

ORDINANCE NO. 4448

AN ORDINANCE ADDING CHAPTER 8.07 OF THE BEAVERTON CODE,
REGARDING RESIDENTIAL PROPERTY MAINTENANCE

WHEREAS, the City receives numerous complaints about inadequate maintenance of residential buildings within the city limits; and

WHEREAS residential buildings that are not adequately maintained may lead to deterioration of the housing stock, increased vacancy rates, and urban blight; and

WHEREAS, inadequate maintenance of residential buildings may adversely affect property values and the quality of life in neighborhoods; now, therefore,

BE IT ORDAINED BY THE CITY OF BEAVERTON,

Section 1. The Beaverton Code is amended in Chapter 8 by adding the following sections.

PART 1 – GENERAL

8.07.010 Short Title.

A. BC 8.07.010 - .450 shall be known and may be cited as the "Residential Property Maintenance Code" and may be referred to herein as "this code."

8.07.020 Purpose.

This code is enacted to protect the health, safety and welfare of Beaverton residents, to prevent deterioration of existing housing, to preserve and enhance the quality of life in residential neighborhoods, and to prevent or reduce urban blight by establishing minimum residential property maintenance standards.

8.07.030 Scope, Conflict with State Law.

A. The provisions of this code shall apply to all residential property within the City of Beaverton.

B. If a provision of this code conflicts with a provision of the building code as adopted by the City of Beaverton, the provision of the building code shall apply to the exclusion of the conflicting provision of this code.

C. Except as provided otherwise by state or federal law, if a provision of this code conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal authority having jurisdiction over residential property in the City of Beaverton, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this code.

8.07.040 Application of Other Laws.

Any repair, alteration, or addition to and change of occupancy in an existing building, or any change of use of residential property, shall be made in accordance with all applicable provisions of law, including, but not limited to, the building code, the Beaverton Code and the Beaverton Development Code.

8.07.050 Definitions; Generally.

Terms, words, phrases and their derivatives used, but not defined, in this code shall have the meanings defined in the Beaverton Development Code or in Chapters 8 or 9 of the Beaverton Code, or, if not defined therein, shall have their commonly accepted meanings. If a conflict exists between definitions in the Beaverton Code or the Beaverton Development Code and this code, the definition provided in this code shall apply to actions taken pursuant to this code.

8.07.060 Definitions.

As used in this code, unless the context requires otherwise, the following mean:

Approved - Meets the standards set forth by the Municipal Code, the Community Development Code, the Building Code, or other standards referenced in those codes, or is approved by the code official.

Bathroom - A room containing plumbing fixtures including a bathtub or shower.

Bedroom - Any room or space used or intended to be used for sleeping purposes.

Building code - The combined specialty codes described at ORS 455.010, as adopted and as may be amended by the City.

Code official - The Code Enforcement Officer, Chief Building Official or other person authorized by the Mayor to enforce the provisions of this code.

Courtyard - An open space bounded on three or more sides by walls of a building.

Dwelling - Any structure containing a dwelling unit, including the following dwelling classifications:

A. Accessory dwelling unit. An additional dwelling unit within an attached or detached single family dwelling.

B. Apartment. Any building or portion of a building containing three or more dwelling units that is intended to be occupied for residential living purposes by renting, leasing, letting, or hiring out, including condos.

C. Manufactured dwelling. including manufactured homes, mobile homes, and residential trailers.

D. Rowhouse. An attached single-family dwellings unit as defined by the State Building Code.

E. Single-family dwelling. A structure containing one dwelling unit, including adult foster care homes.

F. Single-room occupancy. A one-room dwelling unit provided for human habitation in which some or all sanitary or cooking facilities are shared with other occupants.

G. Social care facilities. Any building or portion of a building that is designed, built, rented, leased, let, hired out or otherwise occupied for group

residential living purposes. Such facilities include, but are not limited to, retirement homes, assisted living facilities, residential care facilities, half-way houses, youth shelters, and homeless shelters.

H. Townhouse. An attached single-family dwellings unit as defined by the state building code.

I. Two-family dwelling. A structure containing two dwelling units, also known as a duplex.

Dwelling unit - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Hotels used exclusively for transient occupancy are excluded from this definition of dwelling unit.

Exit - A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.

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

Habitable - Suitable for human habitation.

Habitable space - The area inside a structure available for living, sleeping, eating or cooking, not including attics, bathrooms, closets, garages, halls, laundry rooms, storage spaces, toilet rooms, or utility rooms.

Hazardous materials - Materials defined by the current fire code adopted by the Tualatin Valley Fire and Rescue District as hazardous.

Human habitation - The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

Occupant - Any individual living or sleeping in a dwelling, or having possession of a space within a dwelling.

Residential property - Real property and all improvements thereon including edifices, structures, buildings, dwelling unit or part thereof used or intended to be used for residential purposes including single-family, duplex, multifamily structures and mixed-use structures which have one or more dwelling units. Hotels used exclusively for transient occupancy are excluded from this definition of residential property. [ORS 105.425/Tigard]

Structure - A building constructed for any use.

8.07.070 Severability.

The sections and subsections of this code are severable. If any part of this code is held unconstitutional or otherwise invalid, the remaining parts shall remain in force unless:

A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or

B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

PART 2 - STANDARDS

8.07.100 Housing Maintenance Requirements; Generally.

A. A dwelling shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.

B. No person shall maintain or permit to be maintained any dwelling or residential property that does not comply with the requirements of this code.

C. An existing dwelling that does not comply with the provisions of this code and that does not comply with the standards of the applicable building code then in effect at the time of construction or subsequent alteration or repair shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.

D. The provisions of this code shall not be mandatory for an existing dwelling designated as a historic building when such dwelling is judged by the code official to be safe and its continued maintenance in historic condition to be in the public interest.

8.07.110 Minimum Standards for Human Habitation.

No dwelling shall be habitable unless provided with current service for:

- A. Electricity,
- B. Water,
- C. Sanitary Sewer, and
- D. Weekly removal and disposal of trash.

Temporary interruptions of service for routine maintenance or emergency repairs shall not constitute a violation of this section.

8.07.115 Vacant Dwellings.

A. A vacant dwelling shall meet the standards of this code to be habitable.

B. Measures taken to secure a vacant dwelling from unauthorized entry, including boarding of windows and nailing or screwing doors into door frames, shall be removed before a vacant dwelling may be inhabited.

8.07.120 Roofs.

A. The roof and flashing of a dwelling shall be structurally sound, tight, and have no defects that admit water.

B. Roof drainage of a dwelling shall channel water into approved receivers and shall be adequate to prevent water buildup or ponding from causing dampness in the walls or interior portion of the building. Roof drains, gutters and down spouts of a dwelling shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration. Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair.

C. In any two year period, tarps, tar paper or other similar materials shall not be exposed to weather on the exterior of a structure for a cumulative period of more than three months.

8.07.130 Chimneys.

A. Every chimney, stovepipe and vent pipe of a dwelling shall remain adequately supported, free from obstructions, and shall be maintained in sound condition and good repair, so as to assure there will be no leakage or back-up of noxious gases.

B. Every chimney, stovepipe and vent pipe of a dwelling shall be reasonably plumb.

C. Any loose chimney brick or block shall be rebounded, and any loose or missing mortar shall be replaced.

D. Unused openings in the interior of the structure for chimneys, stovepipes and vent pipes shall be permanently sealed using appropriate, durable materials.

8.07.140 Foundations and Structural Members.

A. A foundation shall adequately support its structure and be free of rot, crumbling, or similar deterioration.

B. All supporting structural members of a foundation shall show no significant evidence of deterioration or decay that would substantially impair the ability of a foundation to carry imposed loads.

8.07.150 Exterior Walls and Exposed Surfaces.

A. Every exterior wall and weather-exposed exterior surface of a dwelling shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions likely to admit water or dampness to the interior portions of the dwelling.

B. All exterior wood surfaces of a dwelling shall be made substantially impervious to the adverse effects of weather by periodic application of a protective coating of weather-resistant preservative such as paint or stain and be maintained in good condition, substantially free from peeling or flaking.

C. Exterior metal surfaces of a structure shall be protected from rust and corrosion.

D. Every section of exterior brick, stone, masonry, or other veneer of a structure shall be maintained in sound condition and good repair and be adequately supported and tied back to its supporting structure.

E. In any two year period, tarps, tar paper or other similar materials shall not be exposed to weather on the exterior of a structure for a cumulative period of more than three months.

8.07.160 Stairs and Porches.

Every stair, porch, and attachment to stairs or porches shall be:

- A. Safe to use and capable of supporting the loads to which it is subjected.
- B. Be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers so there is no excessive wear and no broken, warped, or loose parts.

8.07.170 Handrails and Guardrails.

A. Every flight of stairs having more than four risers shall have a handrail on at least one side. Handrails shall be between 30 and 38 inches high, measured from the tread or floor of the landing or walking surface. Handrails shall be continuous the full length of the stairs.

B. Every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface, that is more than 30 inches above the floor or grade below, shall have guardrails. Guardrails shall not be less than 36 inches high. Guardrails shall have intermediate rails or ornamental closures which will effectively exclude the passage of an object four inches or more in diameter.

C. Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good repair, and capable of supporting the loads to which it is subjected.

8.07.180 Windows.

A. Every habitable space shall have at least one window facing an exterior yard or courtyard or shall be provided with approved artificial light. The minimum total window area for each habitable space shall be eight percent of the floor area of the space, except for a habitable space in a basement, where the minimum shall be five percent of the floor area of the space.

B. Every habitable space shall have at least one openable window or openable skylight for ventilation purposes unless equipped with mechanical ventilation.

C. Every bathroom and toilet compartment shall comply with the light and ventilation requirements for a habitable space except that no window shall be required in a bathroom or toilet compartment if the bathroom or toilet compartment is equipped with artificial lighting and a mechanical ventilation system that discharges to the outdoors.

D. All windows of a dwelling unit that are openable and that are within ten feet of the exterior grade shall be able to be both opened and locked from the inside without the use of a key or any special knowledge or effort.

E. All windows of a dwelling unit that are openable and are accessible from the outside, regardless of height from the exterior grade, such as a balcony window or a fire escape

window, shall be able to be both opened and locked from the inside without the use of a key or any special knowledge or effort.

F. Every window of a dwelling shall be kept in sound condition and good repair, substantially weathertight, and shall comply with the following:

1. Every window sash shall be fully supplied with glass window panes or an approved substitute without open cracks and holes.

2. Every window sash shall be in sound condition and good repair and fit weather-tight within its frame.

3. Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude wind and rain from entering the dwelling.

8.07.190 Doors.

A. Every dwelling shall have at least one exit door leading to the exterior, or in the case of a duplex or apartment, to the exterior or to an approved exit. Exit doors shall be able to be opened from the inside without any special knowledge or effort. Screen doors and storm doors must be able to be opened from the inside without any special knowledge or effort.

B. In apartments, duplexes, single-room occupancies and social care facilities, exit doors in common corridors or passageways shall be able to be opened from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of any special knowledge or effort.

C. Every door to the exterior of a dwelling 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 of a dwelling shall comply with the following:

1. The door hinge, door lock, and strike plate shall be maintained in sound condition and good repair.

2. When closed, the door shall fit reasonably well within its frame and be weather-tight.

3. Every door frame shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude wind and rain from entering the dwelling.

E. Every interior door shall fit reasonably well within its frame by being properly and securely attached to jambs, headers or tracks and shall be capable of being opened and closed.

8.07.200 Interior Walls, Floors, and Ceilings.

A. All interior surfaces of a dwelling shall be maintained in sound condition and good repair, so to permit the interior to be kept in a clean and sanitary condition. Walls, floors, ceilings, windows, cabinets and doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch.

B. Peeling, chipping, flaking, or abraded paint in a dwelling shall be repaired, removed or covered. Cracked or loose plaster or wall paper, decayed wood and other defective surface conditions shall be repaired or replaced.

C. Every toilet compartment, bathroom, and kitchen floor surface of a dwelling 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.

8.07.205 Street Addresses.

No person shall occupy or allow occupancy of a dwelling unless a street number assigned pursuant to BC 9.02.010-.070 is displayed in accordance with the requirements of BC 9.02.040.

8.07.210 Cleanliness and Sanitation.

A. The interior of every dwelling shall be maintained in a clean and sanitary condition free from the accumulation of rubbish, garbage and any material that:

1. Provides a breeding place for insects, rodents or vermin, or
2. Produces dangerous or offensive gases, odors or bacteria, or
3. Blocks exits, hallways or corridors.

B. An occupant of a dwelling shall be responsible for keeping that part of the dwelling he or she occupies or is in control of in a clean and sanitary condition.

C. The owner of any residential property with shared or common areas, including apartments, single-room occupancies, social care facilities, mobile home parks, trailer parks and manufactured home parks, shall be responsible for maintaining the shared or common areas of the property in a clean and sanitary condition at all times.

8.07.220 Interior Dampness.

Every dwelling, including its basement and crawl space shall be maintained reasonably free from dampness so as to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

8.07.225 Standing Water.

A. No person shall cause or permit water to stand outdoors on property the person owns or controls in containers or objects that have not been emptied within seven days.

B. No person shall allow or cause containers or objects that collect water, including buckets, pots and unmounted tires, to be left outdoors for more than seven days on property the person owns or controls.

8.07.230 Insect and Rodent Harborage.

A. Every dwelling shall be kept free from insect and rodent infestation. Infestations of insects or rodents shall be promptly exterminated by methods that will not be injurious to

human health. After extermination, proper precautions shall be taken to prevent reinfestation.

B. The owner of any residential property shall be responsible for extermination within any structure prior to any occupancy thereof.

C. The occupant of a single-family dwelling shall be responsible for extermination within the dwelling during the occupancy thereof.

D. The owner of a structure containing two or more dwelling units shall be responsible for extermination within the structure.

8.07.240 Bathroom Facilities.

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

1. A toilet located in a room that is separate from the habitable space and that allows privacy;
2. A lavatory basin; and
3. A bathtub or shower located in a room that allows privacy.

B. In single-room occupancies and social care facilities where private toilets, lavatories, or baths are not provided, there shall be at least one toilet, lavatory, and bathtub or shower provided for every twelve residents or less. Toilets, bathtubs, and showers shall be in a room, or rooms, that provide privacy.

8.07.250 Kitchen Facilities.

A. Every dwelling shall contain a kitchen sink apart from the lavatory basin required under section 8.07.240, with the exception of single-room occupancy, which shall comply with section 8.07.390 and social care facilities complying with section 8.07.250(C).

B. Except as otherwise provided for in sections 8.07.250(C) and 8.07.390, every dwelling shall have approved service connections and facilities for refrigeration and cooking.

C. A social care facility may be provided with a community kitchen with facilities for cooking, refrigeration, and washing utensils.

8.07.260 Plumbing Facilities.

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

B. Sinks, lavatory basins, bathtubs and showers within a dwelling shall be supplied with both hot and cold running water. Every dwelling shall be supplied with water heating facilities for each dwelling unit. Water heating facilities within a dwelling shall be

capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit at each hot water outlet for at least ten minutes.

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 significant 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.

8.07.270 Heating Equipment and Facilities.

A. Every dwelling shall have a permanently installed heat source capable of maintaining a temperature of 68 degrees Fahrenheit at a point three feet from the floor and two feet from any wall in all habitable spaces, bathrooms and toilet rooms.

B. All heating devices or appliances shall be listed, approved, and properly vented. No cooking appliance, inverted flame heaters or open flame heaters may be used as a heating source in a dwelling.

C. All heating equipment in a dwelling, including equipment used for cooking, water heating and clothes drying shall be:

1. Maintained in sound condition and good repair,
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.

8.07.280 Electrical System, Receptacles, and Lighting.

A. Electric power to any structure shall be from an approved source; receptacles and fixtures shall be safely connected to an approved electrical system. The electrical system within a structure shall not constitute a hazard by reason of inadequate service, deterioration, damage, improper fusing, improper wiring or installation.

B. In addition to other electrical system components that may be used to meet cooking, refrigeration, and heating requirements listed elsewhere in this code, the following receptacles and lighting fixtures are required in a dwelling:

1. Every habitable space shall contain at least two operable electric receptacles or one receptacle and one operable electric light fixture.
2. Every toilet compartment, bathroom, laundry room or other wet location shall contain at least one operable electric light fixture and one grounded electrical receptacle or a receptacle with a ground-fault interrupter.
3. Every furnace room and all similar nonhabitable spaces in a dwelling shall have one operable electric light fixture.
4. Every public hallway, corridor, and stairway in apartments, single-room occupancies and social care facilities 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 one-half foot candle at other points. Measurement of illumination shall be taken at points not more than four feet above the floor.

8.07.290 Bedroom Requirements.

- A. Every bedroom in a dwelling shall be a habitable space.
- B. Every bedroom in a dwelling shall have at least one emergency exit for escape or rescue, either an openable window or exterior door.
- C. Windows in a dwelling provided to meet emergency exit requirements in bedrooms shall have a sill height of no more than 44 inches above the floor or a permanently installed step. The step must not be more than 12 inches higher than the floor and must be at least 20 inches wide and at least 12 inches deep.
- D. Windows in a dwelling that are provided to meet emergency exit requirements in bedrooms shall have a minimum net clear opening at least 20 inches wide, at least 22 inches high, and, if constructed after July 1, 1974, at least five square feet in area.
- E. Windows in a dwelling provided for emergency exit in bedrooms shall be opened from the inside without the use of a key or any special knowledge or effort and be held open by window hardware.

8.07.300 Overcrowding.

- A. No dwelling unit shall be overcrowded. A dwelling unit is overcrowded if there are more occupants than one, plus one additional occupant for every 150 square feet of floor area of the habitable space in the dwelling unit.
- B. If a dwelling has three, four or five occupants, the dwelling must have a dining room and living room with a combined area of not less than 200 square feet, plus kitchen space of not less than 50 square feet. If a dwelling has six or more occupants, it must have a dining room, and living room with a combined area of not less than 250 square feet, plus kitchen space of not less than 50 square feet.

8.07.310 Emergency Exits.

- A. Every habitable space shall have at least one openable window or exterior door approved for emergency escape or rescue. Emergency exit windows must be openable from the inside without special knowledge, effort or tools. Windows used to meet this requirement shall meet the size and sill height requirements described in 8.07.290. 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 three-foot clearance measured perpendicular to the outside wall. The bottom of the well may not be more than 44 inches below grade.

B. Required exit doors and windows in a structure shall be free of encumbrances or obstructions that block access to the exit.

C. All doorways, windows and any device used in connection with exits in a structure shall be kept in sound condition and good repair.

D. In addition to other exit requirements, all fire escapes and stairways, stair platforms, corridors or passageways that may be used as a means of emergency exit from an apartment, single-room occupancy or social care facilities:

1. Shall be kept in sound condition and good repair.
2. Shall be kept free of encumbrances or obstructions of any kind.
3. Shall not be used for storage of flammable or combustible materials.

E. Where doors to stair enclosures in a structure are required by a building code or other applicable law to be self-closing, the self-closing device shall be maintained in sound condition and good repair. No person shall wedge or hold open a self-closing door to stair enclosures except by means of an approved magnetic device connected to a functioning fire alarm system.

F. Windows and doors in a structure leading to fire escapes shall be secured against unwanted entry with approved devices that permit opening from the inside without the use of a key or any special knowledge, effort or tool.

G. Apartments, single-room occupancies, and social care facility shall have directional signs visible throughout common passageways to indicate the way to exit doors and fire escapes. Emergency exit doors and windows in apartments, single-room occupancies, and social care facilities shall be clearly labeled for their intended use as emergency exits.

8.07.320 [Intentionally Omitted]

8.07.330 Hazardous Materials.

A. Residential property shall be free of dangerous levels of hazardous materials, contamination by toxic chemicals, or other materials that would render the property unsafe.

B. No person shall keep in an unreasonably dangerous manner any highly combustible or explosive materials or any materials that 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 reasonably needed to maintain the dwelling in sound condition and good repair.

8.07.340 Maintenance of Facilities and Equipment.

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

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

2. 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.

8.07.350 [Intentionally Omitted]

8.07.360 Illegal Residential Occupancy.

Human habitation of a tent, camper, motor home, recreational vehicle, or other similar structure or space that is not intended for permanent residential use is prohibited, unless

- A. Authorized by a declaration of local emergency; or
- B. Limited in any three month period to a cumulative period of not more than 14 days.

8.07.370 Fences.

Fences, whether built as part of a subdivision or added thereafter, shall be maintained in sound condition and good repair. Fence posts shall be kept in a vertical position, and rails shall be kept in a horizontal position. Fence posts and rails with evidence of significant rot or deterioration must be replaced to keep the fence safe and prevent catastrophic failure. Fence posts and rails that lean or sag more than 15 degrees will be considered to be in violation of this section. Missing fence boards must be replaced within 30 days, unless dogs are kept inside a fenced yard, in which case missing boards must be replaced immediately. Fences of weather-resistant wood, such as redwood or cedar, need not be painted or stained, but if paint or stain is applied, it must be maintained free of peeling, bubbling or flaking.

8.07.380 Swimming Pools.

A. Swimming pools shall comply with the provision of Sections 8.05.005 through 8.05.100 of the Beaverton Code.

B. Special pools and swimming pools that hold or are capable of holding water exceeding 24 inches in depth at any point must be maintained so that the water does not become green, brown or black.

C. Special pools and swimming pools that hold or are capable of holding water exceeding 24 inches in depth at any point must be maintained so that the water is not stagnant and does not provide a habitat for amphibians, mosquitoes or other insect pests.

8.07.390 Special Standards for Single-Room Occupancy Housing Units.

In addition to meeting requirements for dwellings described elsewhere in this code, single-room occupancies shall comply with the following:

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

2. Where cooking units are provided in single-room occupancies, they shall conform to these requirements:

a. The Mechanical Specialty Code shall be used for installation 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 non-combustible heat shield with one inch airspace and extending at least six inches horizontally on either side of the cooking appliance is provided. Cooking appliances shall be located with at least a six inch clear space in all directions from the perimeter of the cooking element or burner;

b. All cooking appliances shall be installed so as to provide a minimum clear space in front of the appliance of 24 inches.

PART 3 - ENFORCEMENT

8.07.500 Penalties.

A. Except as otherwise provided in this section, violation of a provision of this code is a Class 1 civil infraction to be processed in accordance with the provisions of BC 2.10.010 to 2.10.050 punishable upon conviction by a fine of not more than \$250. Each day of continuing violation shall be considered a separate offense.

B. Violation of BC 8.07.205 or 8.07.380 is a Class 2 civil infraction to be processed in accordance with the provisions of BC 2.10.010 to 2.10.050 punishable upon conviction by a fine of not more than \$150. Each day of violation shall be considered a separate offense.

C. Violation of BC 8.07.225 is a Class 3 civil infraction to be processed in accordance with the provisions of BC 2.10.010 to 2.10.050 and punishable upon conviction by a fine of not more than \$50. Each day of violation shall be considered a separate offense.

D. Violation of BC 8.07.110, 8.07.210, 8.07.310, 8.07.360 or 8.07.510 is a Class C misdemeanor, punishable upon conviction by a fine of not more than \$6,250 and/or imprisonment not to exceed 30 days. Each day of violation shall be considered a separate offense.

8.07.510 Prohibited Habitation.

A. No person shall inhabit, remain in, or enter a dwelling or structure that has been duly posted with a notice to vacate or with an order forbidding occupancy pursuant to the Uniform Code for the Abatement of Dangerous Buildings as adopted by the City; provided, however, the building official may grant a person express written permission to enter said dwelling or structure for purposes reasonably related to repair or demolition.

B. No person shall remove or deface any notice to vacate or order forbidding occupancy duly posted on a dwelling or structure pursuant to the Uniform Code for the Abatement of Dangerous Buildings as adopted by the City until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the building code.

8.07.520 Additional Remedies.

A. Any penalty or remedy imposed pursuant to this code is in addition to, and not in lieu of, any other civil, criminal or administrative penalty, sanction or remedy otherwise authorized by law.

B. A violation of this code is a public nuisance and may be enjoined or abated by repair in accordance with the provisions of BC 5.05.200 to 5.05.260.

C. A violation of this code is a public nuisance and may be enjoined or abated in accordance with the provisions of the Uniform Code for the Abatement of Dangerous Buildings. For purposes of the Uniform Code for the Abatement of Dangerous Buildings, this code shall be deemed a housing code.

D. A court of competent jurisdiction may appoint a receiver pursuant to the Oregon Housing Receivership Act, ORS 105.420 to 105.455, to perform an abatement of residential property found in violation of this code. For purposes of the Oregon Housing Receivership Act, this code shall be deemed a housing code.

E. A citation for a violation of this code shall not relieve the responsible party of the duty to maintain residential property in accordance with this code. The abatement of a violation pursuant to this code does not prejudice the right of any person to recover damages arising out of or related to the violation.

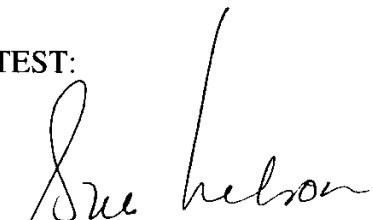
F. If a citation alleging a violation of sections 8.07.110, 8.07.210, 8.07.310 or 8.07.320 is issued, and if the affected dwelling unit is or becomes vacant, no person shall reoccupy or permit re-occupancy of the dwelling unit until all repairs have been made by the responsible party and inspected by the code official.

First Reading this 13th day of August, 2007.

Passed by the Council this 20th day of August, 2007.


Approved by the Mayor this 21st day of August, 2007.

ATTEST:



SUE NELSON, CITY RECORDER

APPROVED:



ROB DRAKE, MAYOR