

AN ORDINANCE AMENDING THE NUISANCE CODE, CHAPTER 5.05 OF THE
BEAVERTON CODE, REGARDING VACANT BUILDINGS

WHEREAS, the City receives complaints about vacant buildings within the city limits from time to time and has identified several vacant buildings that have become a nuisance, and

WHEREAS, vacant buildings that are allowed to become a nuisance may adversely affect property values and the quality of life in neighborhoods, and

WHEREAS vacant building that are not maintained so as to reduce the appearance of vacancy and kept secure from unauthorized entry may attract vandals, trespassers and others with no legitimate interest in the neighborhood, and

WHEREAS, vacant buildings can become a threat to public safety if they are not secured from unauthorized entry and protected against weathering due to the increased potential for arson, the potential for structural deterioration and subsequent risk of premature structural collapse in the event of a fire, now, therefore,

BE IT ORDAINED BY THE CITY OF BEAVERTON,

Section 1. The Beaverton Code is amended in Chapter 5 by adding the following sections.

5.05.081 Vacant Buildings.

A. Definition. "Vacant building" as used herein means a building, or substantial portion thereof, that is unoccupied or has not actively been furnished and so used as a place of business or residence for more than 60 days. This includes manufactured housing and mobile homes, whether located in a mobile home park or not. A vacant building also includes any building under construction where no substantial work has taken place for more than 180 days. "Vacant building" does not include a building designed for storage, intermittent or similar types of use, if such building is secure from unauthorized entry, in good repair and does not otherwise constitute a nuisance.

B. A vacant building, including adjoining yard areas, shall be maintained free of debris, garbage, graffiti, litter, portable toilets, rodents and standing water.

C. A vacant building shall be kept secure from the unauthorized entry of persons by any effective methods. The following methods are deemed per se effective:

1. Windows and doors with intact glass or panels and functional locking mechanisms that are kept locked.
2. Exterior doors secured from the interior of the building by nailing or screwing to the doorframe at distances no greater than six inches on center.

3. Intact walls and roof structures with no openings large enough for a person to enter.

4. Openings lacking intact glass or panels that are in the basement or foundation, ground floor doors and windows, and any point of entry accessible from a porch, fire escape or other potential climbing point; providing resistance to entry equivalent to or greater than that of:

i) a solid sheet of ½” CDX plywood,

ii) cut to completely cover the opening,

iii) if possible, recessed into the opening to reduce the possibility of prying it off and if not possible to recess, then reinforced with 2 x 4 braces on the inside and outside, secured with 3/8” rounded head carriage bolts, nuts and washers; with the rounded head on the weather side; as described in the National Arson Prevention Initiative’s “Board Up” procedures,

iv) securely fastened by nails or screws no greater than twelve inches on center along each edge and within four inches of each corner, and

v) painted so as to minimize the appearance of vacancy and to provide protection from weather deterioration.

5. Openings lacking intact glass or panels; located ten feet or more above any grade, porch, fire escape or other potential climbing point; providing resistance to entry equivalent to or greater than that of:

i) a solid sheet of ½” CDX plywood,

ii) cut to completely cover the opening,

iii) recessed into the opening to reduce the possibility of prying it off, if possible,

iv) securely fastened by nails or screws no greater than twelve inches on center along each edge and within four inches of each corner, and

v) painted so as to minimize the appearance of vacancy and to provide protection from weather deterioration.

D. If windows, doors, or other openings of a vacant building are covered over with boards or panels, they must be maintained in a way that reduces the appearance of vacancy and protects the structure from weathering by painting in a color matching the rest of the structure or other reasonably equivalent protective and aesthetic measures.

E. If an address has been assigned, a vacant building shall display address numbers on the exterior of the building that are plainly visible from the street.

F. A vacant building that is not maintained according to the requirements of this section, or that has repeatedly been entered by unauthorized persons, or is allowed to be unsecured or open to entry by unauthorized persons, is declared a public nuisance and subject to abatement. Such abatement may include, without limitation,

1. Measures to secure the building against unauthorized entry.
2. Painting to reduce the appearance of vacancy and provide protection from weathering.
3. Removal of debris, garbage, graffiti, litter, portable toilets, rodents and standing water.

All costs incurred for abatement may be assessed against the owner of the property.

G. A vacant building that has repeatedly been entered by unauthorized persons, or is allowed to be unsecured or open to entry by unauthorized persons may be subject to the requirements of BC Chapter 8.03 Abatement of Building Nuisances.

H. It shall be a Class 1 Civil Infraction for any owner or person in charge of property to allow a vacant building to become a public nuisance, to fail to keep a vacant building secure from unauthorized entry by any effective methods, or to fail to maintain a vacant building according to the requirements of this section.

Section 2. This ordinance may be cited by the short title of, "Vacant Building Ordinance."

First reading this 20th day of March, 2006.


Passed by the Council this 10th day of April, 2006.

Approved by the Mayor this 11th day of APRIL, 2006.

ATTEST:


SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor