. Staff explained that if the building code in place in 1928 did not require heat in the bathroom, the Livability Code would not necessarily require an owner to install a source of heat.

4. Trish asked why the requirement in 9.02.21 for notice to neighborhood associations when an order to abate a derelict structure was issued had been removed. Staff explained that its original inclusion had been a carryover from another jurisdictions code language, and was inadvertent. Trish suggested leaving it in, perhaps as "neighborhood associations, if known."

5. Carl asked why historic structures do not have to comply with the Livability Code. Staff explained that such structures do have to comply, but that if modification of an exterior element would conflict with historic resource requirements the Director could determine that it is in the public interest to not require that modification. Carl suggested that historic structures occupied by tenants should not be given any allowances under the Code, and that only owner-occupied structures be given any kind of allowances.

6. Trish suggested changing the “and” in 9.02.37.d.iii. to an “or.” Staff will review the language to make sure it is clear.

7. Carl asked how long the City has had a code provision that leaving garbage cans on the sidewalk is a misdemeanor, and how often people are cited for violations. Staff stated the provision had been in the Municipal Code since the Public Works Department asked the Council to add it in 2010. Public Works, through its franchise service provider, is the entity that issues citations. Community Development only enforces uncontained solid waste.

8. Ken asked for comments regarding Chapter 2., Definitions. Trish suggested adding “poison sumac” to the list of noxious vegetation. Staff explained that poison sumac would be included under the “other rank, noxious and dangerous vegetation” language.

9. Carl asked what the difference is between an inspection warrant and an administrative warrant. Staff explained that they both allow inspections, but the administrative warrant also allows the City to conduct abatement.

10. Ken asked for comments regarding Chapter 3., Interior Standards. Carl asked if the hot water requirements of 9.02.59 would apply to commercial properties. Staff answered that it applies only to buildings with dwelling units. Jim asked whether a community room in a building with residential properties would need to meet the hot water standards; staff explained that the standard would only apply to dwelling units. Staff will clarify the language by removing references to “building.”

11. Carl asked if every building he leases would be required to have a permanent source of heat. Staff explained that each dwelling unit will be required to have a permanent source of heat. Holly asked, if the 1928 code did not require a source of heat in the bathroom, would one need to be installed. Staff answered that a source of heat would not necessarily have to be installed if the standard for heat could be achieved without doing so. Ken noted that current building code does not require a bathroom to have heat, but ASC directed staff to include bathrooms and other habitable rooms in the Livability Code. Staff will point this out to ASC when they again consider the Code.

12. Carl stated he is opposed to not requiring historic structures to have a permanent source of heat. Staff responded that historic structures would be required to have heat, and that the exemptions for historic structures would apply to exterior elements or elements considered in the determination that the building is historic.

Ken called for a ten minute break.

Ken asked if there were any additional comments regarding interior standards.

13. Carl asked why the Code requires dead bolts when building code does not require them. Staff responded that the inclusion of dead bolts was directed by ASC; Carl’s opposition to including them will be noted.

14. Holly asked why changes had been made to the hot water standards that are specific to showers and bidets. Staff explained that after reviewing the Livability Code standards against building code requirements, the changes were made so the two codes align.

Ken asked for comments and suggestions regarding the exterior provisions of the Livability Code.

1. Holly asked if the provisions of 9.02.69 apply to all types of buildings. Staff confirmed that they do, and that the intent of the provisions is to keep water from infiltrating interior wall and occupied spaces in structures. Holly asked if a homeowner-occupied building would have to repair holes in an exterior wall. Staff responded that they would if the City received a complaint and confirmed a violation. Holly stated that the City could act in these cases without receiving a complaint because the Livability Code does not say the City will only act on a complaint basis. Staff responded that those requirements are included in the operating guidelines.

2. Carl returned to the interior requirement for locks, asking why sliding bolts would not be considered acceptable. Staff answered that the building code does not allow sliding bolts, and this provision is written the way it is to be consistent with the building code.

3. Holly asked whether the terms “peeling, flaking and chipped paint” had been removed from the Code but included in the operating guidelines. Staff answered that the terms had been removed from both documents.

4. Carl asked if the standards in 9.02.78 would require him to remove all bushes from around his structures. Staff responded that it would not, that only “brush, vines, overgrowth and other entangling or rank vegetation” would need to be removed so that emergency passage is not prevented. Staff noted that the language will be reviewed and if possible, clarity will be improved.

5. Holly referred to 9.02.84 and 9.02.85, asking whether self-haul of garbage would be allowed. Staff responded that if a landlord and tenant in a one- or two-family structure had a written agreement allowing the tenant to self haul, the City would allow it, and subscription to garbage removal service would not be required. This allowance would not apply to multifamily structures.

6. Carl asked why the requirement for recycling services was included. Staff responded that it is solid waste and must be removed, but if in one- or two-family structures the landlord and tenant had a written agreement allowing the tenant to self-haul, service would not be required.

7. Holly asked if the provisions in 9.02.67 and 9.02.86 through 9.02.94 were duplicative. Staff will review and remove duplicative language.

8. Carl stated that he did not think stumps should be included in the list of trash and debris that must be removed in 9.02.80. He asked why Dutch Elm Disease is referenced in 9.02.81 if other City code requires diseased Elmwood to be removed. Staff explained that this provision extends existing code, looking at diseased Elmwood to be solid waste and requiring that it be removed from a property.

9. Holly suggested that 9.02.93 be revised to require replacement of decorative features only if structural damage has or would be caused if it remains missing. Staff will review the language for clarification.

10. Carl referred to 9.02.88 and its requirement to prevent entry through foundation cracks of "insects, rodents and pests," suggesting removal of the word "insects" because they could get through most cracks, and nearly every foundation has cracks.

Ken asked for comments regarding Chapter 5, Fire Safety. There were no comments.

Ken then asked staff to provide an overview of the operating guidelines document that was included in the meeting packet. Staff noted several key provisions including hardship considerations, scope of investigation, access to structures, resolution of violations, provision of notice to landlords when violations are present, and e-mail contact with landlords when addresses are on file with the City. Guidelines also describe how staff will approach interpreting whether or not the code standards are being met when a complaint is received.

1. Carl asked about the requirement that a tenant/complainant be present at the time of an inspection in a rental. Staff explained that only a tenant, or their agent or proxy, could grant access to their rental unit.

2. Holly asked why crawl spaces were referred to in the guidelines. Staff answered that the reference to crawl spaces would be removed from the guidelines.

3. Ken provided a reminder that the guidelines represent a point in time approach to implementing the Livability Code, and would be subject to change based on experience with the Code.

4. Trish asked if point one under Scope of Investigations should be changed to say "Complainants must identify themselves to staff." She also asked about the reference to a "prepared script" in point one of the On-site Investigation section. Staff explained that under the Rental Housing Code tenants have been required to communicate in writing with their landlord before filing a complaint with the City, but the Livability Code will not include that requirement. This is based on feedback during earlier stages of the Code development process that suggested some tenants do not want to contact their landlords. The prepared script will make sure staff ask tenants whether they have tried contacting their landlord, and if they have not, suggest that they may have a requirement in their lease to do so. If they choose to proceed with a complaint, staff will accept it.

5. Trish suggested changing the word "subject" in point three of this section to "item" or "topic" so it does not sound like it could be a reference to a person.

6. Trish asked if the guidelines under Compliance Actions include how staff would approach cases of over-occupancy. Staff explained that this section would eventually be applied to elements of other codes, such as the Land Development Code or Municipal Code, that the Housing and Neighborhood Services Division has responsibility for.

7. Trish asked why moisture meters would not be used to assess water infiltration into solid surfaces. Staff explained that moisture meters include a probe that must be inserted into the surface, and can cause damage.

8. Jim suggested adding mention of possible future City-operated rehabilitation funding programs for renter-occupied housing when code violations need abatement and the

tenants are low income. Staff will look at adding this to the language that talks about existing rehabilitation assistance loan programs for low income home owners.

Ken asked staff to provide a brief overview of the document titled "Draft Livability Code Language Tracked to Existing Corvallis Codes." Staff explained that the document is an effort to tie together the language in the Livability Code that also exists in other codes, whether it is verbatim or similar. Also provided in the document are sections of the City's other codes from which the language is drawn.

Holly expressed frustration that the document was not as helpful as she would like it to be, and that it was not provided earlier in the process. She understands that putting together a document like the one provided was difficult, but she and those she represents thought a different approach to developing the Livability Code was going to be taken, and the document would have been very helpful in that approach.

Regarding Carl's earlier question about a hearings officer, Ken explained that the current process that anticipates using a hearings officer came out of work done in Development Services. The draft position description for the hearings officer has been reviewed by the City Attorney and is currently under review by the Human Resources Director. Because this is an administrative function, the position description will not be reviewed by the ASC. Carl suggested the Committee should have had an opportunity to review and comment on the position description. Ken reminded him that the role of the Committee has been to assist staff with drafting Code language.

Ken said again that notes of this meeting will be distributed by July 6, and comments in regard to the Livability Code development process received from Committee members by July 14 will be included in the meeting packet for the July 22 Administrative Services Committee meeting.

Ken thanked the Committee members, acknowledging that although many changes were made to the draft Code Language as a result of suggestions from members, he realized that not all of the suggestions made it into the Code. He welcomed those who are interested to continue participating in the process as it goes forward to ASC.

V. Adjournment. The meeting was adjourned at 3:55.

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July 22, 2015

To: Administrative Services Committee

From: League of Women Voters of Corvallis, Laura Evenson, President

Re: Corvallis Livability Code

The League of Women Voters of Corvallis urges you to recommend that the City Council adopt the Livability Code as soon as possible. The process to reach this stage has been thorough and arduous. After two years of work that included six public processes and 37 public meetings, a Livability Code Departmental Advisory Committee (LCDAC) has prepared a final draft that deserves immediate action.

League is pleased by the attention given to health, safety and security issues. We support the Operational Guidelines and Compliance Processes that include provisions for hardship cases and extensions; that permit complainants to request to remain confidential; and that require documented consent to enter private property to name a few. We also endorse the recommendation for a community education program once the code is adopted.

Our support is consistent with our organization's longtime emphasis on and support for comprehensive planning, which fosters complete, healthy, and diverse communities, and maintains and enhances community livability.

The Corvallis Comprehensive Plan Policy 9.4.5 states, "The City shall maintain appropriate standards to assure the repair and rehabilitation of housing units that may be hazardous to the health, safety, and welfare of the inhabitants." Adopting this comprehensive Corvallis Livability Code will meet both the spirit and the letter of this policy.

Corvallis Administrative Services Committee

Consideration of Draft Corvallis Livability Code

July 22, 2015

Livability Code Gaps Identified December 17, 2014 by ASC for Code Language Development –Two Columns at Right Added July 2015

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation	Gap Closure in Draft	Current Code Impact
Interior Lighting	Lack of adequate interior lighting of emergency exit paths may result in inability to exit safely in an emergency.	Adopt standards requiring maintenance of adequate interior lighting of exit discharge paths.	Renter-occupied residential properties	Continue	CLC 9.02.56	–
Interior Ventilation	Lack of requirements for maintenance of ventilation systems in bathrooms, kitchens or for clothes dryers may result in mold growth and surface degradation.	Adopt standards and performance criteria for the maintenance of interior ventilation systems.	Renter-occupied residential properties	Continue	CLC 9.02.57	–
Electrical Systems	Lack of requirement to replace electrical system components damaged by exposure to leaks or flooding may result in hazardous situation.	Adopt standards requiring replacement of electrical equipment and devices if exposed to water, with some exceptions.	Renter-occupied residential properties	Continue	CLC 9.02.58	–
	Lack of requirements for ground fault interrupt outlets in bathrooms, kitchens, etc. may result in hazardous situation.	Require installation of ground fault interrupt outlets in bathrooms, kitchens, etc.	Renter-occupied residential properties	Continue	CLC 9.02.59	–
Plumbing Systems	There is no performance standard for or definition of "hot water," which may prevent the production of a temperature adequate for bathing and cleaning.	Adopt a measurable temperature standard for water system performance.	Renter-occupied residential properties	Continue	CLC 9.02.61	–
Interior Sanitation	There are no clear standards for the maintenance of sanitary conditions in residential building interiors, which may present living situations that are unhealthy and/or unsafe.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	Continue	CLC 9.02.62 - 64	–
	Lack of standards requiring the maintenance or repair of bathroom and kitchen surfaces, making it difficult to keep them from becoming unsanitary, which may lead to unhealthy living situations.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	Stop (get at in prior language if unsanitary)	–	–
Heating	There is no requirement for heat in bathrooms which may make it difficult to maintain a comfortable and dry, mold-free environment.	Adopt standards for heat in bathrooms and other habitable areas not currently covered by the Rental Housing Code.	Renter-occupied residential properties	Continue (focus on definition of habitable areas)	CLC 9.02.65	CMC 9.02.090(3)

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation	Gap Closure in Draft	Current Code Impact
Interior Security	There is no requirement for properly functioning door knobs/latches, and no standards for adequate door or window hardware, which may lead to inadequate occupant safety (ingress and egress).	Adopt maintenance requirements for doors and door hardware, including deadbolts, and for windows and window hardware to be maintained to a level sufficient to provide security and safe exiting for occupants.	Renter-occupied residential properties	Continue	CLC 9.02.66 - 68	CMC 9.02.090(6)
Exterior Weather- and Waterproofing	There are no requirements for the prevention of air leakage under, through or around windows or doors, which may increase a resident's discomfort and/or costs for heating and cooling.	Adopt requirements for building envelopes and openings to be sound, in good repair and weather tight in order to prevent wind from entering a structure.	All structure and occupancy types	Continue (rentals only)	CLC 9.02.71(b & c) CLC 9.02.72(c-e)	–
	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	Continue	CLC 9.02.69 - 75	CMC 9.02.090(4)
Exterior Sanitation	There are no standards that prevent the accumulation of inadequately/improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	Continue (1st focus on indoor furniture outdoors)	CLC 9.02.76(a-g) CLC 9.02.76(g)(vi) Indoor Furniture	–
Solid Waste Removal	There are no provisions to assign responsibility between landlords and tenants for the removal of solid waste from a property. This leads to complaints of over-accumulation of contained and uncontained solid waste.	Adopt assignments of responsibility between landlords and tenants for the provision of containers, containment and removal of solid waste from premises	Renter-occupied residential properties	Continue	CLC 9.02.77 - 80	CMC 4.01.030 CMC 4.01.050 CMC 4.01.070
Building and Accessory	There are no standards requiring general maintenance of buildings and	Adopt requirements that primary and accessory structures be	All structure and occupancy	Continue	CLC 9.02.81(a-h)	–

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation	Gap Closure in Draft	Current Code Impact
Structure Maintenance	accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.	maintained sound and in good repair, and that exterior surfaces be maintained.	types			
	There are no standards requiring maintenance of exterior decks, handrails and stairs in one- and two-family dwellings. This may lead to conditions that may soon deteriorate but that are not yet dangerous.	Adopt requirements that decks, stairs and handrails be maintained in a safe condition.	All structure and occupancy types	Continue	CLC 9.02.81(j)	–
Exterior Lighting	There are no requirements for the maintenance of exterior lighting in areas such as parking lots or walkways in and around apartment buildings. This has generated concerns regarding personal safety and security.	Adopt standards for the maintenance of exterior lighting in the described circumstances.	Renter-occupied properties; consider including all non-owner occupied properties	Continue	CLC 9.02.81(k)	–
Graffiti	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Adopt requirements for the prompt abatement of graffiti-defaced property as an obligation of the affected property owner.	All public and private property of all types	Stop	–	–
	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Consider the development of a collaborative abatement program with involvement of stakeholders, paint companies, and community volunteers.	All public and private property of all types	Continue	–	–
Fire Safety	There are no maintenance standards for door locks that are operable without keys or special knowledge from the egress side of a doorway. This may create situations in which occupants are unable to exit a building in an emergency. (Partially addressed in Interior Security section above.)	Adopt standards requiring door locks that are operable from the egress side without keys or special knowledge.	All structure and occupancy types	Continue	CLC 9.02.82 CLC 9.02.66(a)	–
Fire Safety (continued)	There are no standards for the maintenance of emergency paths of travel and escape openings in one- and two-family dwellings. This may create situations in which occupants are	Adopt standards requiring the maintenance of clear, unobstructed paths of travel and emergency escape openings for the purpose of safe ingress/egress.	All structure and occupancy types	Continue	CLC 9.02.83 CLC 9.02.56 CLC 9.02.76(d) CLC 9.02.76(g)(viii)(2)	–

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation	Gap Closure in Draft	Current Code Impact
	unable to exit a building in an emergency.					
	There are no standards for the maintenance or repair of fire-resistant surfaces (e.g., drywall) and assemblies (e.g. ceilings, walls between garages and living space). This may create hazardous situations if surfaces and assemblies are damaged and not returned to a fire-resistant state.	Adopt standards for the maintenance of fire-resistant surfaces and assemblies.	All structure and occupancy types	Continue	CLC 9.02.84	–
Occupancy Limits	There are no standards that specify how much space a dwelling unit must provide for eating, sleeping or living. This may lead to overcrowding of rooms, and in the overloading of dwelling units resulting in neighborhood impacts such as parking.	Adopt standards for minimum square footage allocation requirements to establish maximum occupancy loads in sleeping and living spaces within a dwelling unit.	Renter-occupied residential properties	Stop	–	–
General Maintenance (also discussed above)	There are no code provisions for the maintenance of structures. With no required maintenance the City is unable to address decline until the condition of a structure constitutes a dangerous building.	Adopt standards for the maintenance of structures to prevent decay that will constitute a dangerous building.	All structure and occupancy types	Continue within context of areas discussed earlier	–	–
Administration	There are inconsistencies between the three City codes that contain livability elements administered by the Housing and Neighborhood Services Division. This results in the application of different definitions, notices, compliance provisions, and penalties, leading to a process that is difficult for community members to understand, and that is relatively complex for City staff to administer.	Adopt a single code that pulls existing livability elements from the Corvallis Municipal Code, Rental Housing Code and Land Development Code; integrate additional code standards that result from the current consideration process into the resulting code document; adopt a single set of administrative provisions to guide the implementation of the resulting livability code.	N/A	Continue	CLC 9.02.1 - 53	CMC 9.02

Interior Lighting	Lack of adequate interior lighting of emergency exit paths may result in inability to exit safely in an emergency.	Adopt standards requiring maintenance of adequate interior lighting of exit discharge paths.	Renter-occupied residential properties	**Continue**	Closes Gap CLC 9.02.56

9.02.56 Lighting of Accessible Means of Egress.

a. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space, other than in 1-2 family dwellings, shall, at all times:
   i. provide minimum illumination of 1 footcandle (11 lux) at floors, landings and stairs for all common areas and spaces in all residential occupancies, with responsibility to maintain functioning bulbs; and,
   ii. for all other Accessible Means of Egress within dwelling units, shall provide the means for minimum illumination of either 3 footcandles (33 lux) at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart.

b. Every Landlord who rents, leases or lets one or more dwelling unit or sleeping unit of any 1-2 family structure shall provide the means for minimum illumination of either:
   i. 3 footcandles (33 lux) at floors, landings and stairs; or,
   ii. shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart, for all Accessible Means of Egress.

Interior Ventilation	Lack of requirements for maintenance of ventilation systems in bathrooms, kitchens or for clothes dryers may result in mold growth and surface degradation.	Adopt standards and performance criteria for the maintenance of interior ventilation systems.	Renter-occupied residential properties	**Continue**	Closes Gap CLC 9.02.57

9.02.57 Ventilation.

a. Every dwelling, including basements, and attics shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

b. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to maintain legally existing ventilation systems in compliance with these requirements:

i. Except where another approved ventilation device is provided, the total openable window area in every bathroom and toilet room or compartment shall be equal to at least one-fortieth (2.5%) of the area of the room.

1. The glazed areas of a window in such spaces need not be openable where an approved mechanical ventilation system is provided that is functional and capable of producing 0.35 air changes per hour in the room.

ii. In kitchens, a local exhaust ventilation system shall be maintained to remove the contaminating agent at the source.

iii. Clothes dryer exhaust systems shall be independent of all other systems, shall be exhausted outside the structure and shall be installed in accordance with manufacturer's instructions.

iv. Mechanical clothes drying appliances and exhaust systems shall be properly installed, connected, and maintained in a safe condition and good working order. Exhaust hoses must be free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards.

Electrical Systems	Lack of requirement to replace electrical system components damaged by exposure to leaks or flooding may result in hazardous situation.	Adopt standards requiring replacement of electrical equipment and devices if exposed to water, with some exceptions.	Renter-occupied residential properties	**Continue**	Closes Gap CLC 9.02.58

9.02.58 Equipment Exposed to Water.

a. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall replace electrical equipment or portions of electrical systems that have been exposed to water.

b. For purposes of this section, "exposed to water" shall include but is not limited to: submersion due to flooding; inundation due to fire fighting activities; drenching by stormwater; intrusion of moisture; or plumbing system failures.

c. Exception: Electrical equipment or portions of electrical systems that are exposed to water shall be allowed to be repaired where an inspection and testing report from the equipment manufacturer, approved manufacturer's representative, or a state of Oregon Licensed Supervising Electrician indicates that the electrical equipment or electrical system has not sustained damage that requires replacement and may be repaired, safely reenergized, and placed back into service.

Electrical Systems	Lack of requirements for ground fault interrupt outlets in bathrooms, kitchens, etc. may result in hazardous situation.	Require installation of ground fault interrupt outlets in bathrooms, kitchens, etc.	Renter-occupied residential properties	**Continue**	Closes Gap CLC 9.02.59

9.02.59 Circuit Protection. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each building and dwelling unit in accordance with these standards:

a. Every kitchen and other interior location with a water containment or supply fixture in its area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter.

b. Every bathroom shall contain at least one receptacle. Any new or replacement bathroom receptacle outlet shall have ground fault circuit interrupter protection.

c. All receptacle outlets shall have the appropriate faceplate cover for the location.

Plumbing Systems	There is no performance standard for or definition of "hot water," which may prevent the production of a temperature adequate for bathing and cleaning.	Adopt a measurable temperature standard for water system performance.	Renter-occupied residential properties	**Continue**	Closes Gap CLC 9.02.61

9.02.61 Hot Water. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each dwelling unit in accordance with these standards:

a. All sinks, lavatory basins, bathtubs and showers within a dwelling unit shall be supplied with both hot and cold running water facilities which are installed in an approved manner, properly maintained, properly connected and have a water pressure of at least fifteen psi.

b. Water heating facilities shall be supplied for each dwelling unit. Water heating facilities within a dwelling unit shall be capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit for at least 10 minutes at each hot water outlet.

i. **Exceptions**:

1. at a bidet the temperature shall not exceed 110 degrees Fahrenheit; and,

2. at a shower or tub-shower combination equipped with a scald and thermal shock protection valve the temperature shall be at least 115 degrees Fahrenheit but shall not exceed 120 degrees Fahrenheit.

Interior Sanitation	There are no clear standards for the maintenance of sanitary conditions in residential building interiors, which may present living situations that are unhealthy and/or unsafe.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Continue**	Closes Gap CLC 9.02.62 - 64
	Lack of standards requiring the maintenance or repair of bathroom and kitchen surfaces, making it difficult to keep them from becoming unsanitary, which may lead to unhealthy living situations.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Stop (get at in prior language if unsanitary)**	–

9.02.62 Interior Sanitation. The interior of every structure that is rented leased or let for residential occupancy shall be maintained in good repair, in a clean and sanitary condition, free from any accumulation of rubbish, garbage or solid wastes. For purposes of this section, the term "clean and sanitary" shall mean free from and any material or condition that:

a. Provides a breeding place for insects, rodents or vermin; or
b. Produces dangerous or offensive gases or odors; or
c. Blocks exits, hallways, corridors or Accessible Means of Egress; or
d. Provides a surface, exposed or concealed, which is conducive for the growth of mold or mildew.

9.02.63 Occupants shall keep that part of the dwelling unit which they occupy or control in a clean and sanitary condition.

Interior Sanitation	There are no clear standards for the maintenance of sanitary conditions in residential building interiors, which may present living situations that are unhealthy and/or unsafe.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Continue**	Closes Gap CLC 9.02.62 - 64
	Lack of standards requiring the maintenance or repair of bathroom and kitchen surfaces, making it difficult to keep them from becoming unsanitary, which may lead to unhealthy living situations.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Stop (get at in prior language if unsanitary)**	–

9.02.64 Every Landlord of any dwelling who rents, leases or lets a dwelling unit within any such space shall:

a. Maintain the common halls, stairways, utility rooms and areas, and similar public areas of the dwelling in a clean and sanitary condition; and,

b. Pursuant to CLC 9.02.62(d) of this code but not withstanding the requirement under CLC 9.02.63 of this code that the occupants shall keep such spaces in a clean and sanitary condition, provide and maintain all interior surfaces in good repair, including windows and doors, as follows: Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered; cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected; walls, floors, ceilings, cabinets and interior doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch; and,

c. Pursuant to CLC 9.02.62(d) of this code but not withstanding the requirement under CLC 9.02.63 of this code that the occupants shall keep such spaces in a clean and sanitary condition, be responsible to ensure that every toilet compartment, bathroom, and kitchen floor surface of every dwelling unit is constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

Heating	There is no requirement for heat in bathrooms which may make it difficult to maintain a comfortable and dry, mold-free environment.	Adopt standards for heat in bathrooms and other habitable areas not currently covered by the Rental Housing Code.	Renter-occupied residential properties	**Continue (focus on definition of habitable areas)**	Closes Gap CLC 9.02.65

9.02.65 Heat in Bathrooms and Non-Habitable Rooms. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain every dwelling unit with permanent heating facilities capable of maintaining a year-round room temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms.

a. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
b. No portable, unvented or open flame fuel burning devices may be used to meet the heat requirements of this code.
c. All heating devices or appliances shall be of an approved type.
d. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms.

Interior Security	There is no requirement for properly functioning door knobs/latches, and no standards for adequate door or window hardware, which may lead to inadequate occupant safety (ingress and egress).	Adopt maintenance requirements for doors and door hardware, including deadbolts, and for windows and window hardware to be maintained to a level sufficient to provide security and safe exiting for occupants.	Renter-occupied residential properties	**Continue**	Closes Gap CLC 9.02.66 - 68

9.02.66 Window and Door Security. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain all exterior doors, windows or hatchways for every dwelling unit with devices designed to provide security for the occupants and property within.

a. Every entrance door to a dwelling unit shall be provided with a door knob and a deadbolt lock, and keys for same, designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.
    i. Deadbolt locks shall have a minimum lock throw of not less than 1 inch (25 mm) and shall be installed according to the manufacturer's specifications.
    ii. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door to discourage unwanted entry.
    iii. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

9.02.67 Operable windows located in whole or in part within 10 feet above ground level or a walking surface below that provide access to a dwelling unit shall be equipped with a window sash locking device.

9.02.68 Basement hatchways that provide access to a dwelling unit shall be equipped with devices that secure the unit from unauthorized entry.

Exterior Weather- and Waterproofing	There are no requirements for the prevention of air leakage under, through or around windows or doors, which may increase a resident's discomfort and/or costs for heating and cooling.	Adopt requirements for building envelopes and openings to be sound, in good repair and weather tight in order to prevent wind from entering a structure.	All structure and occupancy types	**Continue (rentals only)**	Closes Gap CLC 9.02.71(b & c) CLC 9.02.72(c-e)

9.02.71 Exterior Walls and Exposed Surfaces. Every exterior wall and weather-exposed exterior surface or attachment of a building or structure shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or melt water or dampness to the interior portions of the walls or the occupied spaces of the building or structure.

a. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition.

b. Every Landlord of a structure, building or premises who rents, leases or lets a dwelling or dwelling unit for residential occupancy within any such space shall maintain in a weathertight condition all siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights.

c. Every owner of any structure, building or premises that is not for rent, lease or to be let for residential occupancy, shall maintain in a watertight condition all siding and masonry and joints, including those between the building envelope and the perimeter of windows, doors and skylights.

d. Exterior metal surfaces shall be protected from rust and corrosion. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

Exterior Weather- and Waterproofing	There are no requirements for the prevention of air leakage under, through or around windows or doors, which may increase a resident's discomfort and/or costs for heating and cooling.	Adopt requirements for building envelopes and openings to be sound, in good repair and weather tight in order to prevent wind from entering a structure.	All structure and occupancy types	**Continue (rentals only)**	Closes Gap CLC 9.02.71(b & c) CLC 9.02.72(c-e)

9.02.72 Windows and Doors. Every window, sash, door and door frame of a building shall be kept in sound condition and in good repair. Every exterior door, skylight, and window shall comply with the following:

a. Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition.
b. Every exterior door, when closed, shall fit reasonably well within its frame.
c. Every exterior door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, to also substantially exclude wind from entering a building.
d. Every window sash shall be maintained in sound condition and good repair; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building when the window components are placed in a closed position within the frame and jamb.
e. Every window frame and casing shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building.

Exterior Weather- and Waterproofing 1	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	**Continue**	Closes Gap CLC 9.02.69 - 75

WEATHERPROOFING AND WATERPROOFING

9.02.69 It is the responsibility of the owner of every property to maintain every building and structure on the property in a manner that complies with the following requirements:

9.02.70 Roofs and Drainage. All roofs, flashing, vent stacks and boots, and chimneys shall have no defects which might admit rain or melt water. Roof drainage shall be adequate to prevent rain or melt water from causing dampness in the walls, attic or interior portion of the building and shall channel rain or melt water in an approved manner to an approved point of disposal. Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair. Roof drains, gutters and downspouts of a building or structure shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration.

Exterior Weather- and Waterproofing 2	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	**Continue**	Closes Gap CLC 9.02.69 - 75

9.02.71 Exterior Walls and Exposed Surfaces. Every exterior wall and weather-exposed exterior surface or attachment of a building or structure shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or melt water or dampness to the interior portions of the walls or the occupied spaces of the building or structure.

a. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition.

b. Every Landlord of a structure, building or premises who rents, leases or lets a dwelling or dwelling unit for residential occupancy within any such space shall maintain in a weathertight condition all siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights.

c. Every owner of any structure, building or premises that is not for rent, lease or to be let for residential occupancy, shall maintain in a watertight condition all siding and masonry and joints, including those between the building envelope and the perimeter of windows, doors and skylights.

d. Exterior metal surfaces shall be protected from rust and corrosion. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

Exterior Weather- and Waterproofing 3	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	**Continue**	Closes Gap CLC 9.02.69 - 75

9.02.72 Windows and Doors. Every window, sash, door and door frame of a building shall be kept in sound condition and in good repair. Every exterior door, skylight, and window shall comply with the following:

a. Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition.
b. Every exterior door, when closed, shall fit reasonably well within its frame.
c. Every exterior door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, to also substantially exclude wind from entering a building.
d. Every window sash shall be maintained in sound condition and good repair; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building when the window components are placed in a closed position within the frame and jamb.
e. Every window frame and casing shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building.

Exterior Weather- and Waterproofing 4	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	**Continue**	Closes Gap CLC 9.02.69 - 75

9.02.73 Glazing. Every window sash of a building exterior envelope shall be fully supplied with glass window panes or an approved substitute without open cracks and holes. All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.

9.02.74 Basement hatchways. Every basement hatchway shall be maintained to prevent as completely as possible the entrance of rodents, rain or melt water and surface drainage water.

9.02.75 Temporary Measures. The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or roofing, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building or Public Nuisance notice.

Exterior Sanitation 1	There are no standards that prevent the accumulation of inadequately/improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	**Continue (1st focus on indoor furniture outdoors)**	<u>Closes Gap</u> CLC 9.02.76(a-g) CLC 9.02.76(g)(vi) Indoor Furniture

9.02.76 Exterior Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner of every property shall maintain the structures, premises and all common areas of the exterior property in compliance with these requirements. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. The exterior property and premises and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

a. **Holes, tanks, and child traps.** Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.

b. **Unsecured structures.** Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any unsecured structure so as to prevent access by unauthorized persons through such openings. No requirement imposed under this section shall constitute relief from or an exemption to compliance with the provisions of CLC 9.02.72 through CLC 9.02.74 for weathertight and watertight standards.

Exterior Sanitation 2	There are no standards that prevent the accumulation of inadequately/improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	**Continue (1st focus on indoor furniture outdoors)**	<u>Closes Gap</u> CLC 9.02.76(a-g) CLC 9.02.76(g)(vi) Indoor Furniture

c. **Rat harborage.** Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.

d. **Emergency access routes.** All brush, vines, overgrowth and other entangling or rank vegetation located within 10 feet of a structure or within 10 feet of a property line, which is likely to obstruct or impede the necessary passage of fire or other emergency personnel, shall be removed and kept clear.

e. **Thickets that conceal hazards.** Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:

   i. Concealing trash and debris; or
   ii. Creating rat harborage; or
   iii. Creating harborage for people involved in criminal or prohibited activity or for products used for criminal activity.

Exterior Sanitation 3	There are no standards that prevent the accumulation of inadequately/improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	**Continue (1st focus on indoor furniture outdoors)**	<u>Closes Gap</u> CLC 9.02.76(a-g) CLC 9.02.76(g)(vi) Indoor Furniture

f. **Trash and debris.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

i. All garbage, offal, dead animals, animal and human waste, and waste materials ;

ii. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;

iii. All dead bushes, dead trees, and stumps with the exception of such material which:

1. Is being maintained as part of a naturescaped property;
2. Does not result in a nuisance as otherwise defined in this code; and
3. Is located on a property which is otherwise substantially in compliance with this code;

iv. All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property per the provisions in CMC Section 2.19.150;

v. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this code; and

Exterior Sanitation 4	There are no standards that prevent the accumulation of inadequately/improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	**Continue (1st focus on indoor furniture outdoors)**	Closes Gap CLC 9.02.76(a-g) CLC 9.02.76(g)(vi) Indoor Furniture

9.02.76 Exterior Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner of every property shall maintain the structures, premises and all common areas of the exterior property in compliance with these requirements. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. The exterior property and premises and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

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g. **Storage of non-trash items.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

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vi. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.

Solid Waste Removal 1	There are no provisions to assign responsibility between landlords and tenants for the removal of solid waste from a property. This leads to complaints of over-accumulation of contained and uncontained solid waste.	Adopt assignments of responsibility between landlords and tenants for the provision of containers, containment and removal of solid waste from premises	Renter-occupied residential properties	**Continue**	Closes Gap CLC 9.02.77 - 80

SOLID WASTE REMOVAL.

9.02.77 All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of solid waste. Approved receptacles for solid waste shall be provided and utilized for the containment and disposal of solid waste in accordance with the provisions of CMC Chapter 4.01; bulk solid waste shall be disposed of within a week of discard, in accordance with franchise utility services, or approved alternative.

9.02.78 Every occupant of a structure or premises shall dispose of solid waste by placing all such material in an approved solid waste disposal facility or approved receptacles.

9.02.79 The Landlord of any multi-family dwelling shall:

a. Provide, in a location accessible to all dwelling units, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively for more than individual dwelling units, into which all solid waste from the dwelling unit may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid waste from occurring; and,

b. Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

Solid Waste Removal 2	There are no provisions to assign responsibility between landlords and tenants for the removal of solid waste from a property. This leads to complaints of over-accumulation of contained and uncontained solid waste.	Adopt assignments of responsibility between landlords and tenants for the provision of containers, containment and removal of solid waste from premises	Renter-occupied residential properties	**Continue**	Closes Gap CLC 9.02.77 - 80

9.02.80 The Landlord of any 1 and2 family dwelling, except as otherwise provided by written agreement between the landlord and the tenant, shall:

a. Provide, in a location accessible to each dwelling unit, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provide individually for each dwelling unit or cumulative for more than individual dwelling units , into which solid waste from the dwelling unit(s) may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid from occurring; and,

b. Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

Building and Accessory Structure Maintenance 1	There are no standards requiring general maintenance of buildings and accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.	Adopt requirements that primary and accessory structures be maintained sound and in good repair, and that exterior surfaces be maintained.	All structure and occupancy types	**Continue**	Closes Gap CLC 9.02.81(a-h)

BUILDING AND ACCESSORY STRUCTURES.

9.02.81 General Maintenance. It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

a. **General.** The exterior of a building or structure shall be maintained in good repair and structurally sound so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.

b. **Foundations and Structural Members.** Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration. All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects, rodents or pests.

   i. All supporting structural members in every building and structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

Building and Accessory Structure Maintenance 2	There are no standards requiring general maintenance of buildings and accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.	Adopt requirements that primary and accessory structures be maintained sound and in good repair, and that exterior surfaces be maintained.	All structure and occupancy types	**Continue**	Closes Gap CLC 9.02.81(a-h)

BUILDING AND ACCESSORY STRUCTURES.

9.02.81 General Maintenance. It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

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c. **Exterior Walls and Exposed Surfaces.** Every exterior wall of a building and all weather-exposed exterior surface or attachment of a building shall be free of holes, breaks, loose or rotting boards or timbers.

d. Every section of exterior brick, stone, masonry or other veneer applied to a building shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

e. **Chimneys.** Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of a structure shall be permanently sealed using approved materials.

Building and Accessory Structure Maintenance 3	There are no standards requiring general maintenance of buildings and accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.	Adopt requirements that primary and accessory structures be maintained sound and in good repair, and that exterior surfaces be maintained.	All structure and occupancy types	**Continue**	Closes Gap CLC 9.02.81(a-h)

BUILDING AND ACCESSORY STRUCTURES.

9.02.81 General Maintenance. It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

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f. **Roofs.** All building roofs shall be structurally sound.

g. **Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration.

h. **Accessory Structures.** Every accessory structure, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

Building and Accessory Structure Maintenance 1	There are no standards requiring general maintenance of buildings and accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.	Adopt requirements that primary and accessory structures be maintained sound and in good repair, and that exterior surfaces be maintained.	All structure and occupancy types	**Continue**	Closes Gap CLC 9.02.81(a-h)

BUILDING AND ACCESSORY STRUCTURES.

9.02.81 General Maintenance. It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

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j. **Decks, Stairs and Handrails; Maintenance**. It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:

i. Every exterior stairway, deck, porch and balcony and attachment to stairways, decks, porches and balconies shall be:

1. Maintained so as to be safe to use and capable of supporting the loads to which it is subjected;
2. Kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence

ii. Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good repair, and capable of supporting the loads to which it is subjected.

1. Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.

Exterior Lighting	There are no requirements for the maintenance of exterior lighting in areas such as parking lots or walkways in and around apartment buildings. This has generated concerns regarding personal safety and security.	Adopt standards for the maintenance of exterior lighting in the described circumstances.	Renter-occupied properties; consider including all non-owner occupied properties	**Continue**	Closes Gap CLC 9.02.81(k)

BUILDING AND ACCESSORY STRUCTURES.

9.02.81 General Maintenance. It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

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k. **Exterior Lighting**. Exterior site lighting required by the land development code or the building code at the time of development shall be maintained or, if removed, shall be replaced.

Fire Safety	There are no maintenance standards for door locks that are operable without keys or special knowledge from the egress side of a doorway. This may create situations in which occupants are unable to exit a building in an emergency. (Partially addressed in Interior Security section above.)	Adopt standards requiring door locks that are operable from the egress side without keys or special knowledge.	All structure and occupancy types	**Continue**	Closes Gap CLC 9.02.82 CLC 9.02.66(a)

9.02.82 Means of Egress Door Locks. All means of egress doors shall be readily openable from the side from which egress is to be made without the use of a key or any special knowledge or effort.

9.02.66 Window and Door Security. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain all exterior doors, windows or hatchways for every dwelling unit with devices designed to provide security for the occupants and property within.

a. Every entrance door to a dwelling unit shall be provided with a door knob and a deadbolt lock, and keys for same, designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.
    i. Deadbolt locks shall have a minimum lock throw of not less than 1 inch (25 mm) and shall be installed according to the manufacturer's specifications.
    ii. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door to discourage unwanted entry.
    iii. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

Fire Safety (continued)	There are no standards for the maintenance of emergency paths of travel and escape openings in one- and two-family dwellings. This may create situations in which occupants are unable to exit a building in an emergency.	Adopt standards requiring the maintenance of clear, unobstructed paths of travel and emergency escape openings for the purpose of safe ingress/egress.	All structure and occupancy types	**Continue**	Closes Gap CLC 9.02.83 CLC 9.02.56 CLC 9.02.76(d) CLC 9.02.76(g)(viii)(2)

9.02.83 Unobstructed Path of Travel. Every accessible means of egress, fire escape or stairway, stair platform, corridor or passageway which may be one of the regular accessible means of egress or means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

9.02.56 Lighting of Accessible Means of Egress.

a. Every Landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space, other than in 1-2 family dwellings, shall, at all times:
    i. provide minimum illumination of 1 footcandle (11 lux) at floors, landings and stairs for all common areas and spaces in all residential occupancies, with responsibility to maintain functioning bulbs; and,
    ii. for all other Accessible Means of Egress within dwelling units, shall provide the means for minimum illumination of either 3 footcandles (33 lux) at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart.

b. Every Landlord who rents, leases or lets one or more dwelling unit or sleeping unit of any 1-2 family structure shall provide the means for minimum illumination of either:
    i. 3 footcandles (33 lux) at floors, landings and stairs; or,
    ii. shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart, for all Accessible Means of Egress.

Fire Safety (continued)	There are no standards for the maintenance of emergency paths of travel and escape openings in one- and two-family dwellings. This may create situations in which occupants are unable to exit a building in an emergency.	Adopt standards requiring the maintenance of clear, unobstructed paths of travel and emergency escape openings for the purpose of safe ingress/egress.	All structure and occupancy types	**Continue**	Closes Gap CLC 9.02.83 CLC 9.02.56 CLC 9.02.76(d) CLC 9.02.76(g)(viii)(2)

9.02.76 Exterior Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner of every property shall maintain the structures, premises and all common areas of the exterior property in compliance with these requirements. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. The exterior property and premises and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

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d. **Emergency access routes.** All brush, vines, overgrowth and other entangling or rank vegetation located within 10 feet of a structure or within 10 feet of a property line, which is likely to obstruct or impede the necessary passage of fire or other emergency personnel, shall be removed and kept clear.

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g. **Storage of non-trash items.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

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viii. All other non-trash items which:

1. Are of a type or quantity inconsistent with normal and usual use; or
2. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

Fire Safety (continued)	There are no standards for the maintenance or repair of fire-resistant surfaces (e.g., drywall) and assemblies (e.g. ceilings, walls between garages and living space). This may create hazardous situations if surfaces and assemblies are damaged and not returned to a fire-resistant state.	Adopt standards for the maintenance of fire-resistant surfaces and assemblies.	All structure and occupancy types	**Continue**	Closes Gap CLC 9.02.84

9.02.84 Fire-Resistive Assembly; Maintenance. Where required by the code in effect at the time of construction, the fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. The surfaces of all other interior walls, floors and ceilings shall be free of holes larger than four inches in diameter.

Administration	There are inconsistencies between the three City codes that contain livability elements administered by the Housing and Neighborhood Services Division. This results in the application of different definitions, notices, compliance provisions, and penalties, leading to a process that is difficult for community members to understand, and that is relatively complex for City staff to administer.	Adopt a single code that pulls existing livability elements from the Corvallis Municipal Code, Rental Housing Code and Land Development Code; integrate additional code standards that result from the current consideration process into the resulting code document; adopt a single set of administrative provisions to guide the implementation of the resulting livability code.	N/A	**Continue**	Closes Gap CLC 9.02.1 - 53