

FOR

AN ORDINANCE

ADOPTING A UNIFORM CODE FOR
ABATEMENT OF DANGEROUS BUILDINGS AND
DECLARING AN EMERGENCY

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The City of Keizer ordains as follows:

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**CHAPTER 1
TITLE AND SCOPE**

TITLE

Sec. 101. These regulations shall be known as the "Uniform Code for the Abatement of Dangerous Buildings," and may be cited as such, and will be referred to herein as "this code."

PURPOSE AND SCOPE

Sec.102. (a) Purpose. It is the purpose of this code to provide a just, equitable and practicable method, to be cumulative with and in addition to, any other remedy provided by the Building Code, or otherwise available at law, whereby buildings or structures which from any cause endanger the life, limb, health, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of person who will or should be especially protected or benefited by the terms of this code.

(b) Scope. The provisions of this code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in the City of Keizer.

ALTERATIONS, ADDITIONS AND REPAIRS

Sec. 103. All buildings or structures which are required to be repaired under the provisions of this code shall also be subject to the provisions of the Building Code.

CHAPTER 2 ENFORCEMENT

GENERAL

Sec. 201 (a) Administration. The City Manager is hereby authorized to enforce the provisions of this code.

The City Manager shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as he may deem necessary in order to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

(b) Inspections. The health officer, the fire chief and the City Manager are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

(c) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the City Manager or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the City Manager or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the City Manager by this code, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he 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 such entry is refused, the City Manager or his authorized representative shall have recourse to every remedy provided by law to secure entry.

"Authorized representative" shall include the officers named in Section 201 (b) and their authorized inspection personnel.

ABATEMENT OF DANGEROUS BUILDINGS

Sec. 202. All buildings or portions thereof which are determined after inspection by the City Manager to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or

removal in accordance with the procedure specified in Section 401 of this code.

VIOLATIONS

Sec. 203. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

INSPECTION OF WORK

Sec. 204. All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the City Manager in accordance with and in the manner provided by this code and the Building Code.

CHAPTER 3 DEFINITIONS

GENERAL

Sec. 301. For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

BUILDING CODE is the State of Oregon 1990 edition of the Structural Specialty Code, as adopted by the City of Keizer.

CITY MANAGER shall mean the City of Keizer City Manager or his designee.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

DANGEROUS BUILDING

Sec. 302. For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

1. Whenever any door, aisle, passageway, stairway or other

means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has wrecked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural

members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants or criminals; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the Building Code, or of any law or ordinance of this state or city relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws, and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause is determined by the fire chief to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

18. Whenever any portion of a building or structure remains

on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

CHAPTER 4 NOTICES AND ORDERS OF CITY MANAGER

GENERAL

Sec. 401. (a) Commencement of Proceedings. Whenever the City Manager has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, he shall commence proceedings to cause the repair, vacation or demolition of the building.

(b) Notice and Order. The City Manager shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.

2. A statement that the City Manager has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.

3. A statement of the action required to be taken as determined by the City Manager:

- (i) If the City Manager has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the City Manager shall determine is reasonable under all of the circumstances.
- (ii) If the City Manager has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the City Manager to be reasonable.
- (iii) If the City Manager has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the City Manager shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from

the date of the order, and that the demolition be completed within such time as the City Manager shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the City Manager (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the cost thereof against the property or its owner.

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the City Manager to the Planning Commission, provided the appeal is made in writing as provided in this code and filed with the City Manager within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

(c) Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the City Manager or disclosed from official public records: The holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the City Manager to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this section.

(d) Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either (i) personally or (ii) by mailing a copy of such notice and order both first class and by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last equalized assessment roll of the county or as known to the City Manager. If no address of any such person so appears or is known to the City Manager, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by first class and certified mail in the manner herein provided shall be effective on the date of mailing.

(e) Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written

declaration under penalty of perjury executed by the persons effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the City Manager.

RECORDATION OF NOTICE AND ORDER

Sec. 402. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the City Manager shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the City Manager shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

REPAIR, VACATION AND DEMOLITION

Sec. 403. The following standards shall be followed by the City Manager (and by the Planning Commission and/or City Council if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure;

1. Any building declared a dangerous building under this code shall be made to comply with one of the following:

- (i) The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or
- (ii) The building shall be demolished at the option of the building owner; or
- (iii) If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

NOTICE TO VACATE

Sec. 404 (a) Posting. Every notice to vacate shall, in addition to being served as provided in Section 401 (c), be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY
It is a violation of City of Keizer
Ordinance No. 90-184 to occupy this building,
or to remove or deface this notice.

(b) Compliance. Whenever such notice is posted, the City Manager shall include a notification thereof in the notice and order issued by him under Subsection (b) of Section 401, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been posted until the required repairs, demolition or removal have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code.

CHAPTER 5 APPEAL

GENERAL

Sec. 501 (a) Form of Appeal. Any person entitled to service under Section 401 (c) may appeal from any notice and order or any action of the City Manager under this code by filing at the office of the City Manager a written appeal containing:

1. A heading in the words: "Before the Planning Commission of the City of Keizer".
2. A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

6. The signatures of all parties named as appellants and their official mailing addresses.

7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the City Manager; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public, or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the City Manager.

(b) Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the City Manager shall present it at the next regular or special meeting of the Planning Commission.

(c) Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the Planning Commission shall fix a date, time and place for the hearing of the appeal. Such date shall be not less than 10 days nor more than 60 days from the date the appeal was filed with the City Manager. Written notice of the time and place of the hearing to each appellant by the secretary of the Planning Commission either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

EFFECT OF FAILURE TO APPEAL

Sec. 502. Failure of any person to file an appeal in accordance with the provisions of this code shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order or any portion thereof.

SCOPE OF HEARING ON APPEAL

Sec. 503. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

STAYING OF ORDER UNDER APPEAL

Sec. 504. Except for vacation orders made pursuant to Section 403 (2), enforcement of any notice and order of the City Manager issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

**CHAPTER 6
PROCEDURE FOR CONDUCT
OF HEARING APPEALS**

GENERAL

Sec. 601. (a) Hearing Examiners. The Planning Commission may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted by him to the Planning Commission for decision.

(b) Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the Planning Commission.

(c) Reporting. The proceedings at the hearing shall also be reported by a stenographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the Planning Commission, but shall in no event be greater than the cost involved.

(d) Continuances. The Planning Commission may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by him for good cause shown so long as the matter remains before him.

(e) Oaths-Certification. In any proceedings under this chapter, the Planning Commission, any Planning Commission member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

(f) Reasonable Dispatch. The Planning Commission and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

FORM OF NOTICE OF HEARING

Sec. 602. The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before (the Planning Commission or name of hearing examiner) at _____ on the _____ day of _____, 19____, at the hour _____ upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be

given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with (Planning Commission or name of hearing examiner)."

SUBPOENAS

Sec. 603 (a) Filing of Affidavit. The Planning Commission or examiner may obtain the issuance and service of a subpoena for the attendance of witnesses or the production or other evidence at a hearing upon the request of a member of the Planning Commission or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact thing sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in his possession or under his control. A subpoena need not be issued when the affidavit is defective in any particular.

(b) Cases Referred to Examiner. In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.

(c) Penalties. Any person who refuses without lawful excuse to attend any hearing or to produce material evidence in his possession or under his control as required by any subpoena served upon such person as provided for herein shall be guilty of an infraction.

CONDUCT OF HEARING

Sec. 604 (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

(d) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

(e) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(f) Rights of Parties. Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(g) Official Notice. 1. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Planning Commission or departments and ordinances of the city or rules and regulations of the Planning Commission.

2. Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

3. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation or authority, the manner of such refutation to be determined by the Planning Commission or hearing examiner.

4. Inspection of the premises. The Planning Commission or the hearing examiner may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the Planning Commission or the hearing examiner shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Planning Commission or hearing examiner.

METHOD AND FORM OF DECISION

Sec. 605 (a) Hearing Before Planning Commission Itself. Where a contested case is heard before the Planning Commission itself, no member thereof who did not hear the evidence or has not read the entire record of the proceeding shall vote on or take part in the decision.

(b) Hearing Before Examiner. If a contested case is heard by a hearing examiner alone, he shall within a reasonable time (not to exceed 30 days from the date the hearing is closed) submit a written report to the Planning Commission. Such report shall contain a brief summary of the evidence considered and state the examiner's findings, conclusions and recommendations. The report also shall contain a proposed decision in such form that it may be adopted by the Planning Commission as its decision in the case. All examiner's reports filed with the Planning Commission shall be matters of public record. A copy of each such report and proposed decision shall be mailed to each party on the date they are filed with the Planning Commission.

(c) Consideration of Report by Planning Commission - Notice. The Planning Commission shall fix the time, date and place to consider the examiner's report and proposed decision. Notice thereof shall be mailed to each interested party not less than five days prior to the date fixed, unless it is otherwise stipulated by all of the parties.

(d) Exception to Report. Not later than two days before the date set to consider the report, any party may file written exceptions to any part or all of the examiner's report and may attach thereto a proposed decision together with written argument in support of such decision. By leave of the Planning Commission, any party may present oral argument to the Planning Commission.

(e) Disposition by the Planning Commission. The Planning Commission may adopt or reject the proposed decision in its entirety, or may modify the proposed decision.

(f) Proposed Decision Not Adopted. If the proposed decision is not adopted as provided in Subsection (e), the Planning Commission may decide the case upon the entire record before it, with or without taking additional evidence, or may refer the case to the same or another hearing examiner to take additional evidence. If the case is reassigned to a hearing examiner, he shall prepare a report and proposed decision as provided in Subsection (b) hereof after any additional evidence is submitted. Consideration of such proposed decision by the Planning Commission shall comply with the provisions of this section.

(g) Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues

presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.

(h) Effective Date of Decision. If not appealed to the City Council, the decision shall be final and effective ten days after the date of mailing the decision.

(i) City Council Appeal. The City Council shall, upon written notice of any party received by the City Manager within 10 days of date of mailing the decision, or upon the City Council's own motion, hear an appeal from the Planning Commission decision.

(1) Upon receipt of such written notice, the City Manager immediately shall set the time and place of the hearing before the City Council and notify the parties in the manner set forth in Section 501(c). Such hearing shall be set for a date which is no later than 30 days following receipt of the written notice.

(2) The appeal to the City Council shall be conducted as a de novo hearing and, within the limits of Section 503, any party may introduce any new or additional evidence.

(3) All provisions of this code, including, but not limited to Chapters 5 and 6, shall apply to the City Council hearing and decision.

(4) The City Council shall decide the appeal by Order within 30 days of the close of the hearing. The effective date shall be as stated in the City Council motion. The City Council's Order shall be the final decision on the matter.

CHAPTER 7

ENFORCEMENT OF THE ORDER OF THE CITY MANAGER OR THE PLANNING COMMISSION

COMPLIANCE

Sec. 701 (a) General. After any order of the City Manager or the Planning Commission or City Council made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of an infraction.

(b) Failure to Obey Order. If, after any order of the City Manager or Planning Commission made pursuant to this code has

become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the City Manager may (i) cause such person to be prosecuted under Subsection (a) of this section or (ii) institute any appropriate action to abate such building as a public nuisance.

(c) **Failure to Commence Work.** Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

1. The City Manager shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING
DO NOT OCCUPY
It is a violation of City of Keizer
Ordinance No. 90-184 to occupy this building
or to remove or deface this notice

2. No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the City Manager have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code.

3. The City Manager may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order, or, if the notice and order required demolition, to cause the building to be sold and demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto as their interest may appear of record.

EXTENSION OF TIME TO PERFORM WORK

Sec. 702. Upon receipt of an application from the person required to conform to the order and an agreement by such person that he will comply with the order if allowed additional time, the City Manager may, in his discretion, grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the City Manager determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property.

The City Manager's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal his notice and order.

INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED

Sec. 703. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City of Keizer or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of the City of Keizer, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

CHAPTER 8 PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

GENERAL

Sec. 801. (a) Procedure. When any work of repair or demolition is to be done pursuant to Section 701 (c) 3 of this code, the City Manager shall issue his order therefor to the Director of Public Works and the work shall be accomplished by personnel of the City of Keizer or by private contract under the direction of said director. Plans and specifications therefor may be prepared by said director, or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

(b) Costs. The cost of such work shall be paid from the general fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the City Council of the City of Keizer shall determine appropriate.

**CHAPTER 9
RECOVERY COST OF
REPAIR OR DEMOLITION**

ACCOUNT OF EXPENSE, FILING OF REPORT: CONTENTS

Sec. 901. The Director of Public Works shall keep an itemized account of the expense incurred by the City of Keizer in the repair or demolition of any building done pursuant to the provisions of Section 701 (c) 3 of this code. Upon the completion of the work of repair or demolition, said Director shall prepare and file with the City Recorder a report specifying the work done, the itemized total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Subsection (c) of Section 401.

REPORT TRANSMITTED TO COUNCIL - SET FOR HEARING

Sec. 902. Upon receipt of said report, the City Recorder shall present it to the City Council for consideration. The City Council shall fix a time, date and place for hearing said report and any protests or objections thereto. The City Recorder shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in the City of Keizer, and served by both first class and certified mail, postage prepaid, addressed to the owner of the property as his name and address appear on the last equalized assessment roll of the county, if such so appear, or as known to the city recorder. Such notice shall be given at least 10 days prior to the date set for hearing and shall specify the day, hour and place when the City Council will hear and pass upon the director's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

PROTESTS AND OBJECTIONS-HOW MADE

Sec. 903. Any person interested in or affected by the proposed charge may file written protests or objections with the City Recorder at any time prior to the time set for the hearing on the report of the Director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Recorder shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council of the City of Keizer at the time set for the hearing, and no other protests or objections shall be considered.

HEARING OF PROTESTS

Sec. 904. Upon the day and hour fixed for the hearing the City Council shall hear and pass upon the report of the Director together with any such objections or protests. The City Council may make such revision, correction or modification in the report or the charge as it may deem just; and when the City Council is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the City Council on the report and the charge, and on all protests or objections, shall be final and conclusive.

PERSONAL OBLIGATION OR SPECIAL ASSESSMENT

Sec. 905 (a) General. The City Council may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

(b) Personal Obligation. If the City Council orders that the charge shall be a personal obligation of the property owner, it shall direct the City Attorney to collect the same on behalf of the City of Keizer by use of all appropriate legal remedies.

(c) Special Assessment. If the City Council orders that the charge shall be assessed against the property it shall confirm the assessment, cause the same to be recorded on the city lien docket and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

CONTEST

Sec. 906. The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the assessment is placed upon the assessment roll as provided herein.

AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST

Sec. 907. The City Council in its discretion, may determine that assessments in amounts of \$500.00 or more shall be payable in not to exceed five equal annual installments. The City Council's determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by a resolution adopted prior to the confirmation of the assessment.

LIEN OF ASSESSMENT

Sec. 908 (a) Priority. Immediately upon its being placed on the city lien docket the assessment shall be deemed to be

complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid. The lien may be foreclosed in the manner provided by law for the foreclosure of liens for street improvements.

(b) Interest. All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 7 percent per annum from and after said date.

EFFECTIVE DATE

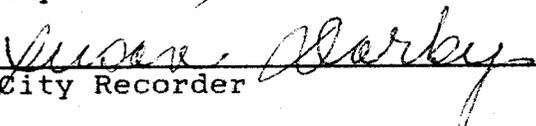
Sec. 909. This ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage.

PASSED this 20th day of August, 1990.

SIGNED this 22nd day of August, 1990.



Mayor



City Recorder

2988COK.001