



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

February 24, 2016

12:00 PM CITY COUNCIL WORK SESSION

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

Meeting of February 24, 2016;
Her Honor Mayor Kitty Piercy Presiding

Councilors

George Brown, President	Pat Farr, Vice President
Mike Clark	George Poling
Chris Pryor	Claire Syrett
Betty Taylor	Alan Zelenka

CITY COUNCIL WORK SESSION

Harris Hall

- 12:00 p.m. A. **WORK SESSION:
Introduction to a Science-Based Greenhouse Gas Target**
- 12:45 p.m. B. **WORK SESSION:
Overview of Chronic Nuisance Codes**

**time approximate*

with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

City Council meetings and work sessions are broadcast live on the City's Web site. In addition to the live broadcasts, an indexed archive of past City Council webcasts is also available. To access past and present meeting webcasts, locate the links at the bottom of the City's main Web page (www.eugene-or.gov).

El Consejo de la Ciudad de Eugene aprecia su interés en estos asuntos de la agenda. El sitio de la reunión tiene acceso para sillas de ruedas. Hay accesorios disponibles para personas con afecciones del oído, o se les puede proveer un interprete avisando con 48 horas de anticipación. También se provee el servicio de interpretes en idioma español avisando con 48 horas de anticipación. Para reservar estos servicios llame a la recepcionista al 541-682-5010. Todas las reuniones del consejo estan gravados en vivo en Metro Television, canal 21 de Comcast y despues en la semana se pasan de nuevo.

For more information, contact the Council Coordinator at 541-682-5010,

[visit us online at www.eugene-or.gov](http://www.eugene-or.gov)

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Introduction to a Science-Based Greenhouse Gas Target

Meeting Dates: February 22 and February 24, 2016
 Department: Central Services
www.eugene-or.gov

Agenda Item Number: A
 Staff Contact: Matt McRae
 Contact Telephone Number: 541-682-5649

ISSUE STATEMENT

These work sessions are the next in a series of presentations to provide information on a science-based community greenhouse gas reduction goal named in the Climate Recovery Ordinance adopted in July 2014. The purpose of this work session is to provide the council with an overview of a carbon budget for Eugene and how it was developed. Subsequent work sessions will address actions outlined in the Climate Recovery Ordinance.

BACKGROUND

Climate Recovery Ordinance

Adopted by the council in July 2014, the Climate Recovery Ordinance calls for the City to “propose for adoption by the City Council, a numerical community-wide goal or ‘carbon budget’ for greenhouse gas (GHG) emission reductions consistent with achieving 350 parts per million (ppm) of CO₂ in the atmosphere by the year 2100.”

Carbon Budget

At the February 10, 2016, council work session, the concept of a carbon budget was introduced. A carbon budget is a total amount of carbon emissions that can be released over time while still remaining within a safe limit – in this case 350 ppm. The budget is based on *total cumulative GHG emissions* and aligns with best available science, outlines necessary reductions to achieve a stable climate and accounts for those emissions already released.

These work sessions will build on that introduction, providing additional details about the carbon budget developed for Eugene. Dr. Andrew Rice with Portland State University assisted staff with the carbon budget development and will provide a guest presentation on February 22. Angus Duncan, chair of the Oregon Global Warming Commission, will provide information on related efforts by the state on February 24.

RELATED CITY POLICIES

The City maintains a number of policies directly related to community-wide energy consumption including, but not limited to:

- Growth Management Policies
- Green Building Policy (2006)
- Sustainability Resolution (2000)
- Environmental Policy
- Sustainable Practices Resolution (2006)
- Sustainable Procurement Policy (2008)
- Community Climate and Energy Action Plan (2010)
- Internal Climate Action Plan (2009)

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COUNCIL OPTIONS

This is an information item only.

CITY MANAGER'S RECOMMENDATION

The City Manager does not have a recommendation at this time.

SUGGESTED MOTION

No motions provided.

ATTACHMENTS

- A. Climate Recovery Ordinance
- B. White paper: Methodology for Establishing a Community Carbon Budget

FOR MORE INFORMATION

Staff Contact: Matt McRae
Telephone: 541-682-5649
Staff E-Mail: matt.a.mcrae@ci.eugene.or.us



COUNCIL ORDINANCE NO. 20540

COUNCIL BILL 5124

**AN ORDINANCE CONCERNING CLIMATE RECOVERY
AND ADDING SECTIONS 6.675, 6.680, 6.685, AND 6.690
TO THE EUGENE CODE, 1971.**

ADOPTED: July 28, 2014

SIGNED: July 29, 2014

PASSED: 6:2

REJECTED:

OPPOSED: Clark, Poling

ABSENT:

EFFECTIVE: August 29, 2014



ORDINANCE NO. 20540

AN ORDINANCE CONCERNING CLIMATE RECOVERY AND ADDING SECTIONS 6.675, 6.680, 6.685, AND 6.690 TO THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 6.675, 6.680, 6.685, and 6.690 of the Eugene Code, 1971, are added to provide as follows:

6.675 **Climate Recovery – Climate Action Goals.** The city shall carry out the requirements of sections 6.680 through 6.690 of this code in order to achieve the following goals:

- (1) By the year 2020, all city-owned facilities and city operations shall be carbon neutral, either by reducing greenhouse gas emissions to zero, or, if necessary, by funding of verifiable local greenhouse gas reduction projects and programs or the purchase of verifiable carbon offsets for any remaining greenhouse gas emissions.
- (2) By the year 2030, the city organization shall reduce its use of fossil fuels by 50% compared to 2010 usage.
- (3) By the year 2030, all businesses, individuals and others living or working in the city collectively shall reduce the total (not per capita) use of fossil fuels by 50% compared to 2010 usage.

6.680 **Climate Recovery – Assessment.** Within six months of ____ [*effective date of this ordinance*], the city manager or the manager's designee shall complete an assessment of current efforts to reach the climate action goals. The assessment shall include a review and analysis of the following:

- (1) Trends in current energy use for the community and for city operations and facilities; and
- (2) Progress in implementing the community climate and energy action plan and the internal climate action plan.

6.685 **Climate Recovery – Targets & Benchmarks.** To reach the climate action goals, the city council shall establish numerical targets and benchmarks, and take other actions that the council determines are necessary, for achieving the required reductions through the following steps:

- (1) Within 12 months of ____ [*effective date of this ordinance*], the city manager shall propose for adoption by the city council the following targets and benchmarks:

- (a) Numerical greenhouse gas and fossil fuel reduction targets equivalent to achieving the related goals; and
 - (b) Two-year and five-year benchmarks for reaching the numerical targets.
- (2) The city manager shall propose for adoption by the city council, a numerical community-wide goal or “carbon budget” for greenhouse gas emission reductions consistent with achieving 350 parts per million of CO₂ in the atmosphere by the year 2100. The community-wide goal shall include numerical targets and associated benchmarks.
 - (3) The city manager shall adopt administrative rules pursuant to section 2.019 of this code that establish a specified baseline amount and appropriate greenhouse gas inventory methodology.
 - (4) When the city manager prepares options for council consideration pursuant to this section, including options for meeting the goals, the manager shall include a triple bottom line assessment of the options including a cost-benefit analysis.

6.690 **Climate Recovery – Reporting.** Following council adoption of the numerical targets and benchmarks, the city manager shall report to the city council on progress in reaching adopted climate action goals as follows:

- (1) Provide a progress report every two years.
- (2) Provide a comprehensive report every five years that includes an assessment of greenhouse gas emission reductions to date and the status in reaching the established targets and benchmarks. If the five-year comprehensive report indicates that the city is not reaching the adopted targets and benchmarks, the city manager or the manager’s designee shall:
 - (a) Conduct an analysis of possible actions to get back on track to achieve the next adopted benchmark, together with a triple bottom line analysis of those options.
 - (b) Develop for council consideration potential revisions to the plan that reflect the necessary actions to achieve the next adopted benchmark.
- (3) Update the community climate and energy action plan and the internal climate action plan every five years, which shall be based on the updated greenhouse gas inventory.

Section 2. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein,

Item A.

or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

28th day of July, 2014

Beth Forrest
City Recorder

Approved by the Mayor this

29 day of July, 2014

Kathy Percy
Mayor



ATTACHMENT B

Methodology for Establishing a Community Carbon Budget for Eugene

Purpose

This memo summarizes the findings and methodology used to calculate a community-wide carbon budget consistent with achieving a stable climate.

Key Points

- In 2014 Eugene City Council requested a community-wide greenhouse gas target consistent with achieving 350ppm, a safe level of carbon dioxide in the atmosphere.
- Global emissions already exceed 350ppm and continued increases in CO₂ concentrations comes with an increasing risk of extreme climate impacts and runaway climate change.
- Given existing rates of emissions, achieving a stable climate will require community-wide emission reductions beyond the climate action goals currently established by the City of Eugene.
- In addition to emissions reductions, achieving 350ppm will require significant global reforestation.

Background

On July 28th, 2014, Eugene City Council passed a Climate Recovery Ordinance¹ (CRO) that codified a number of existing operational and community goals related to the reduction of greenhouse gas emissions and fossil fuel use. In addition to codifying goals, the CRO calls for the development of a community-wide greenhouse gas budget:

6.685 (2) The city manager shall propose for adoption by the city council, a numerical community-wide goal or “carbon budget” for greenhouse gas emission reductions consistent with achieving 350 parts per million of CO₂ in the atmosphere² by the year 2100. The community-wide goal shall include numerical targets and associated benchmarks.

This memo summarizes the methodology used to calculate the community-wide “carbon budget” consistent with achieving a 350-ppm goal. The purpose of calculating this budget is to provide immediate climate mitigation and adaptation planning guidance for the Eugene community.

Implications of Exceeding 350ppm

Achieving 350 ppm of carbon dioxide in the atmosphere is expected to limit average warming globally to about 1.8°F (1°C). This level of warming is considered relatively safe and expected to maintain a stable climate condition.

Global CO₂ concentrations are already above 400 ppm. Carbon dioxide concentrations beyond 350 ppm comes with an increasing risk of excessive and rapid warming beyond the levels human social systems and infrastructure are prepared to handle. At this point, there’s greater risk of the global climate becoming unstable and passing “tipping points” beyond which changes are irreversible.

Scientific Basis for a Carbon Budget

The principal factor responsible for increasing average global temperature is total cumulative emissions of carbon dioxide (CO₂) and other non-CO₂ greenhouse gases since the industrial revolution. These gases concentrate in our atmosphere, trapping heat from the sun like a blanket. The relationship between global average temperature rise and cumulative carbon emissions has been found to be linear. In order to limit further temperature increases – we will need to limit cumulative emissions.

There are many science-based international and domestic carbon reduction goals and they vary in their targets. Most domestic reduction targets are based on what may be practically feasible – whereas this target is based on what is declared to be scientifically necessary. Eugene’s 350ppm carbon budget is based on a global carbon budget developed by climate scientists at NASA’s

¹ The complete, signed Climate Recovery Ordinance can be located online at: <https://www.eugene-or.gov/DocumentCenter/View/19669>

² 350 parts per million is a measure of the concentration of carbon dioxide in the atmosphere.

Goddard Institute for Space Studies and Columbia University.³ The 350ppm global budget has been downscaled for Eugene using a methodology that has been peer-reviewed by specialists in the field (listed in table 1) and uses the best information currently available.

David Allaway	Senior Policy Analyst in the Oregon Department of Environmental Quality's Materials Management Program
Kyle Diesner	Policy Analyst with the City of Portland Bureau of Planning and Sustainability,
Pete Erickson	Senior Scientist in the Climate and Energy program in Stockholm Environment Institute's Seattle office.
Dr. Pushker Kharecha	Research scientist at the NASA Goddard Institute for Space Studies and Columbia University's Center for Climate Systems Research.
Dr. Andrew Rice	Associate Professor of Physics at Portland State University
Joshua Skov	Center for Sustainable Business Practices, University of Oregon
Aaron Toneys	Senior Associate at Good Company, a Sustainability consulting firm in Eugene, Oregon.

It is important to acknowledge that there is no existing protocol defining how to calculate and set this type of carbon budget at the community-level nor is there an existing international climate agreement from which to base a budget.

In addition to reducing greenhouse gas emissions, achieving 350ppm will require drawing down CO₂ out of the atmosphere through reforestation. The amount of reforestation required is included within the 350ppm global carbon budget and is described below under the heading *Reforestation: The carbon sequestration budget*.

³ Hansen J, Kharecha P, Sato M, Masson-Delmotte V, Ackerman F, Beerling DJ, et al. (2013) [Assessing "Dangerous Climate Change": Required Reduction of Carbon Emissions to Protect Young People, Future Generations and Nature](https://doi.org/10.1371/journal.pone.0081648). PLoS ONE 8(12): e81648. doi:10.1371/journal.pone.0081648

Setting the Carbon Budget

The 350-ppm goal is generally considered the “safe” concentration by the scientific community, and would limit warming to approximately 1.8°F (1°C) increase in global average temperature compared to pre-industrial levels.

Formula

The formula used to calculate Eugene’s Carbon Budget:

$$\frac{\text{Global Carbon Budget}}{\text{Global Population}} \times \text{Eugene's Population} = \text{Eugene's Carbon Budget}$$

Global Carbon Budget

The global carbon budget for a 350-ppm goal is 419 Gt CO₂ for the period 2016 - 2100⁴.

The budget includes a global reforestation requirement to remove 100 Gt C (367 Gt CO₂) from the atmosphere during the 2012 – 2050 time period.

Global Population

The 2013 global population is reported as 7.2 billion people⁵.

Eugene Population

The 2013 Eugene population is reported at 159,190 people⁶.

Eugene’s carbon budget (from 2016 – 2100) based on a 350-ppm goal

$$\frac{419 \text{ Gt}^7 \text{ CO}_2}{7.16 \text{ billion people}} \times 159,190 \text{ Eugenians} = 9,320,000 \text{ MT CO}_2$$

Accounting for population increase

Based on current projections, Eugene’s population growth is expected to increase at a rate similar to global population; about 1.2% per year. While population growth *will* result in fewer emissions per person over time, the total *proportion* of global emissions that are allotted to Eugene will

⁴ Global budget based on 2013 study, [Scientific Case for Avoiding Dangerous Climate Change to Protect Young People and Nature](#). Authors: Hansen J, Kharecha P, Sato M, Masson-Delmotte V, Ackerman F, et al. (2013). PLoS ONE 8(12): e81648. doi:10.1371/journal.pone.0081648. Reduced initial 2012 budget by cumulative global emissions from 2012 to 2015.

⁵ Source: United Nations Department of Economic and Social Affairs publication, *World Population 2012*.

⁶ Source: U.S. Census Bureau publication, “2013 Population Estimate for City of Eugene, Oregon.”

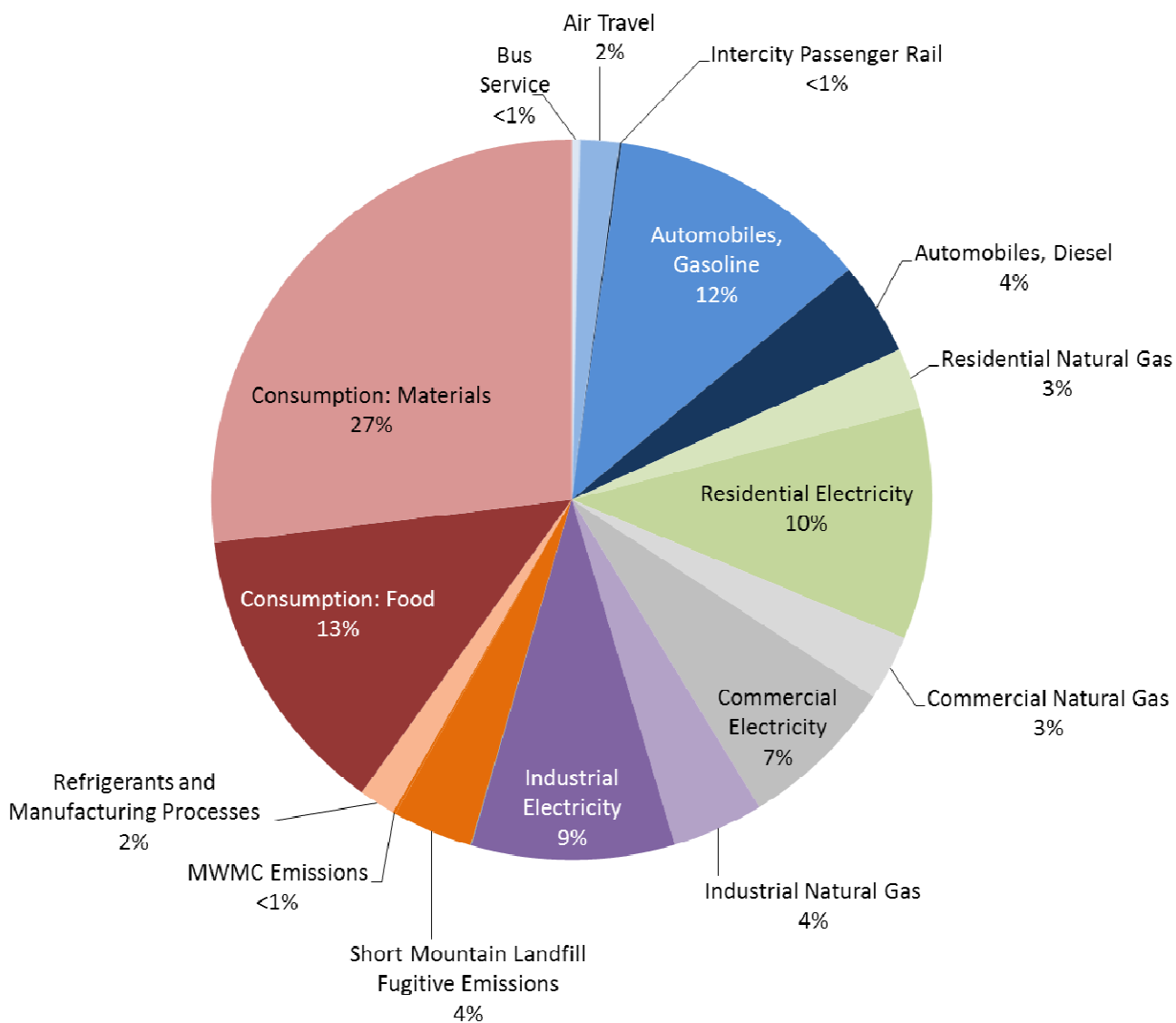
⁷ Gt = Gigatonnes = 1 billion metric tonnes

remain the same. For this reason, no adjustment is necessary when looking at a *community wide* budget. This will have implications for *individual* GHG budgets.

Spending the Carbon Budget

Eugene’s Consumption-Based Carbon Emissions in 2013 are estimated at 2,870,000 MT CO₂. This serves as the baseline year for Eugene’s budget.

Eugene 2013 Community Wide Greenhouse Gas Emissions

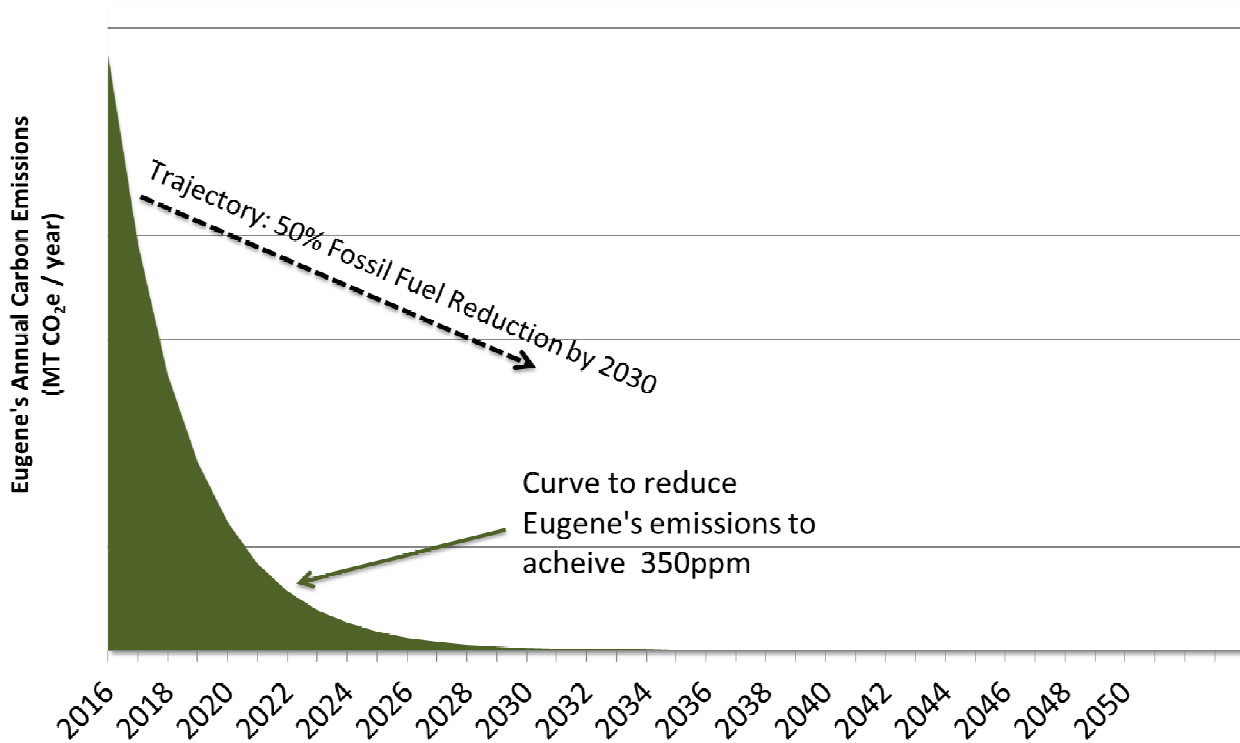


Eugene 2013 community wide greenhouse gas inventory results.

Staying within the Budget

Using Eugene's 2013 consumption-based emissions as a starting point, annual reductions required to stay within Eugene's Carbon Budget will be significant, beyond those required to meet the current community goal of reducing fossil fuel use 50% by 2030 (Figure 1: Spending Eugene's Carbon Budget).

Figure 1: Spending Eugene's Carbon Budget



These required emission reductions are extremely steep. The primary reasons such drastic reductions are required are that:

- 1) Globally we have already passed 350ppm so getting back to 350ppm requires putting the brakes on emissions as rapidly as possible.
- 2) While the average Eugeniean's carbon footprint is low by U.S. standards, is still very high compared to the global average. Therefore, greater reductions are necessary to avoid overspending the budget as compared to communities that aren't rapidly consuming fossil fuels.

Figure 4: Summary of Eugene's Carbon Budget calculations.

Category Description	350 ppm Goal
Global Carbon Budget, 2016 - 2100 (MT CO₂)	419,266,666,666
2013 Global Population (# of people)	7,162,119,000
Global Average Per-Capita Budget (MT CO₂ / person)	58.5
2013 Eugene Population (# of people)	159,190
Eugene Carbon Budget, 2016 - 2100 (MT CO₂)	9,318,899
2013 Consumption-Based Emissions (MT CO₂)	2,871,206
Years budget will last based at Eugene's 2013 emissions rate	3.2

Reforestation: The carbon sequestration budget

Because CO₂ concentrations are already beyond 400ppm, achieving the 350ppm goal will require removing CO₂ from the atmosphere in addition to reducing emissions of greenhouse gases.

Using the same methodology as above, we apportion reforestation responsibility equally across the global population. Based on the same global prescription to achieve 350ppm, the global per capita carbon sequestration requirement from 2012 – 2050 is determined to be 51 Metric Tons CO₂, leading to an annual carbon sequestration requirement of 1.31 Metric Tons CO₂ per person. If we were to assume this reforestation were done with carbon credits alone and we assume the annual cost of reforestation carbon credits is \$15/ 1 MTCO₂, the annual cost (today) for each resident would be about \$20.

$$\frac{\text{Global Carbon Sequestration Budget}}{\text{Global Population}} = \text{Per capita carbon sequestration budget}$$

Oregon Global Warming Commission:



Keep Oregon Cool

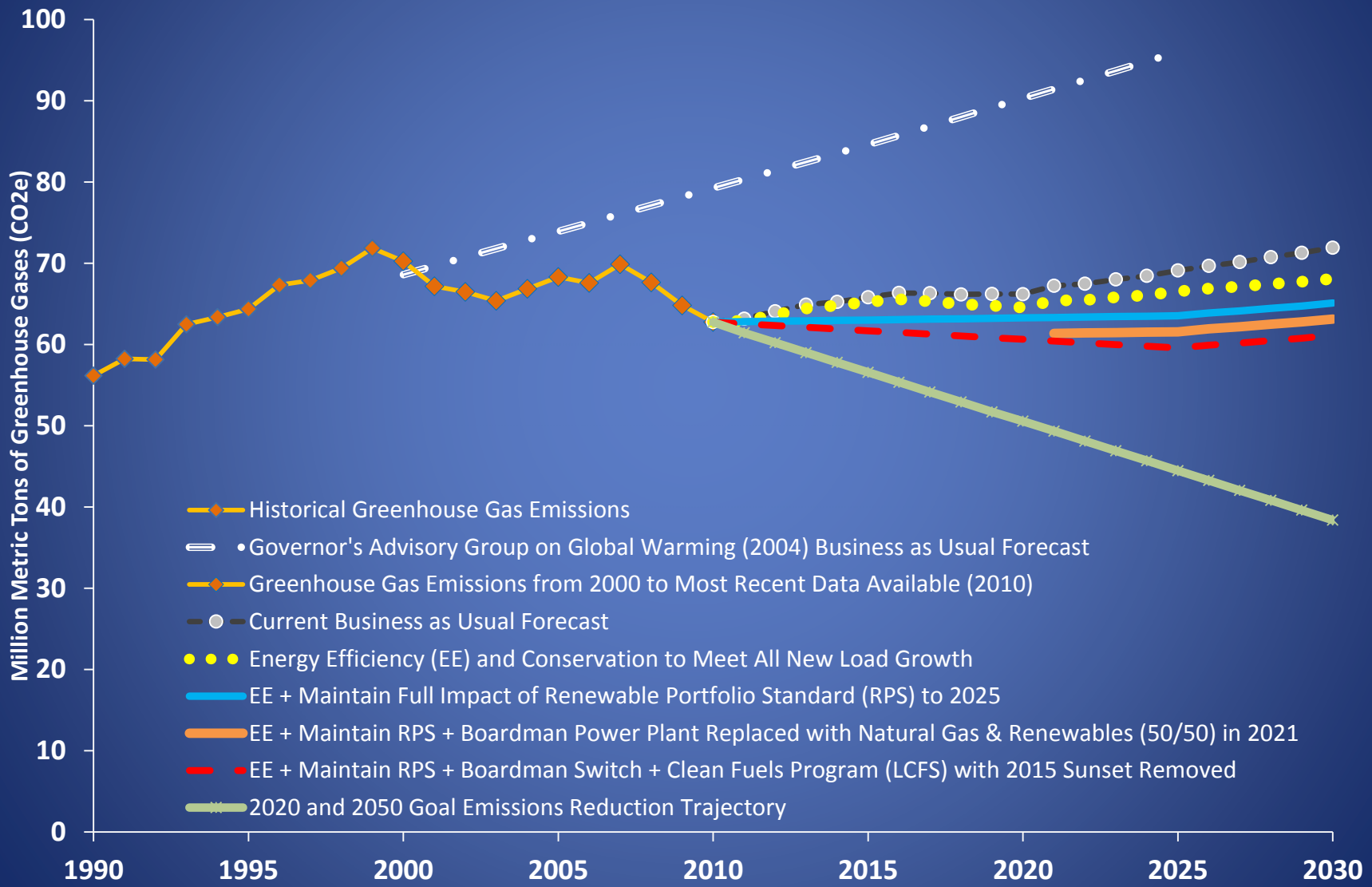
Oregon Global Warming Commission

Oregon's Roadmap to 2020

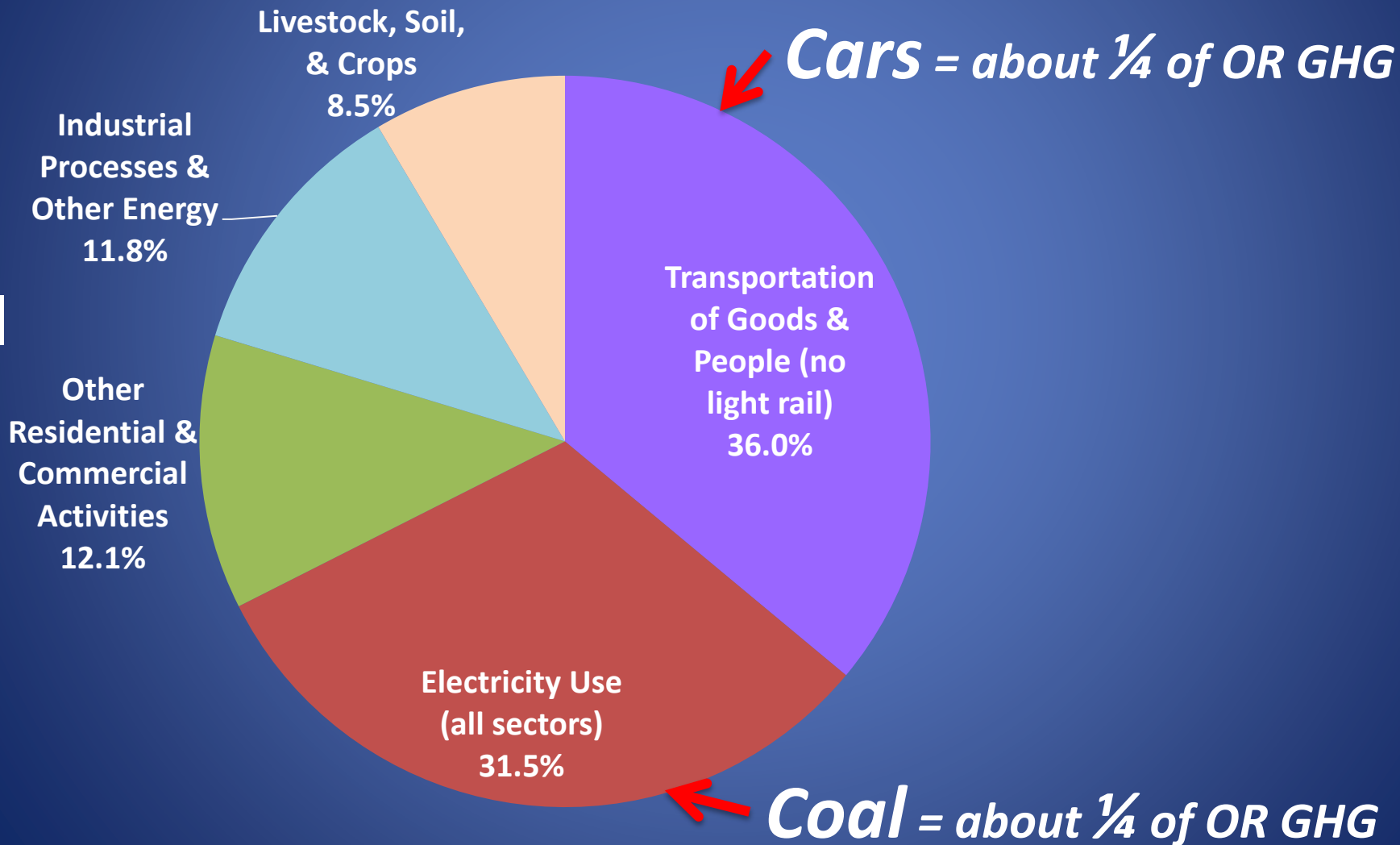
<http://www.keeporegoncool.org/content/roadmap-2020>

Progress Toward Oregon's Greenhouse Gas Reduction Goals

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Oregon Greenhouse Gas Emissions 2010 (with electricity broken out from sectors)





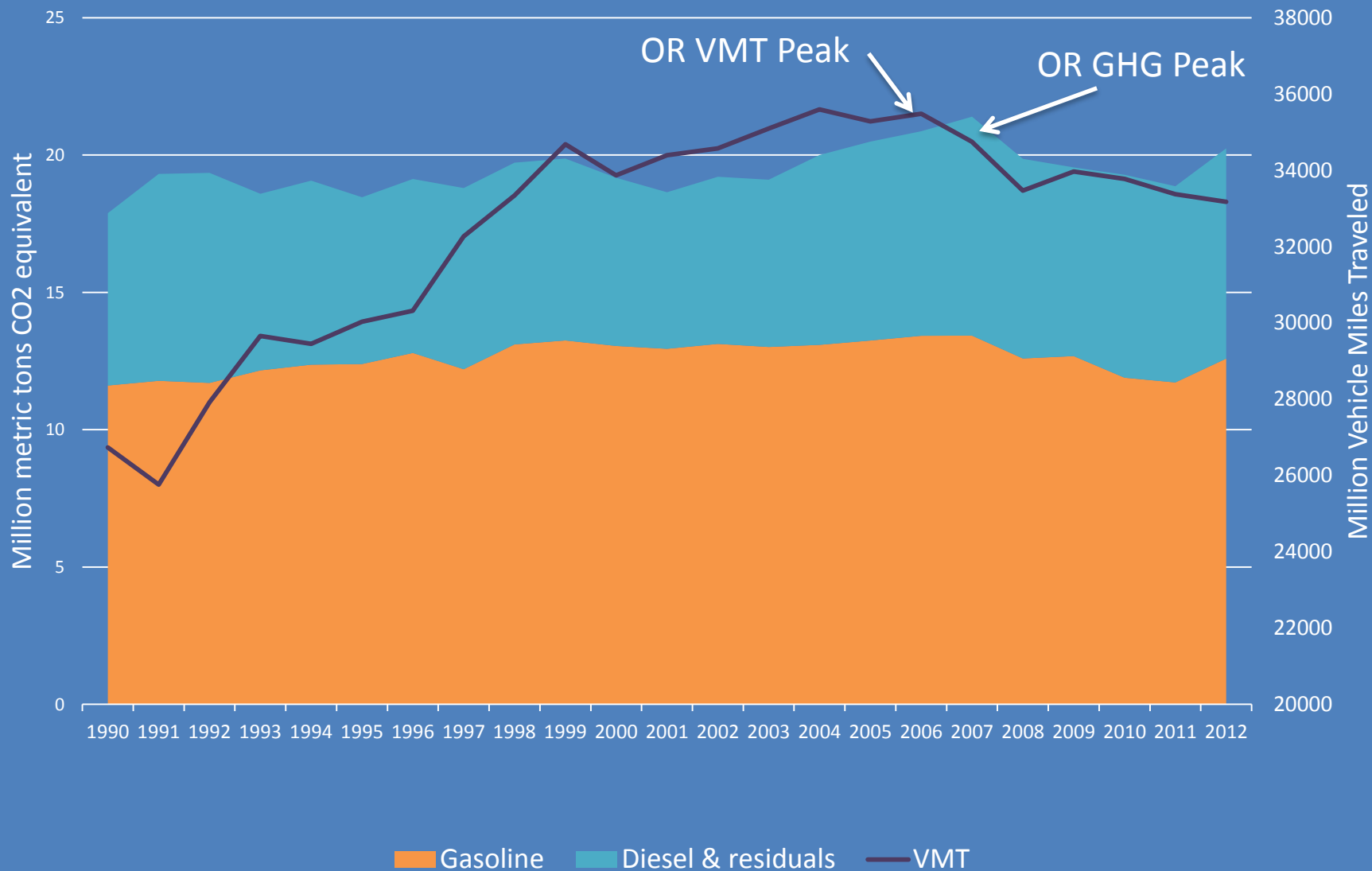
CARS + COAL

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= 50% of Oregon GHG Emissions

© 2013 Gary Braasch / World View of Global Warming

Fig. 3: OR Emissions from Motor Gasoline and Diesel (MMT_{CO2e}); and Statewide Total Vehicle Miles Traveled (MM)



Evolution of Ground Passenger Scenarios

Urban -46%

- ⊙ UGB expansion
- ⊙ Transit service (4x pop. growth)
- ⊙ TDM (65% PDX hh & 40% of employers)
- ⊙ Parking pricing (+30% pay to park)
- ⊙ 30% mode shift (for trips of <6 mi.)

Tech -45%

- ⊙ 30% mode shift (for trips of <6 mi.)
- ⊙ PHEV & EV (+30%)
- ⊙ Renewable energy
- ⊙ Fuel carbon intensity (-20%)
- ⊙ Light truck ownership (-20%-35%)

System Optimization -49%

- ⊙ Transit service (4x pop. growth)
- ⊙ Max System Ops & Mgmt.
- ⊙ Fuel efficiency priority (80% hh)
- ⊙ Carsharing rates up: high density (1/2,500), medium density (1/5,000)
- ⊙ TDM (65% PDX hh & 45% employers; more telecomm.)
- ⊙ Speed smoothing
- ⊙ 30% mode shift (for trips of <6 mi.)

Pricing -43%

- ⊙ 100% PAYD insurance
- ⊙ Parking pricing (+30% pay to park)
- ⊙ Pay for all external costs (+\$0.06 per mi)
- ⊙ Congestion pricing (\$.20/mi)

Combo -63%

Includes all assumptions

Enhanced Combo -69%

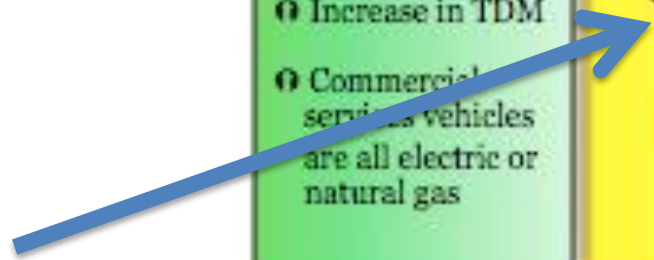
- ⊙ 40% mode shift from SOV trips of <6 mi (was 30%)
- ⊙ More pay for parking and at higher cost
- ⊙ Ave. vehicle age 7.8 yrs (was 10 yrs)
- ⊙ Increase in PHEV and EV (43%)
- ⊙ Increase in TDM
- ⊙ Commercial services vehicles are all electric or natural gas

Enhanced + Price -74%

- ⊙ \$0.15 per mile VMT Tax in addition to other taxes (-\$0.06 per mile)

Enhanced + Tech -75%

- ⊙ Cleaner power generation
- ⊙ Increase PHEV & EV (53%)
- ⊙ EVs have longer range (cars = 300 mi)



Cars and Coal

Est. Carbon-Equivalent MPG*: Electric Vehicles

Wichita, KN (SWPP) – 74% coal/8% gas	= 35 mpg*
Raleigh NC (SRVC) – 45% coal/9% gas	= 55 mpg*
Seattle WA (WECC) – <3% coal/<1% gas	≥112 mpg*

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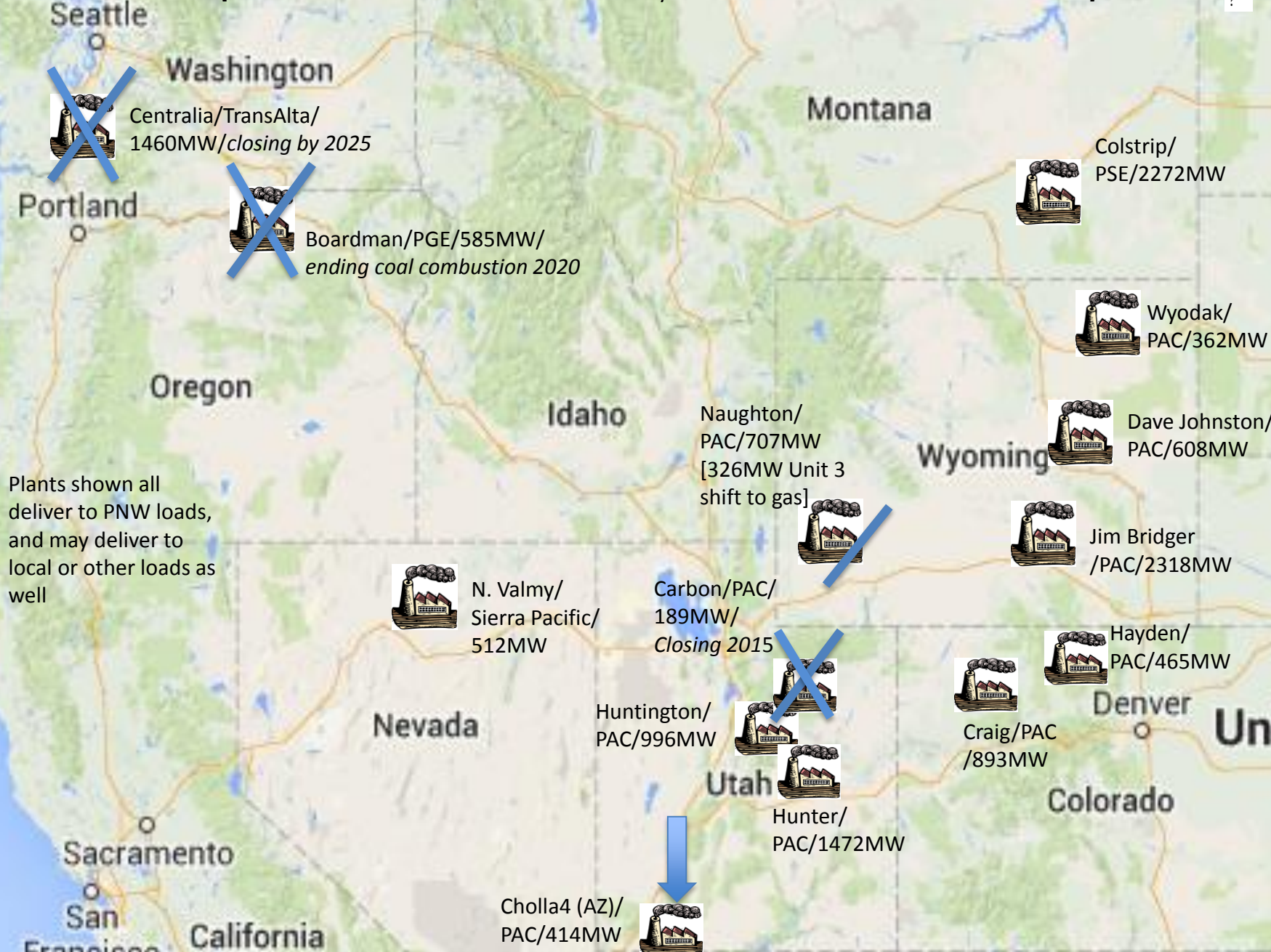
Oregon Utilities

<i>PacifiCorp</i>	<i>±66% coal / ±17% gas</i>	<i>= ± Wichita</i>
<i>PGE (post-Boardman)</i>	<i>± 9% coal / ±63% gas</i>	<i>= ±Raleigh</i>
<i>Eugene (EWEB/COU)</i>	<i><1% coal / ±1% gas</i>	<i>= ± Seattle</i>

*Miles per gallon equivalents per UC

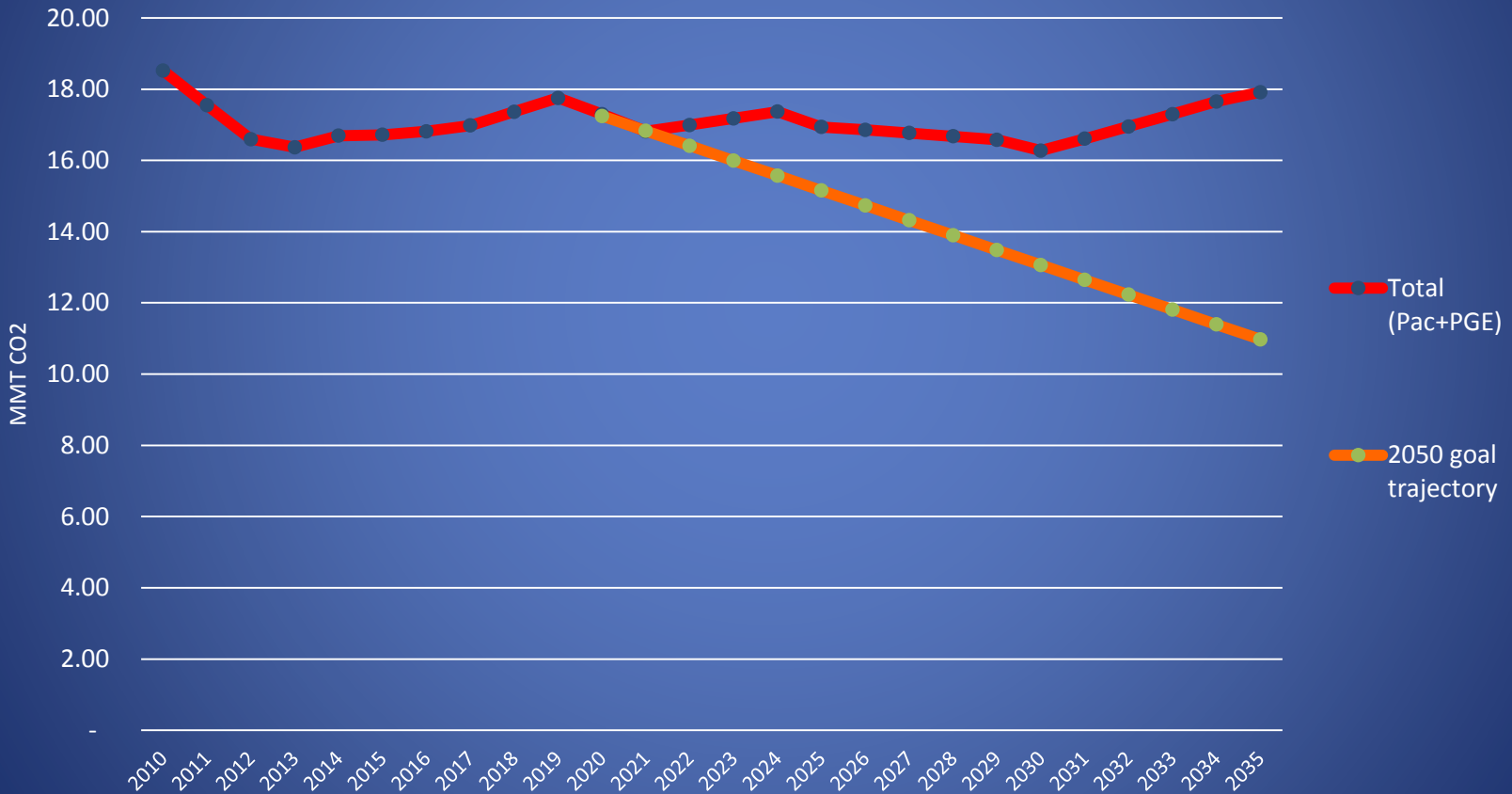
Principal Coal-burning plants serving PNW/IW loads

[Plants shown all deliver to PNW loads and may deliver to local or other interstate loads also]



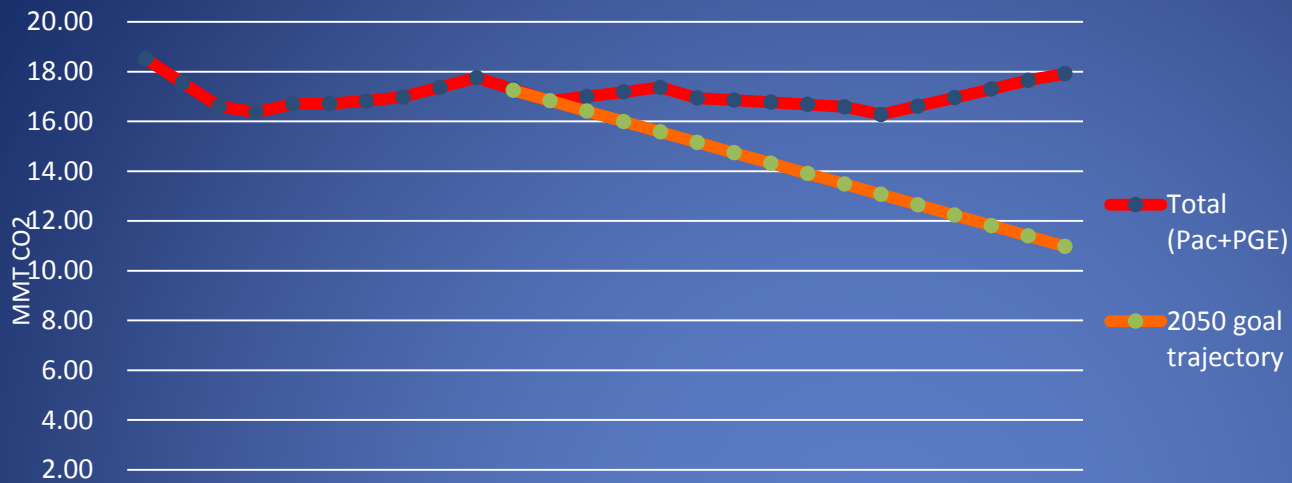
Plants shown all deliver to PNW loads, and may deliver to local or other loads as well

Pacific Power and PGE Emissions in Oregon

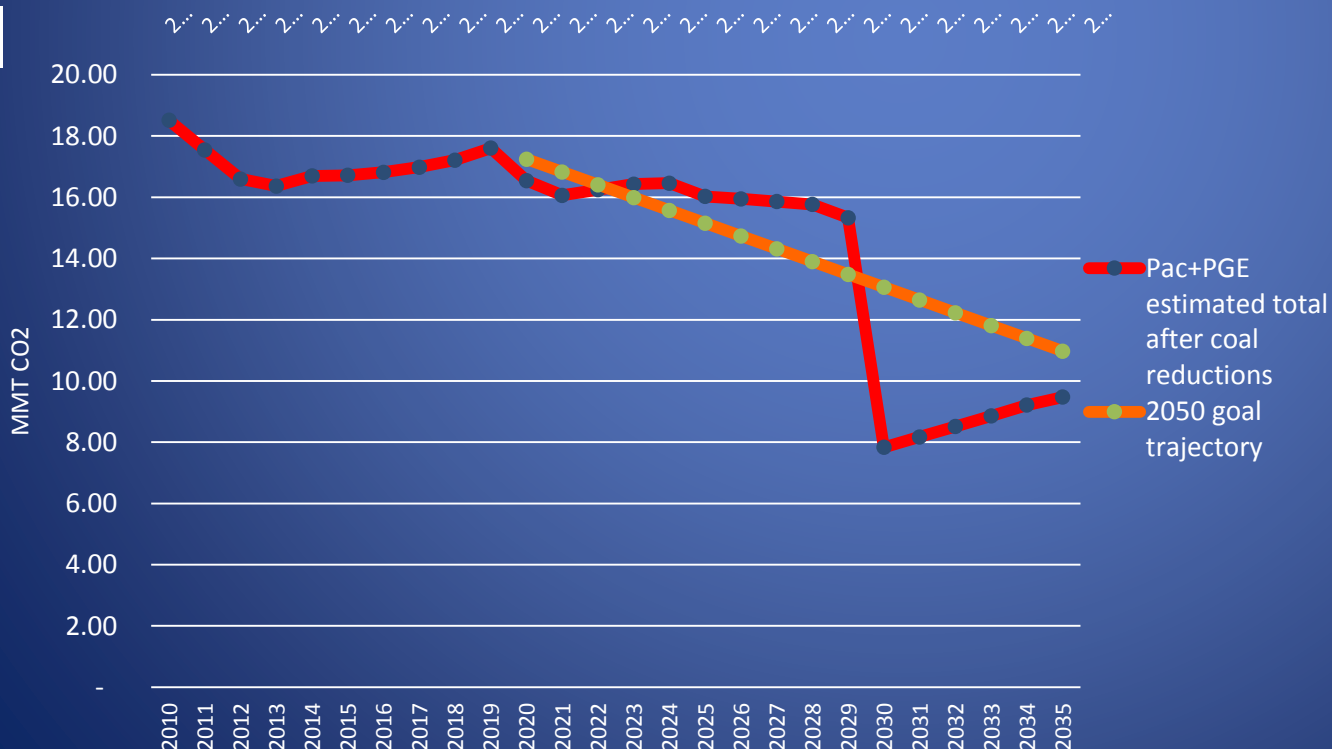


Based on estimates of 2013 IRP projections

Estimated coal-by-wire changes for PGE +Pacific Power



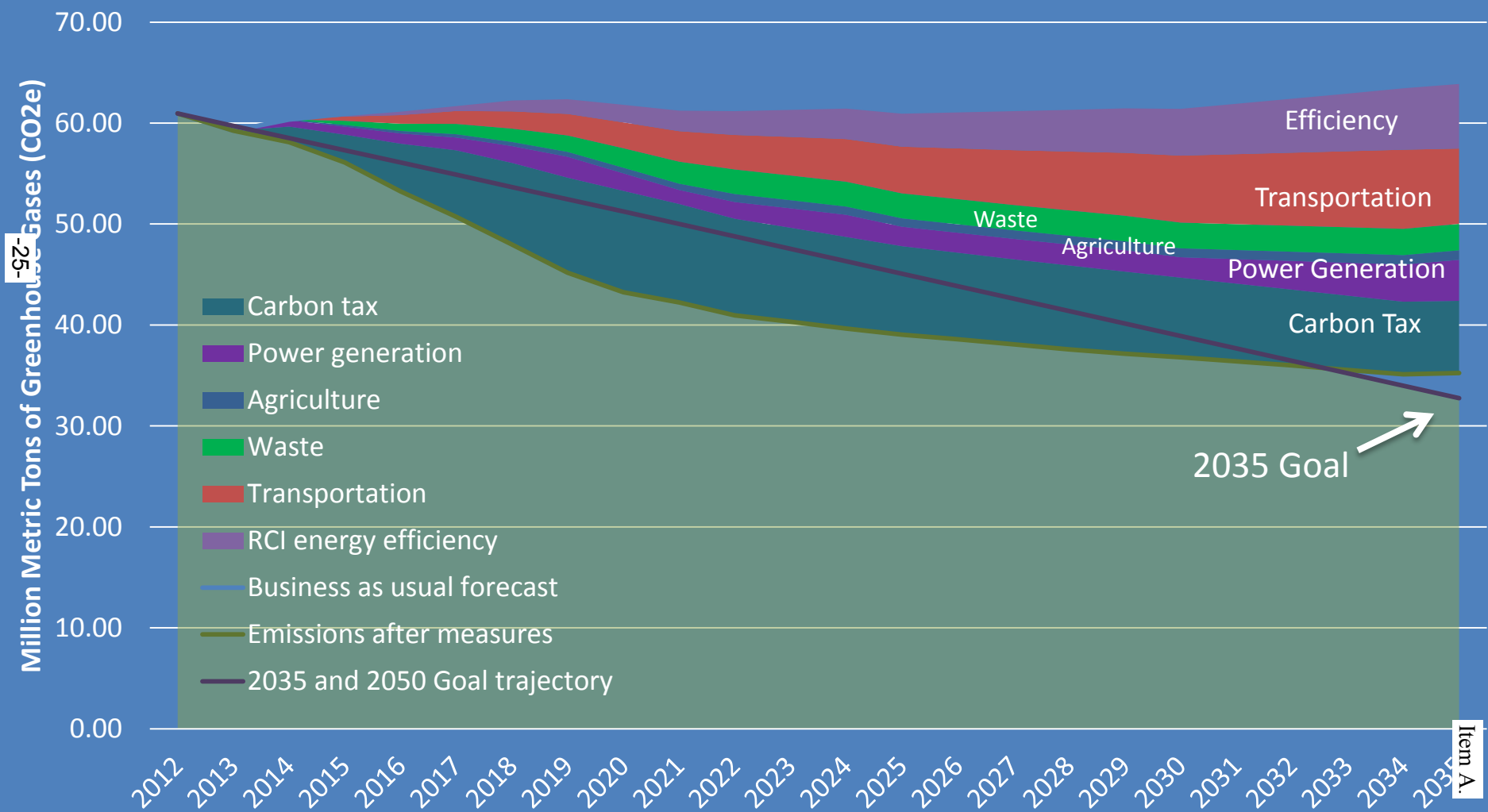
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Baseline estimates from 2013 IRP projections

Fig 11: OR GHG Goal Trajectory and Emission Reduction Wedges

Case 2: Carbon tax plus statewide emission reduction measures



Item A.

Feds + State + Local Governments

- Federal
 - Vehicle Fuel Economy Standards + Clean Power Plan + Forest [Carbon] Mgnt
- State
 - Cap & Trade / Carbon Tax + State-to-State CPP Trading
 - Utility Regulation + Building/Equipment Codes + Transportation System Investments + Forests
- Local Government
 - Land Use + Transportation/Transit [MPO Planning] + Consumption/Waste Mgnt

The Economist

DECEMBER 10TH-16TH 2005 www.economist.com

Democrats' abortion error
LEXINGTON, PAGE 40

Iraq's coming election
PAGE 51

Trade, farms and the poor
PAGES 12, 25-27 AND 81

Books of the year
PAGES 93-96



Don't despair

Grounds for hope on global warming

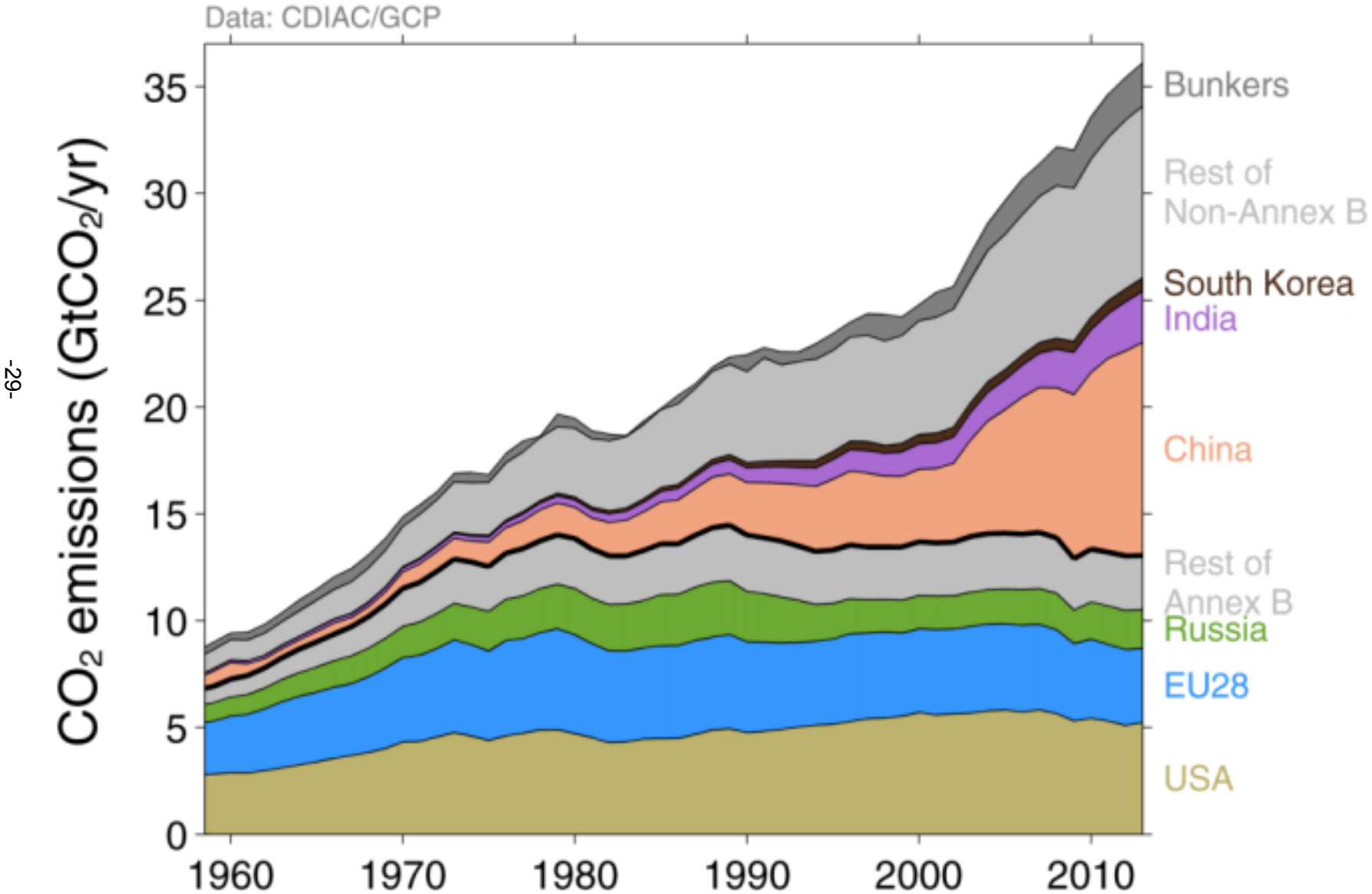


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 133 SM 2ND AVE STE 410
 PORTLAND OR 97204-3527

After Paris

Total Emissions from Annex B countries have slightly declined since 1990
Emissions from non-Annex B countries have increased rapidly in the last decade

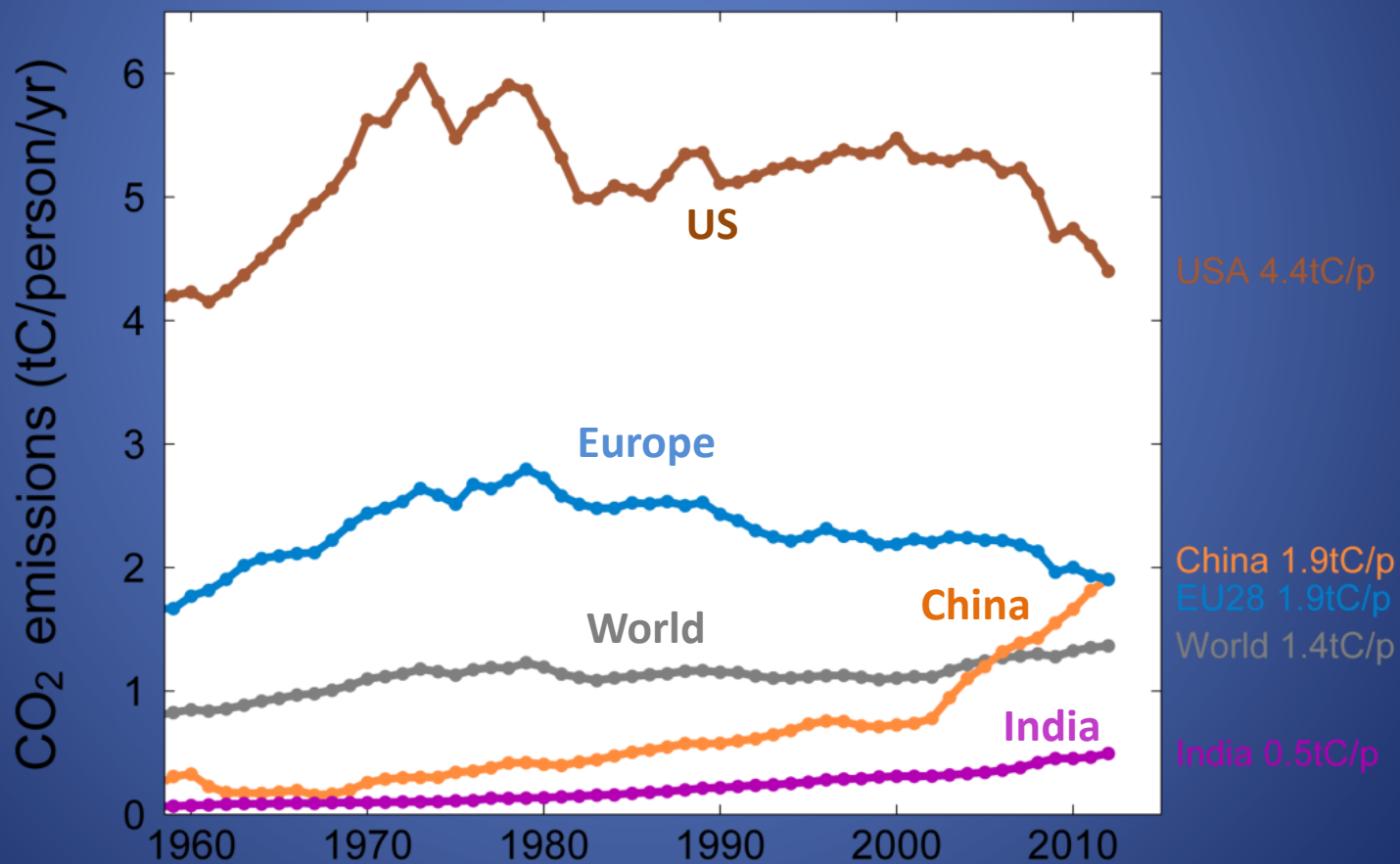


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Top Per Capita Fossil Fuel Emitters

Average per capita emissions in 2012

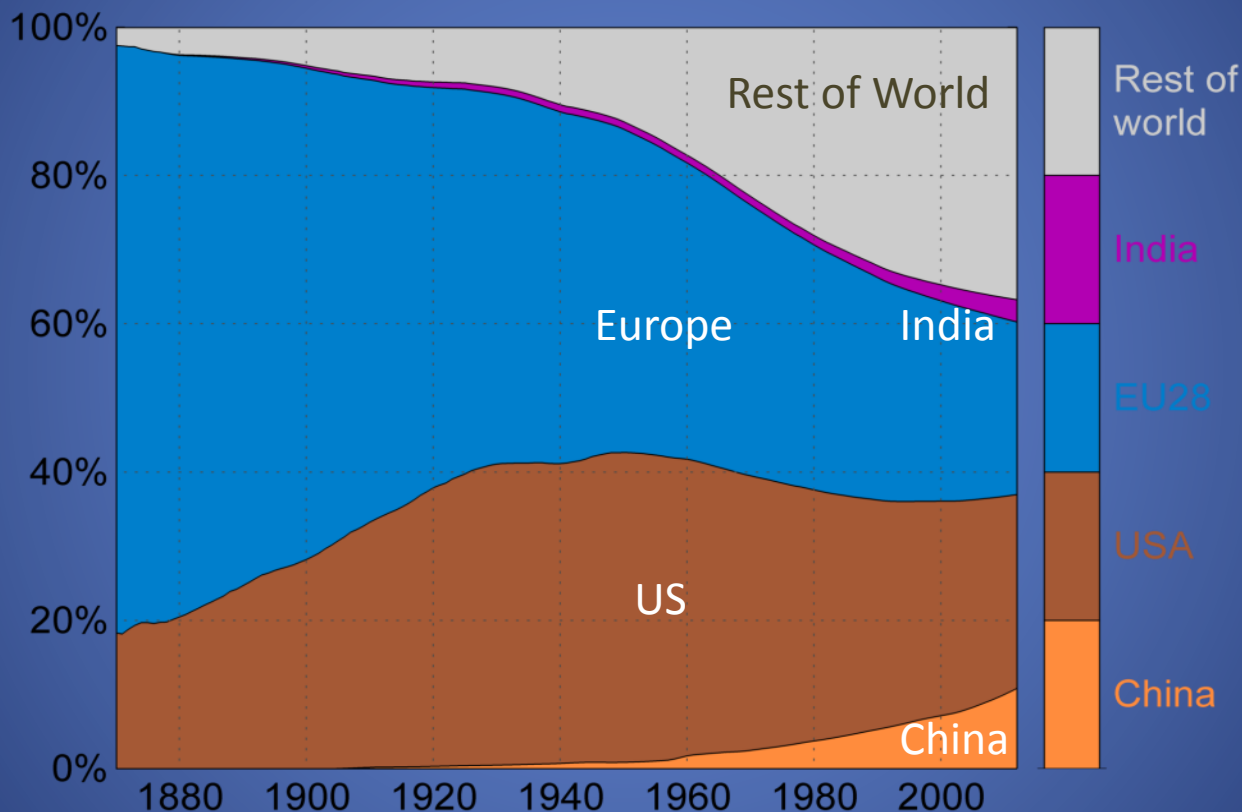
China is growing rapidly and the US is declining fast



Source: [CDIAC Data](#); [Le Quéré et al 2013](#); [Global Carbon Project 2013](#)

Historical Cumulative Emissions by Country

Cumulative emissions from fossil-fuel and cement were distributed (1870–2012): USA (26%), EU28 (23%), China (11%), and India (4%) covering 64% of the total share



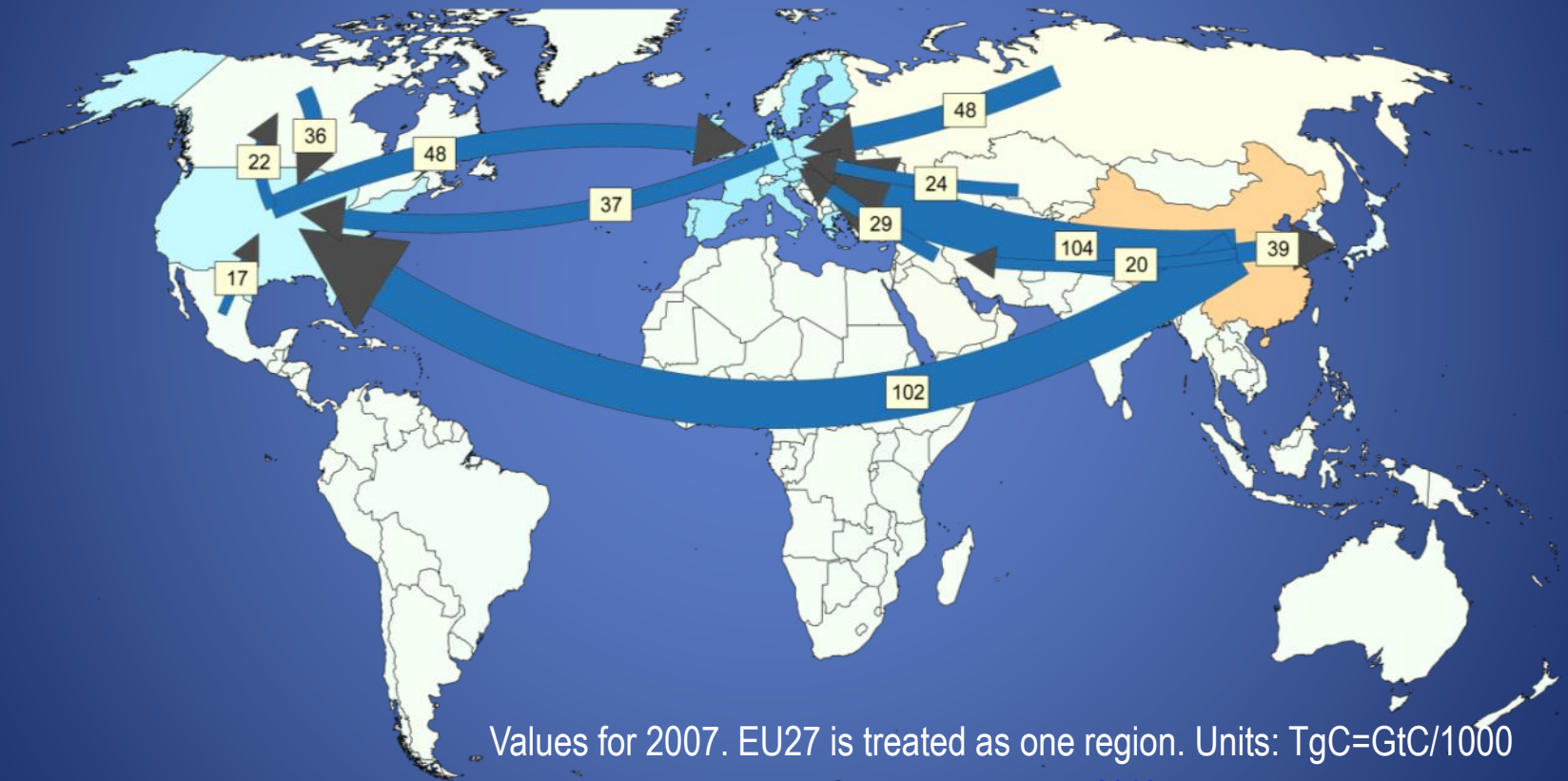
Cumulative emissions (1990–2012) were distributed: USA (20%), EU28 (15%), China (18%), India (5%)

Source: [CDIAC Data](#); [Le Quéré et al 2013](#); [Global Carbon Project 2013](#)

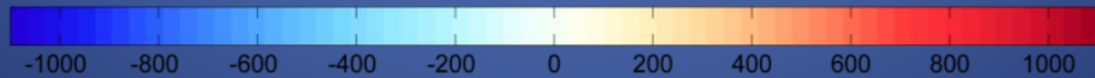
Major Flows from Production to Consumption

Start of Arrow: fossil-fuel combustion

End of arrow: goods and services consumption

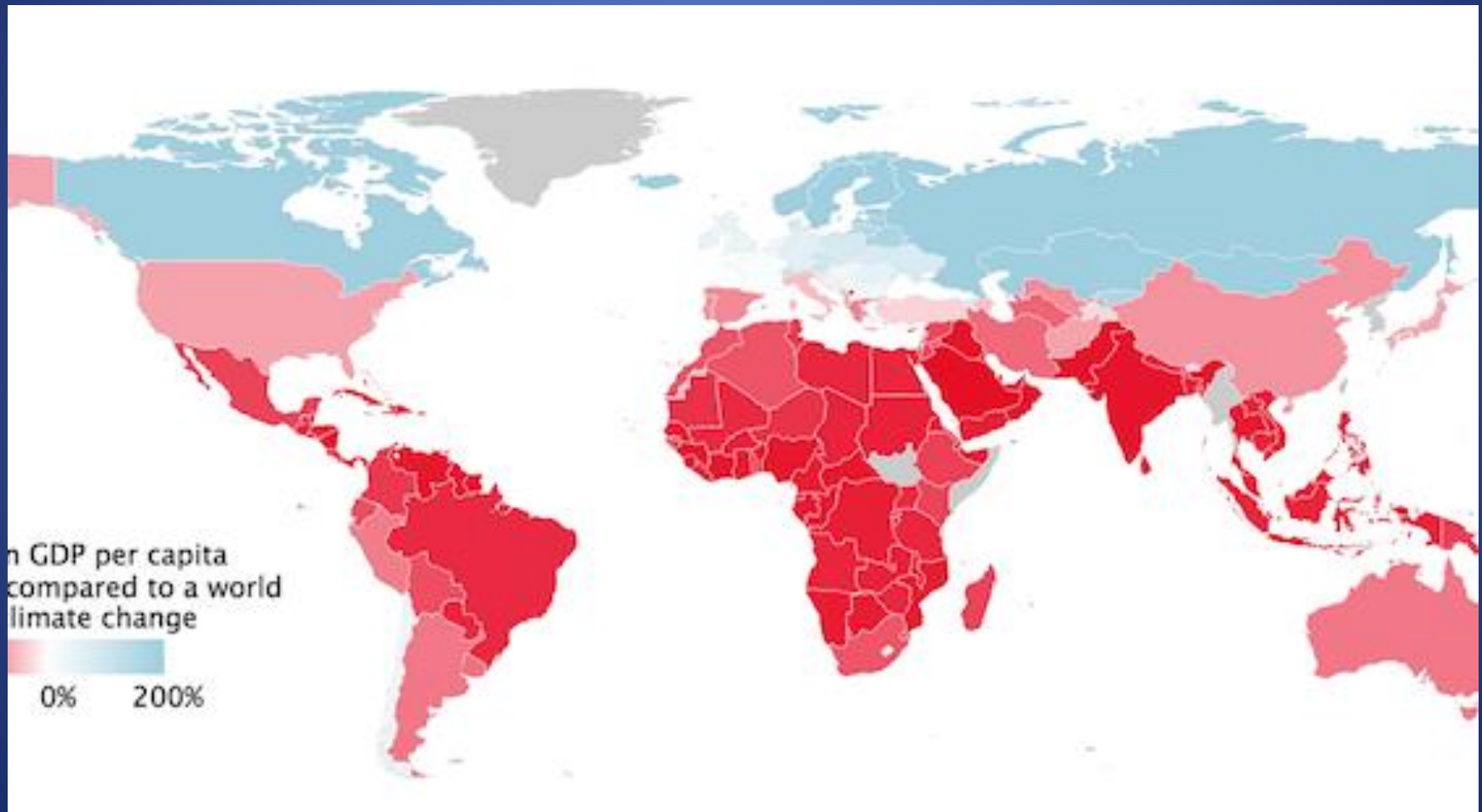


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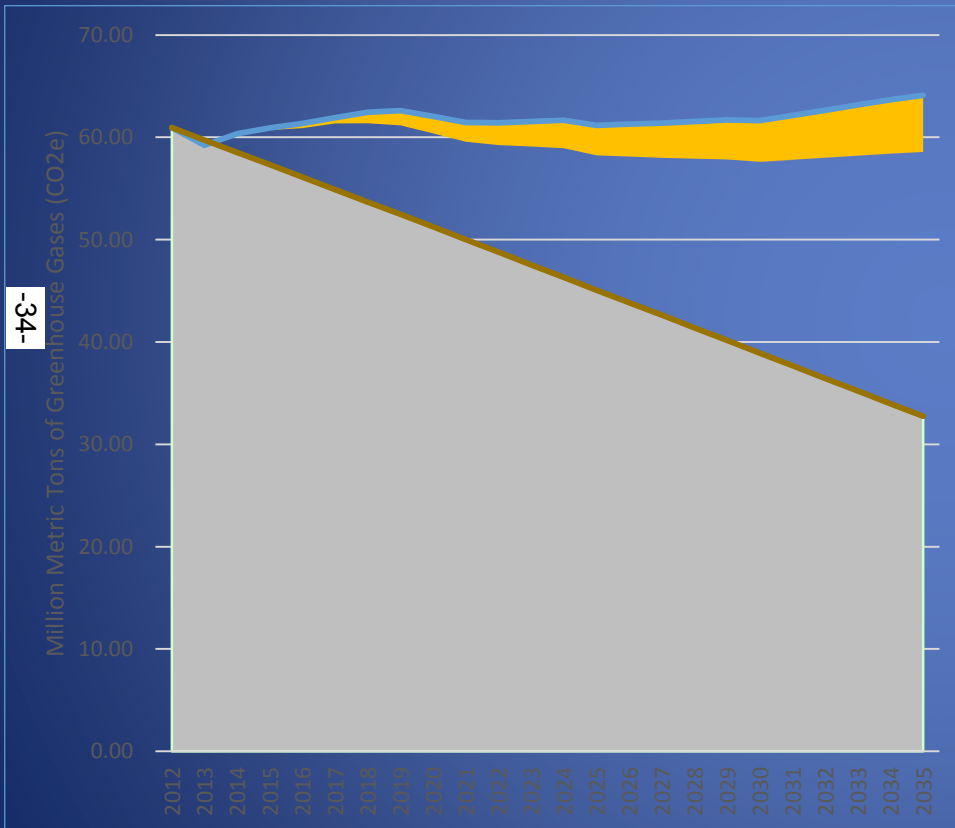
Source: [Peters et al 2012b](#)

Economic Impact of Climate Change on the World



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Energy Efficiency (Residential, Commercial, Industrial)



- Examples of measures:
 - Residential HVAC, Weatherization, and Lighting,
 - Commercial Lighting, Daylight, and Lighting Controls,
 - Industry-specific measures

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Overview of Chronic Nuisance Codes

Meeting Date: February 24, 2015
 Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: B
 Staff Contact: Rachele Nicholas
 Contact Telephone Number: 541-682-5495

ISSUE STATEMENT

This work session follows up on previous council discussions related to rental unit management and community livability. Staff will present an update on the recent administrative rule change requiring a local contact be registered with the City for all rental properties, review livability codes that are currently in place, and provide examples of regulations from other communities that may provide possible options for the council to consider to help address on-going concerns and enhance neighborhood livability.

BACKGROUND

At the July 27, 2015, council work session, staff provided an overview of strategies that have been implemented to help address neighborhood livability concerns as well as a review of ways other communities are regulating rental housing to help improve livability.

Additionally, staff presented data collected on local rental units, property management types, and calls for service related to livability to help inform a discussion on rental unit management. The data collected was used to help better understand the role of on-site management as it might relate to neighborhood livability. In summary, the data revealed the following:

- The data collected indicated that more units did not necessarily mean more calls for service. In general, smaller multi-unit properties had more calls for livability related services than larger properties in the sample.
- Of the multi-unit properties surveyed, most of the large complexes did not have a resident manager living on-site, but many of the smaller complexes did.
- Almost 80 percent of the Unruly Gathering Citations have been issued at single-family dwellings.

Based on the review of strategies used by other communities, two possible actions were discussed by the council: consider requiring rental properties in Eugene to have a local emergency contact or agent and explore a chronic nuisance code or similar provision.

Local Contact Requirement

At the July work session, the council indicated support to add language to the existing Rental

Housing Administrative Order requiring registration of a local contact. Administrative Order 53-15-16, which requires rental property owners who reside more than 75 miles outside of Eugene City limits provide an emergency contact that resides within 75 miles, was released for public comment last fall. The City received a total of 49 comments; 43 opposed and six in support. Of those opposed, the primary reasons cited were: concern for what authority would be required of a local agent which may lead to increased cost if the owner is required to pay a property management company; several felt the need for a local contact was unnecessary based on “modern” technology, and some felt the distance was arbitrary. Based on the feedback, the City adjusted the distance from the initially proposed 60 miles to 75 miles measured from the City limits. After reviewing and responding to comments, the Order was signed February 17, 2016. Staff will be contacting applicable owners in the next few months to request the local contact information which will be added to the City’s existing rental housing database.

Chronic Nuisance Code Examples

At the work session, the council also indicated an interest in further exploring the concept of a chronic nuisance code or similar provision. Staff have collected examples of chronic nuisance ordinances adopted in the following Oregon cities - Beaverton, Bend, Corvallis, Gresham, Portland, Salem, Tigard, Tualatin and Clackamas County. Staff also looked at a few cities outside of Oregon, including Bremerton, Seattle, Tacoma, and Sunnyside, Washington, Fort Collins, Colorado and Madeira Beach, Florida. A summary of staff findings is included (Attachment A).

Staff found that generally jurisdictions consider three or more nuisance activities within a defined period constitute a chronic nuisance. That period of time varied anywhere from a 60-day period to 180 days and most expanded the definition to capture problem properties that continue past that initial period. For example, in Corvallis, Oregon, a chronic nuisance property is defined as “having three or more nuisance activities occur during any 30-day period, or five or more in a 90-day period.”

The violations used to constitute a chronic nuisance property varies by city. Some cities include all code violations, criminal and non-criminal, and others select specific code section violations as nuisances to be enforced under a chronic nuisance code. Examples of criminal violations may include: loud parties, drugs, minor in possession, disorderly conduct, etc. Non-criminal violations may include: parking in the front yard or within setbacks, improper storage of garbage cans, visible junk, etc.

Current Eugene Livability Codes

The City has a number of existing codes in place to help protect neighborhood livability and address problem properties. These codes are enforced on a complaint-based system. When a complaint is received staff will attempt to contact the owner or the party responsible for the property. If necessary, the City can issue an Order to Correct and then a Notice of Civil Penalty if the issue is not resolved within a given timeframe. The majority of cases are handled without assessing penalties. Additional steps can be taken, especially if there is an immediate life or safety issue.

In cases of a repeat violator the City can assess immediate civil penalties without issuing an Order to Correct. If the owner doesn’t pay the civil penalty the amount may be placed as a lien on the

property that accrues interest. Staff follow this process for any zoning, nuisance, building code, or rental housing violation reported. City staff receive about 1,600 complaints each year. Staff respond to a variety of concerns including: vehicles parked on lawns, storage of junk and/or garbage, garbage can placement, illegal signs, odor, smoking violations, hoarding, rodent harborage, animal violations, too many un-related occupants, unsafe/dangerous structures, open and vacant homes, illegal secondary dwelling, etc.

Complaints of oversize, disorderly gatherings, and parties involving alcohol are handled by the Eugene police.

In response to concerns from University neighborhoods the City adopted an Unruly Gathering Ordinance (Social Host) (Attachment B). The ordinance went into effect on March 2, 2013. A Social Host Ordinance has been an effective strategy at many other university cities. The ordinance holds individuals and property owners accountable for unruly events or social gatherings. The ordinance applies only when multiple law violations are taking place. On the first visit the hosts may be cited for any of those violations. Should there be subsequent visits that meet the definition of an Unruly Gathering the host and the owner may be cited and assessed a civil penalty for recovery of actual response costs.

Unsafe and Vacant Properties

Last fiscal year, staff responded to 79 properties where there was either an unsafe/dangerous building or a building that was vacant and open. When staff identify a building that is unsafe/dangerous, action may be taken to immediately address any life safety concerns which may include contacting the utility company to disconnect power and/or water and, if warranted, having the doors and/or windows boarded up. In situations where staff identify a building is vacant and open, but not dangerous, the property is posted with a Notice to Abate. The Notice provides 10 days for the owner or responsible party to secure the building. If there is no response the City will work with a contractor to have the building secured. As long as the building remains unoccupied and secure and there are no other violations the City takes no further enforcement action.

It is not uncommon for staff to hear from a community member who's concerned about the "condition" or maintenance of a home in their neighborhood. Often it is a home that's in the foreclosure process or the owners may be deceased and the home is awaiting action by an estate. The neighbors share concern that the property has become an eyesore, contributing to and impacting property values in the neighborhood. Unless the concern is related to a nuisance defined in the existing codes such as junk, garbage or overgrown vegetation the City does not have the authority to take any additional action. The existing codes do not include language specific to the aesthetics of a structure.

The council has asked staff to provide information on how other cities are handling similar neighborhood concerns. Staff found that Portland, Gresham, Salem and Corvallis (adopted in 2015) have codes that include language that requires owners maintain the outside of the dwelling. As an example, Portland's Housing Maintenance Code (Attachment C) specifically requires dwellings be free of peeling paint, missing or damaged gutters, broken windows, damaged roofing or chimneys, and missing or damaged siding, or other signs of neglect.

RELATED CITY POLICIES

City Council Goals

- Safe Community: A community where all people are safe, valued and welcome.
- Sustainable Development: A community that meets its present environmental, economic and social needs without compromising the ability of future generations to meet their own needs.

Envision Eugene Pillars

- Provide affordable housing for all income levels
- Promote compact urban development and efficient transportation options
- Protect, repair, and enhance neighborhood livability

COUNCIL OPTIONS

No options at this time. Staff will be looking for council input and direction on next steps.

CITY MANAGER'S RECOMMENDATION

No recommendation is proposed at this time.

SUGGESTED MOTION

No motion is proposed at this time.

ATTACHMENTS

- A. Chronic Nuisance Code Research
- B. Eugene Unruly Gathering Code
- C. Portland Property Maintenance (Chapter 29)

FOR MORE INFORMATION

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City/Jurisdiction	What constitutes “chronic” property	Types of Nuisances	Remedy	Link More Information
Beaverton, OR	A chronic nuisance property is defined as having 3 or more nuisance activities occur during any 30-day period, 4 or more in 90-days or 6 or more in 365-days.	Criminal	If property owner fails to abate nuisance they will face fines.	http://www.codepublishing.com/OR/Beaverton/html/Beaverton05/Beaverton0507.html http://www.beavertonoregon.gov/
Bend, OR	A chronic nuisance property is defined as having 3 or more nuisance activities occur during any 30-day period.	Criminal	If owner fails to abate nuisance or comply with City requests within the requested amount of time the city can close down the property and initiate penalty fines.	http://www.codepublishing.com/OR/Bend/html/Bend05/Bend0545.html http://www.bend.or.us/index.aspx?page=534
Clackamas County, OR	A chronic nuisance property in which 3 or more nuisance activities have taken place during any 60-day period, or 12 in 12 months	Criminal	If owner fails to abate the nuisance within 10 days of receiving notice or no agreeable written plan was reached within 30 days, the property owner can face criminal and financial liabilities.	http://www.clackamas.us/code/documents/title6.pdf page 29 of 46 http://www.clackamas.us/codeenforcement/
Corvallis, OR	A chronic nuisance property is defined as having 3 or more nuisance activities occur during any 30-day period, or 5 or more in a 90-day period.	Criminal	Chief of Police shall determine chronic nuisance and direct owner to abate nuisance within 30 days or show good cause. Property owner can face criminal and financial liabilities.	Bob Loewen, Housing specialist, 541-766-6552 or Bob.Loewen@corvallisoregon.gov https://www.municode.com/library/or/corvallis/codes/code_of_ordinances?nodeId=TIT5OF_CH5.07CHNUPR_S5.07.020CHNUPR

City/Jurisdiction	What constitutes “chronic” property	Types of Nuisances	Remedy	Link More Information
Gresham, OR	A chronic nuisance property is defined as having 3 or more nuisance activities occur during any 120-day period.	Criminal	Determine chronic nuisance sending letter after 2 or more chronic nuisance within 300 feet. Property owner fails to respond could lead to abatement and enforced civil penalties and/or citations	http://greshamoregon.gov/CodeCompliance/ https://greshamoregon.gov/city/city-departments/community-development/code-enforcement/template.aspx?id=25152 Code Compliance, 1333 N.W. Eastman Parkway Gresham, OR 97030 USA Phone: 503-618-2463 Additional Phone: 503-618-2779 Email: CodeEnforcement@GreshamOregon.gov
Portland, OR	Property on which 3 or more nuisance activities exist or have occurred any 30-day period.	Criminal and Non-Criminal	Property owner faces civil and financial liability.	http://www.portlandonline.com/Auditor/Index.cfm?c=28531 https://www.portlandoregon.gov/bds/article/95827
Salem, OR	A public nuisance property is one in which 3 or more nuisance activities occur within any 30-day period.	Criminal	If owner fails to abate nuisance or comply the matter is referred for a hearing. Penalties can be issued for each day the nuisance continues. Unpaid costs become a lien on the property.	http://www.cityofsalem.net/Departments/Legal/Salem%20Revised%20Codes/Public%20Nuisance.pdf http://www.cityofsalem.net/Departments/CommunityDevelopment/NeighborhoodEnhancementDivision/ComplianceServices/Pages/default.aspx
Tigard, OR	A chronic nuisance property is a property in which four or more distinct occurrences of any nuisance have taken place during any 60-day period.	Criminal	If property owners fail to abate the nuisance, the city will close the property for no fewer than 30 and no more than 180 days. There will also be a civil penalty of the costs to abate the nuisance.	http://www.tigard-or.gov/business/municipal_code.php

City/Jurisdiction	What constitutes “chronic” property	Types of Nuisances	Remedy	Link More Information
Tualatin, OR	A chronic nuisance property is defined as having 3 or more nuisance activities occur during any 90-day period.	Criminal	Chief of Police shall notify owner. Owner has 30 days. No agreement met, Abatement or matter is referred to city attorney for civil penalties against owner.	http://www.tualatinoregon.gov/police/code-enforcement
Bremerton, WA	A chronic nuisance property is one in which 3 or more nuisance activities have occurred any 60-day period.	Criminal and Non-Criminal	After three, post notice of civil infraction, max penalty \$1000, Failure to comply CA for further action. Abatement determined. Civil penalties and costs, superior court, \$100 dollars a day	Joe Sexton: Community Resource Unit, Bremerton Police Department, 1025 Burwell Street, Bremerton, WA 98337, (360) 473-5231 http://www.ci.bremerton.wa.us/184/Code-Enforcement
Seattle, WA	3 or more nuisance activities have occurred any 60-day period or 7 or more during 12 months	Criminal	Chief of Police sends notice to property owner and owner must respond in 7 days or abatement. No abatement, a penalty up to \$500 a day equaling a civil penalty up to \$25K	http://www.seattle.gov/cityattorney/about-us/precinct-liaison-division/chronic-nuisance-properties
Tacoma, WA	A chronic nuisance property in which 3 or more nuisance activities have taken place during any 60-day period.	Criminal	City department confirms chronic nuisance property. Owner is notified. 10 days to response and abate or action plan. Civil penalties applied and accumulate until remedied	https://www.cityoftacoma.org/government/city_departments/neighborhood_and_community_services/community_services_division/code_compliance

City/Jurisdiction	What constitutes “chronic” property	Types of Nuisances	Remedy	Link More Information
Sunnyside, WA	Three or more nuisance activities in 180-day period	Criminal and Non-Criminal	Department determines if property chronic nuisance and notifies person in charge of property in writing. City Attorney enforces after 6-months. Citation, court, city costs will seek relief through lien on property	http://www.dailysunnews.com/news/2014/jul/24/citys-code-enforcement-officer-isnt-always-well-re/
Fort Collins, CO	A public nuisance means 3 or more separate violations have occurred within a 12-month period or 5 or more within 24 months	Criminal and Non-Criminal	Written notice property owner 10 days before filing. File in Municipal court serve summons. Owner can enter voluntary abatement plan	http://www.fcgov.com/nuisance/ Fort Collins City attorney, Patty Phone: (970)221-6520
Madeira Beach, FL	A chronic nuisance property is a property in which three or more occurrences of any nuisance have taken place during any 45-day period, or 7 or more in 6 months.	Criminal and Non-Criminal	Pattern of nuisance activity is construed. Notice posted and sent to property owner. 15 days to declare. Development of action plan, Hearing, etc.	http://www.madeirabeachfl.gov/index.php?option=com_content&view=article&id=1&Itemid=101 http://www.madeirabeachfl.gov/

Attachment B**MORALS AND PUBLIC CONDUCT**

4.670 Unruly Gatherings - Definitions. As used in sections 4.672, 4.990(1), and 4.996(5) and (6) of this code, the following words and phrases mean:

Alcoholic liquor. An alcoholic beverage containing more than one-half of one percent of alcohol by volume.

Host. To invite or to receive persons to a social gathering on property of which one has control as owner, lessee, tenant or licensee.

Organize. To encourage attendance (at an unruly gathering).

Response costs. The costs associated with responses by law enforcement, fire and other emergency response providers to unruly gatherings, including but not limited to:

- (a) Salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with unruly gatherings, and the administrative costs attributable to such response(s);
- (b) The cost of any medical treatment to or for any law enforcement, fire or other emergency response personnel injured while responding to, remaining at or leaving the scene of an unruly gathering.
- (c) The cost of repairing any city equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at or leaving the scene of an unruly gathering.

Juvenile. Any person under eighteen years of age.

Minor. Any person under twenty-one years of age.

Unruly gathering. A party or gathering where alcohol is served or consumed, and where any two or more of the following behaviors occur on the property where the gathering takes place or on adjacent property:

- (a) Any violation of state or city of Eugene laws relating to the sale, service, possession or consumption of alcoholic liquor;
- (b) Assault, as defined in section 4.729 of this code;
- (c) Menacing, as defined in section 4.730 of this code;
- (d) Harassment, as defined in section 4.726 of this code;
- (e) Intimidation, as defined in section 4.731 of this code;
- (f) Disorderly conduct, as defined in section 4.725 of this code;
- (g) Noise disturbance, as defined in sections 4.080 – 4.084 of this code;
- (h) Criminal mischief, as defined in sections 4.780 and 4.782 of this code;
- (i) Public urination or defecation, as defined in section 4.770 of this code;
- (j) Littering, as defined in section 6.805 of this code, by a person who attended the party or gathering; and

- (k) Unlawful use or explosion of fireworks, as prohibited by ORS 480.120 or section 4.934 of this code.

Owner. The person or entity listed as the owner in the Lane County property tax records.

Property.

- (a) Any dwelling unit or group of dwelling units at a single street number address, including but not limited to a house, duplex, triplex, apartment(s), condominium(s) or other structure(s) with one or more dwelling units, hotel or motel room(s);
- (b) A hall, meeting room or other structure that serves as a gathering place;
- (c) Any private real property adjacent to, and under the same ownership as, the location of a structure described in section (a) or (b) of this definition;
- (d) Public right-of-way.

“Property” does not include a restaurant, bar or tavern.

Twelve-month period. The twelve months immediately preceding the most recent citation.

(Section 4.670 added by Ordinance No. 20504, enacted January 28, 2013, effective March 2, 2013; and amended by Ordinance No. 20532, enacted June 23, 2014, effective June 24, 2014.)

4.672 Unruly Gatherings – Provisions.

- (1) No person shall organize or host an unruly gathering if the person knows or reasonably should know that it is an unruly gathering.
- (2) It is an affirmative defense to a citation issued for a violation of subsection (1) of this section that the person who organized or hosted an unruly gathering contacted the police as soon as any of the violations or offenses listed in the definition of “unruly gathering” occurred.
- (3) A person who violates subsection (1) of this section shall be subject to a fine prescribed by subsection (1) of section 4.990 of this code. In addition, a person who is convicted of violating subsection (1) of this section for a second time, and for any additional time, within a twelve-month period shall pay an administrative civil penalty in the amount of response costs, regardless of whether the offense occurred at the same or a different property, as provided in subsection (5) of section 4.996 of this code.
- (4) If an unruly gathering occurs at the same private property more than three times in a twelve-month period, the owner of the property shall be liable for response costs for the fourth and any subsequent occurrence that occurs within a twelve-month period of three other occurrences at the same property.

Attachment B

- (5) After an unruly gathering occurs at a private property, and after any future occurrence of an unruly gathering at the same property, city staff will notify the owner(s) of the property. The notice shall include a copy of this ordinance and a description of the owner's potential liability for response costs under subsection (4) of this section.
- (6) If a juvenile violates subsection (1) of this section or is the owner of the property and the juvenile is or, but for the juvenile's age would be, responsible for payment of response costs under this section, the person's parent(s) or legal guardian(s) are responsible for response costs.
- (7) Financial liability under this section is joint and several.
- (8) Appeals.
 - (a) If a civil penalty is imposed upon a property owner as provided in subsection (4) of this section and subsection (6) of section 4.996 of this code, the property owner or owner's agent may appeal the determination that a violation occurred or amount of the penalty to the city manager in accordance with section 2.021 of this code.
 - (b) In an appeal under this section, when determining to what extent, if any, the owner should be responsible for response costs, the city manager shall consider evidence of the following actions on the part of the property owner to prevent or abate the nuisance, even if unsuccessful:
 1. On the first occurrence of an unruly gathering, the owner or owner's agent issued a written warning to the residents of the dwelling unit where the unruly gathering occurred that future violations may result in initiation of eviction proceedings.
 2. On the second occurrence of an unruly gathering at the same dwelling unit, the owner or owner's agent issued a written notice that termination of the rental agreement will be initiated for the tenant(s) responsible for any future unruly gatherings.
 3. On the third occurrence of an unruly gathering at the same dwelling unit, the owner or owner's agent initiated eviction proceedings against the tenant(s) responsible for the unruly gathering.
 4. Prior to the fourth occurrence of an unruly gathering, new tenants replaced those who committed the previous violations, and the owner or owner's agent implemented reasonable precautions to deter or prevent any additional unruly gatherings.
 - (c) In an appeal by an owner of property where ten or more dwelling units are located, if no more than two of the violations occurred at the same dwelling unit, the city manager shall consider, in addition to the factors listed in subsection (8)(b) of this section, whether the owner or owner's agent implemented other measures to

prevent or discourage unruly gatherings. Such measures may include, but are not limited to, employing a resident manager, providing a local agent who is accessible to tenants at all times for emergencies, hiring on-site security, and including behavioral standards in the rental agreement.

(Section 4.672 added by Ordinance No. 20504, enacted January 28, 2013, effective March 2, 2013.)

Chapter 29.05 Title, Purpose and Scope

29.05.010 Title.

(Amended by Ordinance No. 180330, effective August 18, 2006.) Title 29 of Portland City Code shall be known as the "Property Maintenance Regulations."

29.05.020 Purpose.

(Amended by Ordinance No. 182488, effective February 21, 2009.) The purpose of this Title is to protect the health, safety and welfare of Portland citizens, to prevent deterioration of existing housing and the exterior of non-residential structures, and to contribute to vital neighborhoods by:

- A. Establishing and enforcing minimum standards for residential structures regarding basic equipment, facilities, sanitation, fire safety, and maintenance.
 - B. Establishing and enforcing minimum standards of maintenance for outdoor areas and adjacent rights of way.
 - C. Regulating and abating dangerous and derelict buildings.
 - D. Establishing and enforcing minimum standards for the exterior maintenance of non-residential structures.
-

29.05.030 Scope.

(Amended by Ordinance No. 180330, effective August 18, 2006.) The provisions of this Title shall apply to all property in the City except as otherwise excluded by law.

29.05.040 Application of Titles 24, 25, 26, 27, 28, and 33.

Any alterations to buildings, or changes of their use, which may be a result of the enforcement of this Title shall be done in accordance with applicable Sections of Title 24 (Building Regulations), Title 25 (Plumbing Regulations), Title 26 (Electrical Regulations), Title 27 (Heating and Ventilating Regulations), Title 28 (Floating Structures), and Title 33 (Planning and Zoning) of the Code of the City of Portland.

29.05.050 Use of Summary Headings.

(Repealed by Ordinance No. 180330, effective August 18, 2006.)

Chapter 29.10 Definitions

29.10.010 General.

(Amended by Ordinance No. 180330, effective August 18, 2006.) For the purpose of this Title, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this Chapter. "And" indicates that all connected items or provisions apply. "Or" indicates that the connected items or provisions may apply singly or in combination. Terms, words, phrases and their derivatives used, but not specifically defined in this Title, either shall have the meanings defined in Title 24, or if not defined, shall have their commonly accepted meanings.

29.10.020 Definitions.

(Amended by Ordinance Nos. 173248, 173270, 174265, 176381, 176955, 180330, 181699, 182488 and 183534, effective July 1, 2010.) The definitions of words with specific meaning in this Title are as follows:

A. Abatement of a nuisance. The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.

B. Accessory Structure. Any structure not intended for human occupancy which is located on residential or non-residential property. Accessory structures may be attached to or detached from the residential or non-residential structure. Examples of accessory structures include: garages, carports, sheds, and other non-dwelling buildings; decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways, and other exterior structures on the property.

C. Adjacent right of way. The sidewalks and planting strips that border a specific property as well as the near half of the streets, alleys, or other public rights of way that border a specific property.

D. Apartment House. See Dwelling Classifications.

E. Approved. Meets the standards set forth by applicable Portland City Code including any applicable regulations for electric, plumbing, building, or other sets of standards included by reference in this Title.

F. Basement. The usable portion of a building which is below the main entrance story and is partly or completely below grade.

G. Boarded. Secured against entry by apparatus which is visible off the premises and is not both lawful and customary to install on occupied structures.

H. Building. Any structure used or intended to be used for supporting or sheltering any use or occupancy.

I. Building, Existing. Existing building is a building erected prior to the 1972 adoption of the building code by the City of Portland, or one for which a legal permit has been issued.

J. Ceiling Height. The clear distance between the floor and the ceiling directly above it.

K. Court. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

L. Dangerous Building. See Dangerous Structure.

M. Dangerous Structure. Any structure which has any of the conditions or defects described in Section 29.40.020, to the extent that life, health, property, or safety of the public or its occupants are endangered.

N. Demolition Warrant. An order from the Circuit Court authorizing the demolition of a dangerous structure as authorized by this Title, including disposal of all debris in an approved manner, and returning the lot to a clean and level condition.

O. Derelict Building. Any structure which has any of the conditions or defects described in Section 29.40.010 A.

P. Director. Is as defined in Section 24.15.070.

Q. Disabled vehicle. Any vehicle which is or appears to be inoperative, wrecked or dismantled, or partially dismantled.

R. Duplex. See Dwelling Classifications, "Two-Family Dwelling."

S. Dwelling. Any structure containing dwelling units, including all dwelling classifications covered by the Title.

T. Dwelling Classifications. Types of dwellings covered by this Title include:

4. If the occupancy exceeds five days, the resident has a business address or a residence other than at the hotel.

VV. Two-Family Dwelling. See Dwelling Classifications.

WWW. Unsecured. Any structure in which doors, windows, or apertures are open or broken so as to allow access by unauthorized persons.

XXX. Vehicle. Any device in, on, upon, or by which any person or property is or may be transported or drawn upon a public highway, except a device moved by human power or used exclusively upon stationary rails or tracks, including but not limited to a body, an engine, a transmission, a frame, or other major part.

YYY. Warehousing. Securing a structure against vandalism, deterioration, and unauthorized entry pending its return to active use or occupancy.

ZZ. Yard. An open, unoccupied space, other than a court, unobstructed from the ground to the sky, and located between a structure and the property line of the lot on which the structure is situated.

1. **Single-Family Dwelling.** A structure containing one dwelling unit.
2. **Two-Family Dwelling.** A structure containing two dwelling units, also known as a "duplex."
3. **Apartment House.** Any building or portion of a building containing three or more dwelling units, which is designed, built, rented, leased, let, or hired out to be occupied for residential living purposes.
4. **Hotel.** Any structure containing six or more dwelling units that are intended, designed, or used for renting or hiring out for sleeping purposes by residents on a daily, weekly, or monthly basis.
5. **Motel.** For purposes of this Title, a motel shall be defined the same as a hotel.
6. **Single-Room Occupancy Housing Unit.** A one-room dwelling unit in a hotel providing sleeping, cooking, and living facilities for one or two persons in which some or all sanitary or cooking facilities (toilet, lavatory, bathtub or shower, kitchen sink, or cooking equipment) may be shared with other dwelling units.
7. **Manufactured Dwelling.** The term "manufactured dwelling" includes the following types of single-family dwellings as noted below. Manufactured Dwelling does not include any unit identified as a recreational vehicle by the manufacturer:
 - a. **Residential Trailer.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed before January 1, 1962.
 - b. **Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
 - c. **Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations.
8. **Floating Home.** A floating structure used primarily as a dwelling unit. Application of this Title

shall be modified for floating homes, when appropriate, by nautical application and tradition as defined in Portland City Code 28.01.020.

U. Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating, and sanitation.

V. Eradication. Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

W. Exit. (Means of Egress.) A continuous, unobstructed means of escape to a public way, including intervening doors, doorways, exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, passageways, exterior courts and yards.

X. Exterior Property Area. The sections of residential property which are outside the exterior walls and roof of the dwelling.

Y. Extermination. The elimination of insects, rodents, vermin or other pests at or about the affected building.

Z. Floor Area. The area of clear floor space in a room exclusive of fixed or built-in cabinets or appliances.

AA. Guard or Guardrail. 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.

BB. Habitable Room (Space). Habitable room or space is a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

CC. Handrail. A horizontal or sloping rail intended for grasping by the hand for guidance or support.

DD. Hotel. See Dwelling Classifications.

EE. Immediate Danger. Any condition posing a direct immediate threat to human life, health, or safety.

FF. Infestation. The presence within or around a dwelling of insects, rodents, vermin or other pests to a degree that is harmful to the dwelling or its occupants.

GG. Inspection. The examination of a property by the Director for the purpose of evaluating its condition as provided by this Title.

HH. Inspection Warrant. An order from the Circuit Court authorizing a safety or health inspection or investigation to be conducted at a designated property.

II. Inspector. An authorized representative of the Director whose primary function is the inspection of properties and the enforcement of this Title.

JJ. Interested Party. Any person or entity that possesses any legal or equitable interest of record in a property including but not limited to the holder of any lien or encumbrance of record on the property.

KK. Kitchen. A room used or designed to be used for the preparation of food.

LL. Lavatory. A fixed wash basin connected to hot and cold running water and the building drain and used primarily for personal hygiene.

MM. Lawn area. Any area of a property, including vacant lots, where lawn grasses are used as ground cover, or where the ground covering vegetation does not permit passage to substantial portions of the property without walking directly on the vegetation.

NN. Lawn grass. Varieties of grass that were planted, or are commonly sold, for the purpose of maintaining a mowed lawn.

OO. Maintenance. The work of keeping property in proper condition to perpetuate its use.

PP. Maintained compost area. A small portion of a property set aside for the purpose of encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer for the soil on the property. A maintained compost area shows clear indicators that the yard debris placed there is being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of

rapid decomposition is not a maintained compost area.

QQ. Manufactured Dwelling. See Dwelling Classifications.

RR. Motel. See Dwelling Classifications.

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

TT. Nuisance Abatement Warrant. An order from the Circuit Court authorizing the removal and abatement of any nuisance as authorized by this Title, including disposal of the nuisance items removed in an appropriate manner.

UU. Occupancy. The lawful purpose for which a building or part of a building is used or intended to be used.

VV. Occupant. Any person (including an owner or operator) using a building, or any part of a building, for its lawful, intended use.

WW. Operator. Any person who has charge, care or control of a building or part of a building in which dwelling units are let or offered for occupancy.

XX. Outdoor area. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

YY. Owner. The person whose name and address is listed as the owner of the property by the County Tax Assessor on the County Assessment and Taxation records.

ZZ. Plumbing or Plumbing Fixtures. Plumbing or plumbing fixtures mean any water heating facilities, water pipes, vent pipes, garbage or disposal units, waste lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connection to water, gas, sewer, or vent lines.

AAA. Property. Any real property and all improvements, buildings or structures on real property, from property line to property line.

BBB. Public right-of-way. Any sidewalk, planting strip, alley, street, or pathway, improved or unimproved, that is dedicated to public use.

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

DDD. Resident. Any person (including owner or operator) hiring or occupying a room or dwelling unit for living or sleeping purposes.

EEE. Residential Property. Real property and all improvements or structures on real property used or intended to be used for residential purposes including any residential structure, dwelling, or dwelling unit as defined in this chapter and any mixed-use structures which have one or more dwelling units. Hotels that are used exclusively for transient occupancy, as defined in this Title, are excluded from this definition of residential property.

FFF. Residential Rental Property. Any property within the City on which exist one or more dwelling units which are not occupied as the principal residence of the owner.

GGG. Residential Structure. Any building or other improvement or structure containing one or more dwelling units as well as any accessory structure. This includes any dwelling as defined in this Title.

HHH. Shall. As used in this Title, is mandatory.

III. Single-Family Dwelling. See Dwelling Classifications.

JJJ. Single-Room Occupancy Housing Unit. See Dwelling Classifications.

KKK. Sink. A fixed basin connected to hot and cold running water and a drainage system and primarily used for the preparation of food and the washing of cooking and eating utensils.

LLL. Sleeping Room. Any room designed, built, or intended to be used as a bedroom as well as any other room used for sleeping purposes.

MMM. Stagnant Water. Any impoundment of water in which there is no appreciable flow of water through the impoundment and the level of water does not vary during any 48-hour period.

NNN. Street. Includes any street, avenue, boulevard, alley, lane, bridge, bicycle path, road, walk, public thoroughfare or public way, and any land over which a right of way has been obtained, or granted and accepted for any purpose of public travel, including all area between property lines, and area dedicated to street use.

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

PPP. Summary Abatement. Abatement of a nuisance by the City, or by a contractor hired by the City, without obligation to give prior notice of the abatement action to the owner or occupant of the property.

QQQ. Supplied. Installed, furnished or provided by the owner or operator.

RRR. Swimming Pool. Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above ground and on-ground swimming pools, hot-tubs and spas.

SSS. Toilet. A flushable plumbing fixture connected to running water and a drainage system and used for the disposal of human waste.

TTT. Toilet Compartment. A room containing only a toilet or only a toilet and lavatory.

UUU. Transient Occupancy. Occupancy of a dwelling unit in a hotel where the following conditions are met:

1. Occupancy is charged on a daily basis and is not collected more than six days in advance;
2. The lodging operator provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy;
3. The period of occupancy does not exceed 30 days; and

Chapter 29.30 Housing Maintenance Requirements

29.30.005 General.

(Amended by Ordinance Nos. 180330 and 181699, effective April 25, 2008.)

- A.** An owner may not maintain or permit to be maintained, in violation of this Chapter, any residential property.
- B.** All residential property shall be maintained to the building, mechanical, plumbing and electrical code requirements in effect at the time of construction, alteration, or repair.
- C.** Where construction, alteration or repair has been made to a residential property illegally without benefit of a permit, all work shall be required to meet current requirements of the applicable Oregon Specialty Code as adopted in Sections 24.10.040, 25.01.020, 26.01.030 and 27.01.030 of the City Code.
- D.** The specific minimum maintenance standards set forth in Sections 29.30.010 through 29.30.240 shall only apply to residential property that was constructed, altered or repaired before July 1, 1974. Subsections 29.30.250 through 29.30.290 shall apply to all applicable structures regardless of construction date.

29.30.010 Display of Address Number.

Address numbers posted shall be the same as the number listed on the County Assessment and Taxation Records for the property. All dwellings shall have address numbers posted in a conspicuous place so they may be read from the listed street or public way. Units within apartment houses shall be clearly numbered, or lettered, in a logical and consistent manner.

29.30.020 Accessory Structures.

All accessory structures on residential property shall be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

29.30.030 Roofs.

(Amended by Ordinance No. 176381, effective May 10, 2002.) The roof shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building and shall channel rainwater in an approved manner to an approved point of disposal.

29.30.040 Chimneys.

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

29.30.050 Foundations and Structural Members.

- A.** Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.
- B.** The supporting structural members in every dwelling shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

29.30.060 Exterior Walls and Exposed Surfaces.

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

29.30.070 Stairs and Porches.

Every stair, porch, and attachment to stairs or porches shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, or loose.

29.30.080 Handrails and Guardrails.

(Amended by Ordinance No. 176381, effective May 10, 2002.) Every handrail and guardrail shall be firmly fastened, and shall be maintained in good condition, capable of supporting the loads to which it is subjected, and meet the following requirements:

- A.** Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.
- B.** Where not otherwise required by original building codes, exterior stairs of more than three risers which are designed and intended to be used as part of the regular access to the dwelling unit shall have handrails. Interior stairs of more than three risers shall have handrails. When required handrails are installed they shall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.
- C.** Where not otherwise required by original building codes, porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guardrails. When required guardrails are installed, they shall be installed so that they meet the applicable building code requirements in effect at the time this work is being performed.

29.30.090 Windows.

(Amended by Ordinance No. 181699, effective April 25, 2008.)

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

B. Except where another approved ventilation device is provided, the total openable window area in every habitable room shall be equal to at least one-fortieth (2.5%) of the area of the room. The glazed areas need not be openable where the opening is not required for emergency escape and an approved mechanical ventilation system is provided capable of producing 0.35 air changes per hour in the room.

C. Every bathroom or toilet room or compartment shall comply with the light and ventilation requirements for habitable rooms as required by Subsections 29.30.090 A and B, except that no window shall be required in bathrooms or toilet compartments equipped with an approved ventilation system.

D. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements described in Section 29.30.230 A shall have a sill height of no more than 44 inches above the floor or above an approved, permanently installed step. The step must not exceed 12 inches in height and must extend the full width of the window. The top surface of the step must be a minimum of six feet from the ceiling above the step.

E. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements described in Section 29.30.230 A shall have a minimum net clear opening of at least 20 inches wide and at least 22 inches high.

F. Every window required for ventilation or emergency escape shall be capable of being easily opened and held open by window hardware. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

G. All windows within 10 feet of the exterior grade that open must be able to be securely latched from the inside as well as be openable from the inside without the use of a key or any special knowledge or effort. This same requirement shall apply to all openable windows that face other locations that are easily accessible from the outside, such as balconies or fire escapes, regardless of height from the exterior grade.

H. Every window shall be substantially weather-tight, shall be kept in sound condition and repair for its intended use, and shall comply with the following:

1. Every window sash shall be fully supplied with glass windowpanes or an approved substitute without open cracks and holes.
2. Every window sash shall be in good condition and fit weather-tight within its frames.
3. Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling.

29.30.100 Doors.

- A.** Every dwelling or dwelling unit shall have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment, to an exterior yard or court or to an approved exit. All such doors shall be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.
- B.** In hotels and apartment houses, exit doors in common corridors or other common passageways shall be openable from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.
- C.** Every door to the exterior of a dwelling unit shall be equipped with a lock designed to discourage unwanted entry and to permit opening from the inside without the use of a key or any special knowledge or effort.
- D.** Every exterior door shall comply with the following:
1. Every exterior door, door hinge, door lock, and strike plate shall be maintained in good condition.
 2. Every exterior door, when closed, shall fit reasonably well within its frame and be weather-tight.
 3. Every doorframe shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling.
- E.** Every interior door and doorframe shall be maintained in a sound condition for its intended purpose with the door fitting within the doorframe.

29.30.110 Interior Walls, Floors, and Ceilings.

- A.** Every interior wall, floor, ceiling, and cabinet shall be maintained in a clean, sanitary, safe, and structurally sound condition, free of large holes and serious cracks, loose plaster or wallpaper, flaking or scaling paint.
- B.** Every toilet compartment, bathroom, and kitchen floor surface shall be constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

29.30.120 Interior Dampness.

Every dwelling, including basements, and crawl spaces shall be maintained reasonably free from dampness

to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

29.30.130 Insect and Rodent Harborage.

Every dwelling shall be kept free from insect and rodent infestation, and where insects and rodents are found, they shall be promptly exterminated. After extermination, proper precautions shall be taken to prevent reinfestation.

29.30.140 Cleanliness and Sanitation.

(Amended by Ordinance Nos. 176381, 177254, 181699 and 184885, effective October 28, 2011.)

A. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. All household garbage shall be stored in receptacles which are free from holes and covered with tight fitting lids.

B. The interior of every dwelling shall be maintained in a clean and sanitary condition and free from any accumulation of rubbish or garbage so as not to breed insects and rodents, produce dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or create a fire hazard.

C. The owner of a residential rental property shall provide for each dwelling unit, or subscribe for service where a franchisee provides at least one 20 gallon receptacle into which garbage and rubbish may be emptied for storage and collection. Receptacles must be of sufficient capacity to prevent the overflow of garbage and rubbish from occurring. Receptacles and lids shall be watertight and provided with handles. All receptacles shall be maintained free from holes and covered with tight-fitting lids at all times. The owner of the residential rental property shall subscribe to and pay for weekly recycling and composting service and every-other-week garbage removal service by a refuse collection permittee or franchisee as defined in Chapter 17.102 of the Code of the City of Portland.

D. The owner of any owner occupied residential property shall be required to subscribe and pay for weekly recycling and composting service and every-other-week garbage removal service by a refuse collection permittee or franchisee as defined in Chapter 17.102 of the Code of the City of Portland if the property has been posted two or more times within one year for violation of Subsection 29.20.010 H.1. or 2.

29.30.150 Bathroom Facilities.

Except as otherwise noted in this Section, every dwelling unit shall contain within its walls in safe and sanitary working condition:

A. A toilet located in a room that is separate from the habitable rooms and that allows privacy;

B. A lavatory basin; and

C. A bathtub or shower located in a room that allows privacy.

In hotels and apartment houses where private toilets, lavatories, or baths are not provided, there shall be on each floor at least one toilet, one lavatory, and one bathtub or shower each provided at the rate of one for every twelve residents or fraction of twelve residents. Required toilets, bathtubs, and showers shall be in

a room, or rooms, that allow privacy.

29.30.160 Kitchen Facilities.

A. Every dwelling unit shall contain a kitchen sink apart from the lavatory basin required under Section 29.30.150, with the exception of single-room occupancy housing units which shall comply with Subsection 29.30.290 B.

B. Except as otherwise provided for in Subsections 29.30.290 B and C, every dwelling unit shall have approved service connections for refrigeration and cooking appliances.

29.30.170 Plumbing Facilities.

(Amended by Ordinance 180330, effective August 18, 2006.)

A. Every plumbing fixture or device shall be properly connected to a public or an approved private water system and to a public or an approved private sewer system.

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

C. In every dwelling all plumbing or plumbing fixtures shall be:

1. Properly installed, connected, and maintained in good working order;
2. Kept free from obstructions, leaks, and defects;
3. Capable of performing the function for which they are designed; and
4. Installed and maintained so as to prevent structural deterioration or health hazards.

D. All plumbing repairs and installations shall be made in accordance with the provisions of Title 25 (Plumbing Regulations).

29.30.180 Heating Equipment and Facilities.

(Amended by Ordinance Nos. 179842 and 180330, effective August 18, 2006.)

A. All heating equipment, including that used for cooking, water heating, dwelling heat, and clothes drying shall be:

1. Properly installed, connected, and maintained in safe condition and good working order;
2. Free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards; and
3. Capable of performing the function for which they are designed.

B. Every dwelling shall have a heating facility capable of maintaining a room temperature of 68 degrees Fahrenheit at a point 3 feet from the floor in all habitable rooms.

1. Portable heating devices may not be used to meet the dwelling heat requirements of this Title.
2. No inverted or open flame fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

C. All mechanical repairs and installations shall be made in accordance with the provisions of Title 27 (Heating and Ventilating Requirements.)

29.30.190 Electrical System, Outlets, and Lighting.

(Amended by Ordinance 180330, effective August 18, 2006.) All buildings used for residential purposes shall be connected to an approved source of electric power. Every electric outlet and fixture shall be maintained and safely connected to an approved electrical system. The electrical system shall not constitute a hazard to the occupants of the building by reason of inadequate service, improper fusing, improper wiring or installation, deterioration or damage, lack of access to a dwelling unit's breaker or disconnect switch or similar reasons.

In addition to other electrical system components that may be used to meet cooking, refrigeration, and heating requirements listed elsewhere in this Title, the following outlets and lighting fixtures are required:

- A.** Every habitable room shall contain at least two operable electric outlets or one outlet and one operable electric light fixture.
- B.** Every toilet compartment or bathroom shall contain at least one supplied and operable electric light fixture and one outlet. Every laundry, furnace room, and all similar non-habitable spaces located in a dwelling shall have one supplied electric light fixture available at all times.
- C.** Every public hallway, corridor, and stairway in apartment houses and hotels shall be adequately lighted at all times with an average intensity of illumination of at least one foot candle at principal points such as angles and intersections of corridors and passageways, stairways, landings of stairways, landings of stairs and exit doorways, and at least 1/2-foot candle at other points. Measurement of illumination shall be taken at points not more than 4 feet above the floor.
- D.** All electrical repairs and installations shall be made in accordance with the provisions of Title 26 (Electrical Regulations.)

29.30.200 Ceiling Heights.

(Amended by Ordinance Nos. 180330 and 181699, effective April 25, 2008.) Habitable rooms in existing one and two family dwelling buildings shall have a clear ceiling height of at least 7 feet. Habitable rooms in other existing buildings shall have a clear ceiling height of at least 7 feet 6 inches. The following height exceptions may be used for the one and two family dwelling ceiling height requirements:

A. Flat ceilings. Where the ceiling is flat, ceiling heights may be a minimum of 6 feet 8 inches. Pipes, ducts, beams, or similar objects projecting from the ceiling may be as follows:

1. Ceiling projections may be as low as 6 feet where they are located within 2 feet from the wall; or

2. Ceiling projections may be as low as 6 feet 2 inches where they do not occupy more than 10 percent of the floor area in the room where they are located.

B. Sloped ceilings.

1. **General.** Where the ceiling is sloped, the height may be as follows:

- a. The minimum ceiling height must be at least 6 feet 8 inches over an area comprising at least 50% of the overall room area; and

- b. Portions of the room with a ceiling height less than 5 feet shall not be counted toward the overall room area.

2. **Bathrooms.** In bathrooms with sloped ceilings not more than 75% of the floor area of a bathroom is permitted to have a sloped ceiling less than 7 feet in height, provided an area of 21 inches by 24 inches in front of toilets and lavatories has a minimum of 6 feet 4 inches in height. An area of 24 inches by 30 inches in front of and inside a tub or shower shall have a minimum of 6 feet 4 inches in height.

C. These exceptions to the current building codes shall not apply where any occupancy has been changed, or the occupant load has been increased, contrary to the provisions of this Title.

29.30.210 Sleeping Room Requirements.

Every room used for sleeping purposes:

A. Shall be a habitable room as defined in this title;

B. Shall not be a kitchen;

C. Shall have natural light, ventilation, and windows or other means for escape purposes as required by this Title; and

D. Shall comply with the following minimum requirements for floor area:

1. Shall have a minimum area of at least 70 square feet of floor area, except that where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each person in excess of two. No portion of a room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the room's minimum area.

2. Any dwelling or portion of any dwelling constructed pursuant to permit or lawfully constructed prior to permit requirements shall be deemed in compliance with respect to sleeping room area provided that the deficiency in floor area is no more than 15 percent of that required by Subsection 29.30.210 D 1. This subsection shall not apply where any occupancy has been changed, or the number of

occupants has been increased, contrary to the provisions of this Title.

3. Floor area requirements for single-room occupancy housing units shall be in accordance with Section 29.30.290 of this Title.

29.30.220 Overcrowding.

No dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there are more residents than one plus one additional resident for every 100 square feet of floor area of the habitable rooms in the dwelling unit.

29.30.230 Emergency Exits.

(Amended by Ordinance Nos. 176381 and 180330, effective August 18, 2006.)

A. Every sleeping room shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full clear opening without the use of special knowledge, effort, or separate tools. Windows used to meet this requirement shall meet the size and sill height requirements described in 29.30.090 D. and E. All below grade windows used to meet this requirement shall have a window well the full width of the window, constructed of permanent materials with a minimum 3 foot by 3-foot clearance in front of the window measured perpendicular to the outside wall. If the bottom of the window well is more than 44" below the ground level, approved steps or an approved permanently attached ladder shall be used.

B. Required exit doors and other exits shall be free of encumbrances or obstructions that block access to the exit.

C. All doorways, windows and any device used in connection with the means of escape shall be maintained in good working order and repair.

D. In addition to other exit requirements, in hotels and apartment houses:

1. All fire escapes shall be kept in good order and repair and painted so as to prevent corrosion of metal, in a manner approved by the Fire Marshal.

2. Every fire escape or stairway, stair platform, corridor or passageway which may be one of the regular means of emergency exit from the building shall be kept free of encumbrances or obstructions of any kind.

3. Where doors to stair enclosures are required by City code to be self-closing, the self-closing device shall be maintained in good working order and it shall be unlawful to wedge or prop the doors open.

4. Windows leading to fire escapes shall be secured against unwanted entry with approved devices.

5. Every apartment house and hotel shall have directional signs in place, visible throughout common passageways, that indicate the way to exit doors and fire escapes. Emergency exit doors and windows shall be clearly labeled for their intended use.

29.30.240 Smoke Detectors.

(Amended by Ordinance Nos. 176381 and 180330, effective August 18, 2006.) Smoke detectors sensing visible or invisible particles of combustions or alarms shall be required in all buildings where a room or area therein is designated for sleeping purposes either as a primary use or use on a casual basis. Smoke

detectors or alarms shall be installed in each sleeping room or area, in the immediate vicinity of the sleeping rooms and on each additional story of the dwelling, including basements and attics with habitable space. All detectors or alarms shall be approved, shall be installed in accordance with the manufacturer's instructions, shall plainly identify the testing agency that inspected or approved the device, and shall be operable.

29.30.250 Fire Safety Conditions for Apartment Houses and Hotels of More than Two Stories.

(Amended by Ordinance No. 178745, effective October 1, 2004.) In addition to other fire safety requirements of this title, hotels and apartment houses of more than two stories in height shall meet the following requirements:

A. Minimum fire safety standards shall be as provided in Appendix Chapter 12 of the State of Oregon Structural Specialty Code, 1979.

B. Residential High Rise Buildings constructed in accordance with the high-rise building requirements of the Oregon Structural Specialty Code shall maintain all the required fire and life safety systems and equipment in good repair and working order. Upon request of the Director the owner shall produce proof that required fire and life safety systems are fully operational.

29.30.260 Hazardous Materials.

(Amended by Ordinance No. 180330, effective August 18, 2006.)

A. When paint is applied to any surface of a residential structure, it shall be lead-free.

B. Residential property shall be free of dangerous levels of hazardous materials, contamination by toxic chemicals, or other circumstances that would render the property unsafe. Where a governmental agency authorized by law to make the determination has verified that a property is unfit for use due to hazardous conditions on the property, the property shall be in violation of this Title. Any such property shall remain in violation of this Title until such time as the agency has approved the abatement of the hazardous conditions. The Director may order such property vacated pursuant to Section 29.60.070 of this Title.

C. No residential property shall be used as a place for the storage and handling of highly combustible or explosive materials or any articles which may be dangerous or detrimental to life or health. No residential property shall be used for the storage or sale of paints, varnishes or oils used in the making of paints and varnishes, except as needed to maintain the dwelling

D. Residential property shall be kept free of friable asbestos.

29.30.270 Maintenance of Facilities and Equipment.

In addition to other requirements for the maintenance of facilities and equipment described in this Chapter:

A. All required facilities in every dwelling shall be constructed and maintained to properly and safely perform their intended function.

B. All non-required facilities or equipment present in a dwelling shall be maintained to prevent structural damage to the building or hazards of health, sanitation, or fire.

29.30.280 Swimming Pool Enclosures.

(Amended by Ordinance Nos. 180330 and 181699, effective April 25, 2008.) Swimming pool enclosures shall comply with either the provisions in the 2005 Oregon Residential Specialty Code or Oregon Administrative Rule 333.060.0105 (effective 09-1-1994) as appropriate.

29.30.290 Special Standards for Single-Room Occupancy Housing Units.

(Amended by Ordinance Nos. 176955 and 180330, effective August 18, 2006.) In addition to meeting requirements for residential structures defined elsewhere in this Title, hotels containing single-room occupancy housing units shall comply with the following:

A. The unit shall have at least 100 square feet of floor area, except that any single-room occupancy housing unit constructed pursuant to permit or lawfully constructed prior to permit requirements shall be deemed in compliance with respect to floor area provided it has at least 85 square feet of floor area. This exception shall not apply where any occupancy has been changed or increased contrary to the provisions of this Title.

B. Either a community kitchen with facilities for cooking, refrigeration, and washing utensils shall be provided on each floor, or each individual single-room occupancy housing unit shall have facilities for cooking, refrigeration and washing utensils. In addition, facilities for community garbage storage or disposal shall be provided on each floor.

C. Where cooking units are provided in individual single-room occupancy housing units, they shall conform to the requirements set forth below.

1. All appliances shall be hard-wired and on separate circuits or have single dedicated connections;
2. All cooking appliances shall be fixed and permanent;
3. The Mechanical Specialty Code, as adopted by Section 27.01.030, shall be used for setting standards for cooking appliances. Cabinets over cooking surfaces shall be 30 inches above the cooking surface, except that this distance may be reduced to 24 inches when a heat shield with 1-inch airspace and extending at least 6 inches horizontally on either side of the cooking appliance is provided. Cooking appliances are limited to two cooking elements or burners and located with at least a 6-inch clear space in all directions from the perimeter of the cooking element or burner. In lieu of two-burner cooking appliances, standard third-party tested and approved ranges with ovens are acceptable, provided that the units are fixed and hard-wired or have single dedicated connections;
4. All cooking appliances shall be installed under permit from the Bureau of Development Services; and
5. All cooking appliances shall be installed so as to provide a minimum clear workspace in front of the appliance of 24 inches.

Chapter 29.40 Dangerous and Derelict Structures

29.40.005 Generally.

No property shall contain any dangerous structure or derelict building as described in this chapter. All such structures shall be repaired or demolished.

29.40.010 Derelict Buildings.

(Amended by Ordinance Nos. 176381 and 181699, effective April 25, 2008.)

A. A derelict building shall be considered to exist whenever any building, structure, or portion thereof which is unoccupied meets any of the following criteria or any residential structure which is at least 50% unoccupied meets any of the following two criteria:

- 1.** Has been ordered vacated by the Director pursuant to Chapter 29.60;
- 2.** Has been issued a correction notice by the Director pursuant to Section 29.60.050;
- 3.** Is unsecured;
- 4.** Is boarded;
- 5.** Has been posted for violation of Chapter 29.20 more than once in any two year period; or
- 6.** Has, while vacant, had a nuisance abated by the City pursuant to this Title.

B. Any property which has been declared by the Director to include a derelict building shall be considered in violation of this Title until:

- 1.** The building has been lawfully occupied;
- 2.** The building has been demolished and the lot cleared and graded under building permit, with final inspection and approval by the Director; or

3. The owner has demonstrated to the satisfaction of the Director that the property is free of all conditions and in compliance with all notices listed in the definition of a derelict building in this Section.

29.40.020 Dangerous Structures.

Any structure which has any or all of the following conditions or defects to the extent that life, health, property, or safety of the public or the structure's occupants are endangered, shall be deemed to be a dangerous structure and such condition or defects shall be abated pursuant to Sections 29.60.050 and 29.60.080 of this Title.

A. High loads. Whenever the stress in any materials, member, or portion of a structure, due to all dead and live loads, is more than 1-1/2 times the working stress or stresses allowed in the Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location.

B. Weakened or unstable structural members or appendages.

1. Whenever any portion of a structure has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability is materially less than it was before such catastrophe and is less than the minimum requirements of the Oregon State Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location; or

2. Whenever appendages including parapet walls, cornices, spires, towers, tanks, statuaries, or other appendages or structural members which are supported by, attached to, or part of a building, and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Oregon State Structural Specialty and Fire and Life Safety Code.

C. Buckled or leaning walls, structural members. 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.

D. Vulnerability to earthquakes, high winds.

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

2. Whenever any portion of a building, or any member, appurtenance, or ornamentation of 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 Oregon Structural Specialty Code and Fire and Life Safety Code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the Oregon State Structural Specialty Code and Fire and Life Safety Code for such buildings.

E. Insufficient strength or fire resistance. Whenever any structure which, whether or not erected in accordance with all applicable laws and ordinances:

1. Has in any non-supporting part, member, or portion, less than 50 percent of the strength or the fire-resisting qualities or characteristics required by law for a newly constructed building of like area, height, and occupancy in the same location; or

2. Has in any supporting part, member, or portion less than 66 percent of the strength or the fire-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.

This subsection does not apply to strength required to resist seismic loads. For application of seismic requirements see Chapter 24.85.

F. Risk of failure or collapse.

1. Whenever any portion or member of appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property; or
2. Whenever the structure, or any portion thereof, is likely to partially or completely collapse as a result of any cause, including but not limited to:
 - a. Dilapidation, deterioration, or decay;
 - b. Faulty construction;
 - c. The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such structure; or
 - d. The deterioration, decay, or inadequacy of its foundation.

G. Excessive damage or deterioration. Whenever the structure exclusive of the foundation:

1. Shows 33 percent or more damage or deterioration of its supporting member or members;
2. 50 percent damage or deterioration of its non-supporting members; or
3. 50 percent damage or deterioration of its enclosing or outside wall coverings.

H. Demolition remnants on site. Whenever any portion of a structure, including unfilled excavations, remains on a site for more than 30 days after the demolition or destruction of the structure;

I. Lack of approved foundation. Whenever any portion of a structure, including unfilled excavations, remains on a site, including:

1. Where a structure is not placed on an approved foundation and no valid permit exists for a foundation for that structure: or
2. For more than 90 days after issuance of a permit for a foundation for a structure, where the structure is not placed on an approved foundation.

J. Fire hazard. Whenever any structure is a fire hazard as a result of any cause, including but not limited to: Dilapidated condition, deterioration, or damage; inadequate exits; lack of sufficient fire-resistive construction; or faulty electric wiring, gas connections, or heating apparatus.

K. Other hazards to health, safety, or public welfare.

1. Whenever, for any reason, the structure, or any portion thereof, is manifestly unsafe for the purpose for which it is lawfully constructed or currently is being used; or
2. Whenever a structure is structurally unsafe or is otherwise hazardous to human life, including but not limited to whenever a structure constitutes a hazard to health, safety, or public welfare by reason of inadequate maintenance, dilapidation, unsanitary conditions, obsolescence, fire hazard, disaster, damage, or abandonment.

L. Public nuisance.

1. Whenever any structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence; or
2. Whenever the structure has been so damaged by fire, wind, earthquake or flood or any other cause, or has become so dilapidated or deteriorated as to become:

- a. An attractive nuisance, or
- b. A harbor for vagrants or criminals.

M. Chronic dereliction. Whenever a derelict building, as defined in this Title, remains unoccupied for a period in excess of 6 months or period less than 6 months when the building or portion thereof constitutes an attractive nuisance or hazard to the public.

N. Violations of codes, laws. Whenever any structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such structure provided by the building regulations of this City, as specified in the Oregon State Structural Specialty Code and Fire and Life Safety Code or any law or ordinance of this State or City relating to the condition, location, or structure or buildings.

29.40.030 Abatement of Dangerous Structures.

All structures or portions thereof which are determined after inspection by the Director to be dangerous as defined in this Title are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified herein. If the Director determines that a structure is dangerous, as defined by this Title, the Director may commence proceedings to cause the repair, vacation, demolition, or warehousing of the structure.

Item B.