

ORDINANCE NO. 215

AN ORDINANCE FOR THE PREVENTION OF DANGEROUS BUILDINGS AND STRUCTURES; DEFINING THE SAME; PROVIDING PUNISHMENT FOR MAINTAINING THE SAME; PROVIDING FOR THE ABATEMENT AND REMOVAL THEREOF AND CHARGING THE COST OF REMOVAL AND ABATEMENT THEREOF AGAINST THE PROPERTY; AND DECLARING AN EMERGENCY.

The Town of Stayton do ordain as follows:

Section 1. For the purpose of this ordinance, the term "dangerous buildings" shall mean and include any building or other structure whatever, which, for want of proper repair, or by reason of age, dilapidated condition, improperly installed electrical wiring or equipment, defective chimney, defective gas connection, defective heating apparatus, or for any other cause or reason, is especially liable to fire, and which is so situated or occupied as to endanger any other building or structure, or other property, or human life. Said term shall also mean and include any building or other structure containing in or about the same any combustible or explosive material, rubbish, rags, waste, oils, gasoline, or inflammable substance of any kind especially liable to endanger such buildings or premises, or other buildings, premises, property or person, by reason of fire or otherwise. Said term shall also mean and include any building or structure which shall be kept or maintained in, or shall be in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious disease or diseases. Said terms shall also mean and include any building or structure in such weak or weakened condition, or in a dilapidated or deteriorated condition so as to endanger any other property, or person, through probability of partial or entire collapse thereof.

Section 2. The term "person" as used in this ordinance, shall mean and include any person, persons, firm, firms, corporation or corporations, or unincorporated association or associations.

Section 3. Any person who shall be the owner of, or in possession of, or in responsible charge of any dangerous building within the town of Stayton, and who shall knowingly permit the same to remain in such condition for a period of 10 days or more after receipt of notice as hereinafter provided, shall be guilty of a violation of this ordinance, and shall, upon conviction thereof in the recorder's court, be punished by a fine not exceeding \$100.00, or be imprisoned not to exceed 50 days, or be punished by both fine and imprisonment.

Section 4. Whenever the mayor, marshal, town attorney, street commissioner, fire chief, or any councilman, shall have knowledge of what, in his opinion, is a dangerous building within said town of Stayton, it shall be the duty of such person to report the same to the council. Thereupon the council shall, within a reasonable time thereafter at any regular or special meeting of the council, fix a time and place for public hearing thereon.

Notice of such hearing shall be mailed to the owner or other person in charge of such dangerous building as defined in section 3 hereinabove, not less than 10 days prior to the time fixed, and further notice shall be given by publication in one issue of a newspaper published in said town of Stayton, not less than 10 days prior to such hearing, or by posting notice thereof in three public places in said town not less than 10 days prior to such hearing. The notice herein required shall concisely state the purpose of the hearing, describe the dangerous building sufficiently for identification, and give the date, time and place of hearing. The council may adjourn the hearing from time to time.

At the hearing, any facts observed by any councilman or other town official may be considered, and any person interested in said reputed dangerous building shall have the right to be heard. If it be determined at the hearing that the structure complained of be a dangerous building as prescribed herein, the council shall have power, by motion, resolution, or ordinance, to order the removal or abatement of the dangerous building, or other remedying of the condition rendering the same dangerous, and thereafter, at the direction of the council, the recorder shall give to the person owning, in possession of, or in charge of the dangerous building, or to the agent of such owner, notice to remove or abate such building or to remedy the dangerous condition, within the time specified which shall be a reasonable time for the work to be done and not less than five days, which notice shall be in writing and shall state, with reasonable certainty what is required. If such owner do not comply with said order within the time specified, then the council shall specify with reasonable certainty the work to be done, and file the specifications with the recorder, who shall thereupon promptly advertise for bids for the doing of the work, which procedure shall be done in the manner for advertising for bids for street improvements work, and thereafter the bids shall be received, opened and the contract let, and the council shall ascertain the probable cost of such work and assess the same against the property upon which the dangerous building is situated, which assessment shall be declared by ordinance and shall be entered in the docket of town liens, and shall thereupon become a lien against said property, and the creation and enforcement of said lien shall all be done in substantially the same manner as in the case of street improvements liens whether

under charter provisions and ordinances now in force or hereafter adopted, but irregularities and informalities in the procedure shall be disregarded.

Section 5. Every building, structure, or part thereof which shall be found by the council to be a dangerous building, is hereby declared to be a public nuisance, and the same may be abated either summarily in a manner to be prescribed by the council by motion or resolution, or in the manner hereinabove prescribed in section 4 hereinabove, or a suit for abatement may be prosecuted by the town of Stayton in the circuit court of the state of Oregon for Marion County.

Section 6. Each separate provision of this ordinance shall be deemed independent, and in the event any clause or portion hereof shall be declared invalid, the remaining portions of this ordinance shall remain in full force and effect.

Section 7. Inasmuch as there are dangerous buildings in the town of Stayton and damage to other property and to persons is likely to occur therefrom, the council deems it necessary to the peace, health and safety of said town that this ordinance become operative immediately, and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately upon its passage by the council and approval by the mayor.

Passed by the council this 4th day of September, 1934.

Approved by the mayor this 4th day of September, 1934.

Geo. A. Smith.
Mayor

Attest:

J.B. Grier,
Recorder