

ORDINANCE NO. 15-694-O**AN ORDINANCE ADOPTING PROPERTY MAINTENANCE REQUIREMENTS AND PROVIDING FOR REGISTRATION OF VACANT OR ABANDONED BUILDINGS.**

WHEREAS, the economic downturn experienced by the State of Oregon and the residents of Columbia City has led to an increase in the number of properties which do not meet minimum maintenance standards resulting in buildings and structures that are unsafe, unfit for human occupancy, or otherwise unlawful; and

WHEREAS, some owners and persons in charge of buildings and structures which have become unsafe, unfit for human occupancy or otherwise unlawful have abandoned the buildings and structures, leaving them vacant or abandoned as well as unsafe; and

WHEREAS, vagrants, trespassers and persons engaging in unlawful activities have broken into such vacant or abandoned buildings and structures, occupying them even though they are unsafe and unfit for human occupancy; and

WHEREAS, even though it is the property owners' responsibility to maintain the property or, if it cannot be maintained, then to securely close such premises to vagrants, trespassers and persons engaging in unlawful activity, the property owners do not always do so and their names and addresses are not always easy to ascertain, especially if the property is the subject of a foreclosure; and

WHEREAS, the City, acting in its health, safety and welfare capacity, desires to enact a mechanism to ensure that proper maintenance of buildings and structures within the City takes place or, in lieu thereof, a securing of the building or structure to ensure that people cannot occupy the same, while, at the same time, ensuring that the cost of such maintenance or securing falls squarely on the shoulders of the property owner.

NOW, THEREFORE, THE CITY OF COLUMBIA CITY ORDAINS AS FOLLOWS:**Section 1. PROPERTY MAINTENANCE, ABANDONED BUILDINGS:**

(A) This ordinance shall be known as "The Columbia City Property Maintenance and Abandoned Buildings Ordinance, and shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities, the responsibility of owners, persons in charge of premises and occupants, and for administration, enforcement and penalties. Where differences occur between provisions of this ordinance, provisions of other Columbia City Ordinances, and applicable state law, the more restrictive provision shall govern.

(B) Existing remedies. The provisions of this Ordinance shall not be construed to repeal, abolish or impair existing remedies of the City of Columbia City

or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe or unsanitary.

(C) Historic buildings. The provisions of this Ordinance shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the building official to be safe and in the public interest of health, safety and welfare.

Section 2. GENERAL DEFINITIONS:

ABANDONED BUILDING.

(A) A building that is no longer used by its owner or other legally permitted occupant for a period of 90 days or more; or

(B) A building that has been damaged to the extent that it is no longer habitable or is unsafe to occupy as determined by the building official or any duly authorized representative, and repairs and restoration are not started within 90 days of the date the building was damaged, or are not diligently pursued once started.

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the building official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing a toilet or a bathtub or a shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

BUILDING OFFICIAL. The official who is charged with the administration and enforcement of this ordinance, or any duly authorized representative.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

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.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding chapter to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PERSON IN CHARGE OF PREMISES. Any owner, agent, lessee, contract purchaser, or other person having the possession or control of premises or property.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a toilet or urinal but not a bathtub or shower.

VACANT BUILDING OR STRUCTURE. A building or structure, or a substantial portion thereof, which has not been occupied by persons with a legal right to occupy for a period of 15 days or more. The term "Vacant Building" does not include buildings designed for storage or other intermittent uses. Evidence of a building being vacant includes two or more of the following: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; non-payment or disconnection of utilities; accumulation of trash, junk or debris; absence of furnishings; evidence of criminal mischief or criminal trespass; statements of neighbors that the building is vacant.

YARD. An open space on the same lot with a structure.

Section 3. VIOLATIONS:

(A) It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this ordinance.

(1) Violating any of the provisions of this ordinance is a nuisance and shall, upon conviction thereof, be punished by a fine not to exceed \$500.00.

(2) Subsequent violation of the same provision of this ordinance involving the same building by the same owner or person in charge of the premises, shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00.

(3) Each day's violation of a provision of this ordinance constitutes a separate offense and may be separately cited.

(4) Violation of this ordinance may be abated in accordance with the abatement procedure provided in the city's ordinance defining nuisances and providing for their abatement (Ordinance No. 517, Sections 29 through 34.). These procedures are not exclusive, but in addition to any other remedy as provided in this ordinance, or by law.

(B) Enforcement Officers. Any city police officer, building official, public works superintendent, city administrator, or administrative assistant (hereinafter "enforcement officer") is hereby authorized to take such actions as may be required to enforce the provisions of this ordinance. The abatement of a nuisance is not a penalty for violating the terms of this ordinance, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.

(C) Right of entry. Whenever it may be necessary to inspect to enforce the provisions of this ordinance, any enforcement officer having reasonable cause to believe that there exists, in a building or upon a premises, a condition which is contrary to or in violation of this ordinance, or which otherwise makes the building or premises unsafe, dangerous or hazardous, the enforcement officer 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, credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the enforcement officer 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, the enforcement officer shall have recourse to the remedies provided by law to secure entry.

(D) Closing of vacant structures. If a structure is vacant and in violation of one of more of the provisions of this ordinance, the building official may order the structure closed up so as not to be an attractive nuisance. Notification of the owner of person in charge of the property shall be as set forth in the city's ordinance defining nuisances and providing for their abatement (Ordinance No. 517, Section 29). Upon failure of the owner to close up the premises within the time specified in the order, the building official shall cause the premises to be closed and secured and the cost thereof shall constitute a lien upon the premises.

(E) Occupation of closed structures. Any occupied structure closed by order of the building official shall be vacated not later than the effective date of the order. Any person who shall occupy such premises after such effective date and any owner or person in charge of the premises who allows another to occupy such premises after the effective date of the order is in violation of this ordinance.

(F) Authority to disconnect utilities. The building official shall have the authority to authorize disconnection of utility service to a building, structure or system when necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The building official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

(G) Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a citation or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of this ordinance have

been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any citation or notice of violation issued by the enforcement officer and shall furnish to the enforcement officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(H) Registration of vacant or abandoned buildings or structures. A building owner or person in charge of the premises shall register the building with the city recorder in the event:

(1) Of an anticipated judicial foreclosure of the property, no earlier than the commencement of any of the actions described by ORS 18.904, 18.906, 18.908 and not later than the date first set for the execution sale described in ORS 18.930;

(2) Of an anticipated nonjudicial foreclosure of the property under ORS 86.735 et seq. not later than the date of service or mailing of the notice of sale described in ORS 86.740; or

(3) The owner or person in charge of the premises receives written notice that the building has been deemed to be either a vacant building or an abandoned building.

(4) Each registration shall be made on a form approved by the city recorder and shall contain, at a minimum, the name and address of the owner and the person in charge of the premises, the name, address and contact information (including direct contact name and telephone number) of the lender in the case of a judicial or non-judicial foreclosure affecting the property, and the name, mailing address, telephone number, and email address of a local individual or entity charged with responsibility for ensuring compliance with the obligations imposed by this ordinance and payment of a registration fee set by Council resolution. The registrant shall send notice of any change to registration information to the city recorder within 30 days of the change.

Section 4. UNSAFE STRUCTURES AND EQUIPMENT:

(A) General. When a structure or equipment is found by an enforcement official to be unsafe, unfit for human occupancy, or otherwise unlawful, such structure or equipment is in violation of this ordinance and a nuisance which shall be abated as set forth in the city's ordinance defining nuisances and providing for their abatement (Ordinance No. 517, Sections 29 through 34), the procedures set forth in the city's ordinance adopting the state building codes (Ordinance No. 99-536-O, Section 17), or such other methods of code compliance or nuisance abatement as are provided by law or the ordinances.

(B) Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the

event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. Any structure or premise that has one or more of the conditions or defects described below shall be considered dangerous:

- (1) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building code or fire code as related to the requirements for existing buildings;
- (2) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress;
- (3) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged;
- (4) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value;
- (5) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way;
- (6) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or trespassers, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act;
- (7) 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 approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety;
- (8) 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, ventilation, mechanical or plumbing system, or otherwise, is determined by the building official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;

(9) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the building official to be a threat to life or health; or

(10) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

(C) Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(D) Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this ordinance, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(E) Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this ordinance, or was erected or altered in violation of law.

Section 5. EMERGENCY MEASURES:

(A) Imminent danger. When, in the opinion of the building official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the building official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The building official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(B) Temporary safeguards. Notwithstanding other provisions of this ordinance, whenever, in the opinion of the building official, there is imminent danger due to an unsafe condition, the building official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and

shall cause such other action to be taken as the building official deems necessary to meet such emergency.

(C) Emergency repairs. For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(D) Cost of emergency repairs. Notice of the costs incurred in the performance of emergency work shall be forwarded by registered mail, postage prepaid, to the person in charge of the property by the city recorder. The notice shall contain:

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

(2) A statement that the cost as indicated, if not paid within 30 days, will result in the city bringing legal action under ORS 30.315(1)(a) in small claims court for collection and/or will become a lien against the property;

(3) A statement that if the person in charge of the property objects to the cost of the abatement as indicated, a notice of objection may be filed with the city recorder within 15 days from the date of the notice, after which objection to the proposed assessment shall be heard and determined by the council in its regular course of business.

(E) An assessment for the cost of abatement as determined by the council shall be made by resolution of the council and shall thereupon be entered in the docket of city liens; and upon such entry being made, it shall constitute a lien upon the property from which the nuisance was removed or abated. The lien shall be collected in the same manner as liens for street improvements are collected and shall bear interest at the rate of 9 percent per annum. Such interest shall commence to run 30 days after the entry of the lien in the lien docket. An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the assessment render the assessment void but it shall remain a valid lien against the property.

Section 6. DEMOLITION: The building official shall order the owner of any premises upon which is located any structure which is unsafe, unfit for occupancy or unlawful and it is unreasonable to repair the structure, to demolish and remove such structure or to board it up and hold for future repair or to demolition at the owner's option. However, boarding the building up for future repair shall only be allowed for the period of one year, unless a written extension is issued by the building official. Permission to board up such structure under this section shall be revoked if vagrants or other trespassers breach the barrier and occupy the structure.

Section 7. MINIMUM REQUIREMENTS AND STANDARDS FOR PREMISES, STRUCTURES, AND FACILITIES: The owner and the person in charge of premises, whether those premises are currently occupied or not currently occupied, are equally responsible to maintain structures and exterior property in compliance with these requirements, except as otherwise provided. A person shall not occupy as owner-occupant

nor permit another person to occupy premises which do not comply with the requirements of this ordinance. Persons in charge of a portion 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.

(A) EXTERIOR PROPERTY AREAS:

(1) 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.

(2) All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Approved retention areas and reservoirs shall be considered to be in compliance with this section if the premise is kept in compliance with current approvals.

(3) 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 as further set forth in the city's ordinance regulating the maintenance and repair of sidewalks (Ordinance No. 05-605-O).

(4) All premises and exterior property shall be maintained free from weeds or plant growth as set forth in the city's ordinance defining nuisances and providing for their abatement (Ordinance No. 517, Section 12 and Section 14).

(5) All structures and exterior property shall be kept free from rodent harborage and infestation.

(6) Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(7) All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. In addition, they shall be constructed in compliance with all applicable building codes referred to in the city's ordinance adopting state building codes (Ordinance No. 99-536-O0 and situated in compliance with all applicable regulations set forth in the city's development code (Ordinance No. 03-586-O).

(8) Except as otherwise provided by city ordinance, all motor vehicles, operable or inoperable, shall be parked or stored in compliance with the city's ordinance regulating vehicular and pedestrian traffic, parking regulations (Ordinance No. 504, Sections 3 and Sections 18 through 21).

(9) No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the

responsibility of the owner or person in charge of the premises to restore said surface to an approved state of maintenance and repair.

(10) Swimming pools, hot tubs and spas shall be located in compliance with the city's development code (Ordinance No. 03-586-O and maintained in compliance with the city's ordinance defining nuisances and providing for their abatement (Ordinance No. 517, Sections 2 through 11).

(B) EXTERIOR STRUCTURE:

(1) 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.

(2) Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

(3) All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(13) Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. 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.

(14) All glazing materials shall be maintained free from cracks and holes.

(15) Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(16) During the period from May 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition, except that screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(17) All exterior doors, door assemblies, operator systems if provided, 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 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 the Building Code.

(18) 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.

(19) Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. 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.

(20) Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(21) 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. 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 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.

(22) All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

(C) INTERIOR REQUIREMENTS:

(1) All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(2) Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(3) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(4) Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely

attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

(D) PLUMBING SYSTEMS, FACILITIES AND FIXTURES:

(1) All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(2) Plumbing systems in a structure found to constitute a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, are in violation of this ordinance and are a nuisance and may be abated as provided herein.

(3) All dwelling units shall contain a bathtub or shower, lavatory, toilet and kitchen sink which shall be maintained in a sanitary, safe and working condition.

(4) Every sink, lavatory, bathtub or shower, drinking fountain, toilet or other plumbing fixture shall be properly connected to either the city public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(5) 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 minimum temperature of 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.

(6) All plumbing fixtures shall be properly connected to either the city public sewer system or to an approved private sewage disposal system.

(7) Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

(8) Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

Section 8. [Severability.]

Passed by the council and approved by the mayor December 4, 2015.