

Handwritten: Daniel

ORDINANCE NO. 28

AN ORDINANCE FOR THE PREVENTION OF DANGEROUS BUILDINGS AND STRUCTURES, DEFINING THE SAME, PROVIDING PENALTIES FOR MAINTAINING THE SAME, PROVIDING FOR ABATEMENT AND REMOVAL THEREOF AND THE CHARGING OF COSTS AGAINST THE PROPERTY, AND DECLARING AN EMERGENCY.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: Definitions:

(A) For the purpose of this Ordinance the term "dangerous building" shall mean and include:

(a) Any building or other structure which for want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connections, defective heating apparatus or for any other cause or reason is especially liable to fire and which building or structure is so situated or occupied as to endanger any other building or property or human life.

(b) Any building or structure containing any combustible or explosive material, rubbish, rags, waste materials, oils, gasolines or inflammable substances of any kind especially liable to cause fire or danger to the safety of such building, premises or human life.

(c) Any building or structure which shall be kept or maintained in a filthy or unsanitary condition which would likely cause the spread of contagious or infectious disease.

(d) Any building or structure in such a weak or weakened condition or dilapidated or deteriorated condition so as to endanger any person or property by reason of the probability of a partial or entire collapse of the building.

(B) The term "person" as used in this Ordinance shall mean and include any person or persons, firm or corporation.

Section 2: Any "dangerous building" as defined by this Ordinance is hereby declared to be a public nuisance, and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures hereinafter specified.

Section 3: Any person who shall be the owner of or in possession of or in responsible charge of any dangerous building within the City of Wilsonville and who shall knowingly suffer or permit any such building to be or remain dangerous for as long as ten (10) days after the Council's determination and notice of such fact shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Municipal Court, shall be punished by a fine not to exceed \$500.00 or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or by both such fine and imprisonment.

Section 4: Whenever the Mayor, City Building Inspector, Fire Chief or any Councilman shall find or be of the opinion that there is a dangerous building in the City of Wilsonville, it shall be the duty of such person to report the same to the City Council. Thereupon the City Council shall, within a reasonable time, fix a time and place for a public hearing thereon. Notice of such hearing shall be given by the City Recorder and be served on the owner or owners of record of the premises whereon the building is located. Such notice shall be in writing and specify in general terms that a hearing will be held concerning the property and of the time, place and purpose thereof. Service of notice shall be made by registered or certified mail directed to such owner or owners at their last known post office address, and a copy of the notice shall also be posted in a conspicuous place on the building in question. The Recorder may also notify other persons having any lien or interest in or to the affected premises, but the giving of such notice or the failure to give such notice to such lien holders or other persons shall not deprive the Council of jurisdiction to proceed further. The notices required to be given shall be mailed and posted not less than ten (10) days before the time set for the hearing.

Section 5: The hearing on the question of a dangerous building shall be before the City Council at a time and place specified by

the Council and set forth in the notice, and the Council may adjourn the hearing from time to time. The Council may, as a part of the hearing, inspect the building, and the facts observed by the Council at such inspection may be considered in determining whether or not the building is dangerous. At the hearing the owner or owners or any other persons interested in the building, or their agents or attorneys, shall have the right to be heard.

Section 6: After the hearing has been closed, the Council shall, by Resolution, determine whether or not the building or any part thereof is dangerous; and if so, shall have the power to require its removal, repair or abatement necessary in order to remove the dangerous condition, or the Council may order the building made safe and in such cases, it shall prescribe what actual things must be done to make the building safe.

Section 7: Notice of the findings and determination of the Council shall be given to the owner or owners of record of the building and may also be given to other persons who may be interested in the premises or the building. Such notice shall be given by certified or registered mail and by posting on the building in the same manner as hereinabove provided in Section 4 for notice of the hearing before the Council. The notice shall prescribe the time within which such performance on the part of the owner or owners of the building shall be required, which time shall be not less than five (5) nor more than sixty (60) days after the adoption of the Council's Resolution following the hearing.

Section 8: If the orders of the Council are not obeyed and the building demolished, repaired or rendered safe within the time specified, the Council shall have the power and duty to remove, demolish or repair the building at the expense of the property on which the same is situated. The Council may order the vacation, removal, demolition or repair of the building by awarding contracts

therefor after competitive bidding. In that event, the Council must specify the particular work to be done and shall file a statement thereof with the City Recorder, and shall advertise for bids for the doing of the work in the manner provided for advertising for bids for a public improvement, and thereafter the bids shall be received and publicly opened and the contract let, or the Council may cause such vacation, removal, demolition or repair of the building to be made by its own City work forces and without a contract.

Section 9: Upon completion of the work ordered to be done by the Council, the City's Building Inspector shall certify to the Council the costs incurred therefor, and the Council shall ascertain and determine the costs of the work and assess the same against the property upon which the building is situated. Such assessment shall be declared by an Ordinance, and it shall be entered in the docket of City liens and shall thereupon be and become a lien against the property, and the City may enforce collection of such assessments as provided by O.R.S. 223.505 to 223.650.

Section 10: The City Council may, as an alternative to the abatement procedure specified in this Ordinance, institute and prosecute an appropriate suit in the Circuit Court of the County in which the building is located and for the purpose of abating the public nuisance of a dangerous building.

Section 11: It is the intention of the Council that each separate provision of this Ordinance shall be deemed independent, and to that end if any portion of this Ordinance shall be declared invalid, the remaining portions thereof shall nevertheless remain valid and enforceable.

Section 12: Whereas there are dangerous buildings in the City of Wilsonville and damage is likely to occur therefrom, an

emergency is hereby declared to exist and this Ordinance shall take effect immediately upon its final passage.

Passed on first reading of the Wilsonville City Council at a regular meeting thereof on the 13th day of December 1971; ordered posted as provided by the Wilsonville City Charter, and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof to be held on the 10th day of January 1972, at the hour of 7:30 o'clock P.M. at the Wilsonville City Hall.


PHILLIP R. BALSIGER - MAYOR

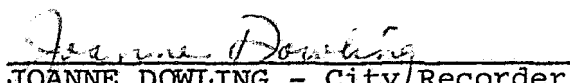
ATTEST:


JOANNE DOWLING - City Recorder

Passed on final reading of the Wilsonville City Council at a regular meeting thereof held on the 10 day of January 1972, by the following vote: Yeas 5. Nays 0.


PHILLIP R. BALSIGER - MAYOR

ATTEST:


JOANNE DOWLING - City Recorder

AFFIDAVIT OF POSTING ORDINANCES NO. 29

STATE OF OREGON)
)
Counties of Clackamas)
and Washington) ss.
)
City of Wilsonville)

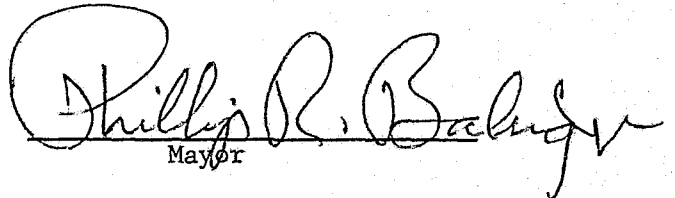
I, the undersigned, Mayor of the City of Wilsonville, Oregon,
being first duly sworn on oath depose and say:

On FRIDAY, the 3rd day of March, 1972, I caused to be
posted copies of the attached Ordinance No. 29 in the following three
(3) public and conspicuous places of the City, to-wit:

1. Kopper Kitchen Restaurant
2. Wilsonville United States Post Office
3. Lowries' Food Market

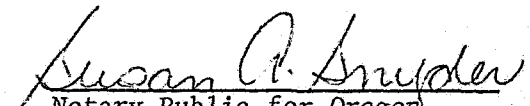
The Notices remained posted for more than five (5) consecutive
days prior to the time for final reading and passage of the Ordinances
on the 13th day of March, 1972.

Dated at Wilsonville, Oregon, this 13th day of March, 1972.



Mayor

Subscribed and sworn to before me this 13th day of March, 1972.



Notary Public for Oregon
My Commission Expires: 4/6/73