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GENERAL PROVISIONS

50.005. Short Title. This chapter shall be known and may be cited as the Property Maintenance Code. (Ord No. 8-2000)

50.010. Purpose. The council finds and declares that conditions tending to reduce the value of private property, that promote blight and deterioration, that are attractive nuisances creating a hazard to the health and safety of minors, that create a harborage for pests, may be injurious to the health, safety and general welfare of the public. (Ord No. 8-2000)

50.015. Scope. This chapter is to protect the public health, safety and general welfare by regulating existing structures, residential and nonresidential, and existing premises by establishing minimum requirements and standards for structures and premises for the protection from the elements, life safety, other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners and occupants; and for administration, enforcement and penalties. (Ord No. 8-2000)

50.020. Intent. This chapter shall be construed to secure and ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance as required herein. (Ord No. 8-2000)

50.025. Definitions; Rules of Construction.

(a) Unless the context otherwise specifically requires, for purposes of this Chapter, the following terms and phrases mean:

- (1) Abandoned Structure means a vacant structure that is an attractive nuisance.
- (2) Ashes means the residue of the combustion of solid fuels.
- (3) Attractive Nuisance means buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.

- (4)** Basement means that portion of a building or structure which is partly or completely below grade.
- (5)** Boarded means the securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.
- (6)** Building means any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.
- (7)** Building Code means the specialty codes applicable in the City of Salem, as provided in SRC Chapter 56.
- (8)** Building Official means the administrator of the Building and Safety Division of the Community Development Department, or the administrator's designee.
- (9)** Bulk Solid Waste means discarded bedding, mattresses and furniture, junk, yard debris as defined in SRC 47.020(gg), uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.
- (10)** Deterioration means a lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.
- (11)** Derelict structure means a building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:
- (A)** Is unoccupied and unsecured;
 - (B)** Is partially constructed;
 - (C)** Is an abandoned structure or attractive nuisance;
 - (D)** Is in condition of deterioration;
 - (E)** Has an infestation of pests;
 - (F)** Has doors or windows boarded over, or;
 - (G)** Other condition that in the opinion of the Health Officer is detrimental to public health, safety or welfare.
- (12)** Director means the City Manager, or the department head charged by the City Manager with the implementation and enforcement of this Chapter, or that department head's designee.
- (13)** Dwelling Unit means a single unit within a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. As used in this Chapter, dwelling unit includes, as the context requires, single family dwellings, duplexes, triplexes, condominiums, residential trailers, mobile homes, manufactured homes, multi-family dwellings, and single units therein.
- (14)** Extermination means the control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Health Officer.
- (15)** Garbage means all classes of putrefactive and easily decomposable animal and vegetable matter, including, without limitation, wastes produced from the handling and preparation of food, and packaging originally used for foodstuffs.
- (16)** Hazardous Solid Waste means any solid waste which, in the opinion of the Health Officer, would constitute a danger to collection personnel or to anyone who

may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.

(17) Hazardous Thicket means blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous.

(18) Health Officer means the City Manager, or the department head charged by the City Manager with the implementation and enforcement of this Chapter, or that department head's designee.

(19) Hearings Officer means the person or persons appointed by the City Council to serve as the Hearings Officer pursuant to SRC 2.035.

(20) Imminent Hazard means any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.

(21) Incipient Hazard means any condition that can become an imminent hazard if further deterioration is allowed to occur.

(22) Indoor Fixture means any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.

(23) Indoor Furnishing means any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.

(24) Infestation means the presence of pests in large numbers that are harmful or bothersome within or adjacent to a building or structure or upon a premises.

(25) Junk means articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this Chapter the term "junk" includes, but is not limited to: (a) any derelict motor vehicle, trailer, or boat, i.e., any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; (b) neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or (c) wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; (d) machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; (e) any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; (f) any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; (g) any bulk solid waste; and (h) solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

(26) Legally occupied means the use of a premises for a purpose authorized by law, including the building code and zone code. For the purposes of this Chapter, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this Chapter, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.

(27) Let for occupancy or let means to permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

(28) Noxious Vegetation means weeds more than ten inches in height; grass more

than ten inches in height; rank or dead vegetation; poison oak, poison hemlock, poison ivy; hazardous thickets; or other rank, noxious, and dangerous vegetation that is a health hazard; a fire hazard; or a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of the public right-of-way hazardous. This definition shall not include agriculture crops, endangered riparian grasses that have not come to seed, and wet land grasses that are neither a fire nor a traffic hazard.

(29) Occupancy means the purpose for which a building, structure or premises is used or intended to be used.

(30) Occupant means any person living or sleeping in a building or structure, or having possession of a space within a building or structure or possession of a premises.

(31) Owner means the person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto; a lessee or tenant in possession.

(32) Partially Constructed means an occupied or vacant structure, or portion thereof, has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.

(33) Person means an individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.

(34) Pests means animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.

(35) Premises means a lot, or parcel of land, including any buildings or structures thereon.

(36) Rank Vegetation means any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

(37) Receptacle means a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

(38) Recycling means the process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

(39) Remediation means the elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

(40) Rubbish means worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.

(41) Skilled Manner means executed in a proper manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

(42) Solid Waste means all waste, in solid, semisolid or liquid form including, but not limited to, garbage, rubbish, trash, ashes, street refuse, waste paper, corrugated material and cardboard; commercial, industrial, demolition and construction wastes; food waste as defined in SRC 47.020(i), small dead animals, infectious waste as defined in ORS 459.386(4) and other wastes. As used in this Chapter, solid waste

does not include sewage, sewage sludge, or sewage hauled as an incidental part of a septic tank or cesspool cleaning service or materials that are used for fertilizer, for compost or composting or for other productive agricultural or horticultural purposes.

(43) Structure means that which is built or constructed; an edifice or building of any kind, including mobile or manufactured homes and mobile outbuildings; or any work that is built up as an addition to or fixture on a premises.

(44) Temporary means a period up to 6 months in any 12 month period.

(45) Unfit for Human Habitation means a building or structure that, as found by the Health Officer, is unfit for human habitation due to; unsanitary conditions, infestation, accumulation of filth or contamination, lacks of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

(46) Unoccupied means not legally occupied.

(47) Unsecured means unlocked or otherwise open to entry.

(48) Ventilation means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

(49) Waste Tire means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

(b) Words stated in the present tense in this Chapter include the future; the singular number includes the plural, and the plural includes the singular. Where terms are not defined in this Chapter and are defined in the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes. Terms not otherwise defined in this Chapter or in the state building, plumbing or mechanical codes shall have ordinarily accepted meanings. Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof."

(Ord No. 8-2000; Ord No. 33-05; Ord No. 31-06; Ord No. 72-07; Ord No. 26-11; Ord No. 12-14)

50.030. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter which shall continue in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable. (Ord No. 8-2000)

50.035. Application of Other Codes. Nothing in this chapter shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Salem Revised Code, or the requirement to obtain all necessary permits and approvals. (Ord No. 8-2000)

50.040. Saving Clause. This chapter shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed. (Ord No. 8-2000)

50.045. Coordination of Enforcement. Whenever inspections are necessary by the health officer and any other department, the health officer shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. (Ord No. 8-2000)

50.050. Responsibility.

(a) Unless otherwise provided for, the health officer shall be responsible for the enforcement all of the provisions of this chapter. The health officer may appoint such number of officers,

technical assistants, inspectors and other employees as shall be necessary for the administration of this chapter. The health officer is authorized to designate an employee as deputy who shall exercise all the powers of the health officer during the temporary absence or disability of the health officer.

(b) Where conditions or prohibitions under this chapter are regulated by the Building Code, the Building Official shall be responsible for making such determination and taking appropriate action as provided therein. (Ord No. 8-2000)

50.055. Modifications. Where there are extreme hardships involved in carrying out provisions of this chapter, the health officer shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured. (Ord No. 8-2000)

50.060. Failure to Obey Order of Health Officer.

(a) It shall be unlawful for any person acting intentionally to refuse to obey an order by the Health Officer acting in the discharge or apparent discharge of official duty.

(b) It is no defense to a prosecution for a violation of this section that the Health Officer lacked legal authority to issue the order, provided the Health Officer was acting under color of official authority. (Ord No. 8-2000; Ord No. 33-05)

MAINTENANCE AND REPAIRS

50.100. Required Maintenance. All systems, devices and safeguards required by this Chapter or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus insuring the health and safety of all inhabitants. (Ord No. 8-2000; Ord No. 33-05)

50.105. Skilled Work Required. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a skilled manner. (Ord No. 8-2000)

JUNK

50.255. Outside Storage Prohibited.

(a) Unless otherwise specifically allowed by law, it shall be unlawful to store items of personal property out-of-doors, or outside a building or structure that is not fully enclosed.

(b) Notwithstanding subsection (a) of this section, the following items of personal property may be stored outside of a building or structure:

(1) Firewood that is stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit a lawful fireplace or wood stove on the premises;

(2) Construction material, if the construction material is temporarily stored in a manner to protect its utility and to prevent its deterioration and the construction material is to be used for construction on the premises;

(3) Open storage of materials directly associated with the primary activity of a business, provided the business is a permitted, special, or conditional use within any CR, CG, or Industrial and Employment zone, and the materials are enclosed by a sight obscuring fence erected in conformance with SRC 807.015(e), are safely stacked, bundled, or otherwise source-separated, and will remain in the stream of commerce with an articulable future use; and

(4) All other items of personal property which are of a type, condition or quantity consistent with normal and intended use. By way of illustration, but not limitation, as used in this section, items of personal property include barbeque grills, lawn furniture, and solid waste disposal receptacles.

(Ord No. 8-2000; Ord No. 33-05; Ord 31-13; Ord No 12-14)

50.260. Keeping Junk Prohibited.

(a) No person shall deposit or keep junk within a public right of way, or out-of-doors on any premises within the city, or in a building or structure that is not fully enclosed.

(b) Notwithstanding subsection (a) of this section, the following junk may be deposited or kept out-of-doors on premises within the city:

(1) Any wrecked, neglected or derelict motor vehicle, or parts thereof, kept in a motor vehicle wrecking business licensed by the city.

(2) Any derelict or neglected motor vehicle displayed by a business offering new and used motor vehicles for sale.

(3) Any wrecked motor vehicle stored outside an approved enclosure at a business offering motor vehicle services, as described under SRC 400.055(b), or Heavy Vehicle and Trailer Service and Storage, as described under SRC 400.055(g), provided that no more than eight vehicles in an industrial zone or four vehicles in a commercial zone shall be kept outside of an approved enclosure at any one time. The enclosure shall conform with the sight obscuring requirements of SRC 807.015(e)(2).

(4) Any neglected or derelict vehicle stored at a business offering motor vehicle services, as described under SRC 400.055(b), or Heavy Vehicle and Trailer Service and Storage, as described under SRC 400.055(g).

(5) Recyclable solid waste that has been source separated and collected in conformance with this chapter.

(6) Recyclable materials or source separated solid waste kept at a scrap and waste material establishment, operating in compliance with all applicable laws and where the materials or solid waste are enclosed by a sight obscuring fence in conformance with SRC 807.015(e)(2) or in a receptacle.

(7) Any waste tire kept for storage, collection, transportation, or disposal by a person licensed for that purpose by the State of Oregon. (Ord No. 8-2000; Ord No. 33-05; Ord No. 31-13; Ord 12-14)

50.265. Abatement of Junk Motor Vehicles. The abatement of junk motor vehicles from private or public property is subject to the provisions of SRC 102.200 to 102.235. (Ord No. 8-2000; Ord No. 26-11)

GENERAL EXTERIOR BUILDING AND STRUCTURE MAINTENANCE

50.500. General. The exterior of a building or structure shall be maintained in good repair, so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare. (Ord No. 8-2000; Ord No. 33-05)

50.505. Exterior Surfaces. All wood and metal surfaces, including, but not limited to, window frames, doors, door frames, cornices, porches, siding and trim on buildings and structures shall be maintained in good condition, so as not to be in a state of deterioration. (Ord No. 8-2000; Ord No. 33-05)

50.510. Street Numbers. Each building or structure to which a street number has been assigned shall have such number displayed in a prominent position on the side of the building or structure closest to and easily observed and readable from the public right-of-way of the street which is the building or structure's address of record. All numbers for residential dwelling units shall be in Arabic numerals at least 4 inches high and one-half inch stroke. All numbers for all other buildings or structures, subject to this section, shall be in Arabic numerals at least three inches high and one-half inch stroke. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

50.515. Foundation Walls. All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of pests. (Ord No. 8-2000)

50.520. Exterior Walls.

(a) All exterior walls of buildings or structures shall be free from holes, breaks, loose or rotting materials and shall be maintained in good condition so as not to be in a state of deterioration.

(b) The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or a door, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building notice as described in SRC 56.200-56.270. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

50.525. Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain into the building or structure. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the building or structure. Roof drains, gutters and down spouts shall be free from obstructions and maintained in good repair, so as not to be in a state of deterioration. Any non-residential building or structure having originally been designed for and fitted with gutters and downspouts, shall continuously be maintained with such devices, in proper working condition and maintained so as not to be in a state of deterioration. The use of tarps or similar material for emergency repair shall be temporary, and not exceed six months in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building notice as described in SRC 56.200-56.270. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

50.530. Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration. When any non-residential building or structure is found to be missing a decorative feature, the Health Officer may require the missing decorative feature to be replaced with a similar material of similar size, shape, color and texture. (Ord No. 8-2000; Ord No. 33-05)

50.540. Windows and Doors. Every window, door and frame shall be kept in sound condition, good repair and weather tight. Where windows and doors have been sealed by plastic or other materials for weather proofing, said materials shall be maintained in a skilled manner. Window and door screens, while not required by this chapter, shall be maintained in a skilled manner. (Ord No. 8-2000)

50.545. Glazing.

(a) All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within fifteen days from the date the Health Officer issues a written notice, in compliance with the Building Code.

(b) Notwithstanding subsection (a) of this section, glazing in buildings and structures other than single family and two family dwellings need not be replaced within the fifteen-day period, if the opening has been boarded, an application for a building permit is made within the fifteen day period, a permit is subsequently issued, and replacement occurs prior to the expiration of the permit. (Ord No. 8-2000; Ord No 33-05; Ord No. 12-14)

50.550. Accessory Structures. All accessory structures, such as sheds, fences, walls and other similar structures shall be erected in a skilled manner and maintained in a structurally sound condition and in good repair, so as not to be in a state of deterioration. Accessory structures covered by the

Building Code shall fall under the jurisdiction of the Building Official. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

DERELICT STRUCTURES

50.600. Derelict Structures Prohibited. Derelict structures on any premises are hereby declared to be a public nuisance. (Ord No. 8-2000; Ord No. 33-05)

50.605. Order to Vacate Buildings or Structures.

(a) If the Health Officer finds a building or structure in violation of SRC 50.600, the Health Officer may order that a placard be posted on the building or structure, ordering the building or structure vacated, and to order the owner to register the building or structure as provided in SRC 50.625 - 50.634. The placard shall contain the information required in SRC 50.815.

(b) Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

50.610. Prohibited Habitation. No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Health Officer. (Ord No. 8-2000; Ord No. 33-05)

50.615. Removal of Placard Prohibited.

(a) The Health Officer shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.

(b) No person shall deface or remove a placard without the approval of the Health Officer. (Ord No. 8-2000; Ord No. 33-05)

50.620. Temporary Safeguards. Notwithstanding any other provisions of this Chapter, whenever, as determined by the Health Officer, a building or structure poses an imminent hazard or incipient hazard, the Health Officer may order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and shall cause such other action to be taken that the Health Officer deems necessary to meet such condition. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

50.625. Derelict Structure Registration. If the Health Officer determines that a building or structure is a derelict structure, the owner shall be required to register the building or structure within ten days of the Health Officer's issuance of an order to register. Registration shall be made on forms provided by the Health Officer, and shall include information relating to the location and ownership of the building or structure, the expected period of its vacancy, a plan for regular maintenance during the period of vacancy, and a plan for its re-occupancy and use, or its remediation or demolition. Any change in the information required to be provided pursuant to this section shall be given to the Health Officer not more than thirty days of the date of such change. When all conditions making the building or structure a derelict structure have been corrected, the owner shall contact the Health Officer and request an inspection to determine compliance. (Ord No. 8-2000; Ord No. 33-05)

50.630. Derelict Structure Fees.

(a) Every owner who, after receipt of an order under SRC 50.625, fails to register the building or structure within the required time set forth in the order, or registers the building or structure but allows the building or structure to remain in a derelict condition, shall pay a monthly derelict structure fee. Payment of the fee is due on the fifteenth day of each month. Any payment of the fee that is more than thirty days past due may be considered delinquent

and subject to a penalty of \$100 for every delinquent monthly payment.

(b) In the event that the fees due under this section are delinquent for more than ninety days, or in the event the owner fails to register the building or structure as required by SRC 60.625, the City Attorney, on request of the Health Officer, may file an action in the circuit court of the appropriate county for the recovery of any and all delinquent fees and penalties due under this section, which shall be the total yearly fees plus all delinquent penalties.

(c) All fees imposed under this section are to be paid prior to the issuance of any permit required for the demolition, alteration or repair of the derelict building or structure.

(d) The City Council shall annually adopt a resolution establishing the amount of derelict structure fee.

(e) Unpaid Derelict Structure fees, and any unpaid late fees, may be entered into the city's lien docket after 90 days, and a lien for the entire amount placed against the real property.

(Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

50.640. Abatement of Derelict Structure by Remediation.

(a) In addition to, and not in lieu of, the abatement remedies provided for in SRC 50.800-50.880 and receivership authority in SRC 50.910, the Health Officer may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

(b) Upon receipt of such notice, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and shall, not less than fifteen days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant. Notice shall also be posted on or near the derelict structure and copies delivered to the affected neighborhood association. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.

(c) At the hearing, the Health Officer shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Health Officer's determination, and the owner and occupants shall be afforded a like opportunity to rebut the determination. Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue. The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the State of Oregon.

(d) The Hearings Officer shall order the conditions creating the derelict structure be remediated if the Health Officer demonstrates, by a preponderance of the evidence, that the building structure is a derelict structure.

(e) In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is in a condition unfit for human habitation, or in a condition that is an incipient hazard, based on the number and extent of the following factors:

- (1) Dilapidation;
- (2) Disrepair;
- (3) Structural defects noted by the Building Official;
- (4) Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;
- (5) Uncleanliness or infestations of pests;
- (6) Condition of sanitary facilities;
- (7) The presence of a public nuisance; and
- (8) The history of unlawful activity in or around the building or structure. (Ord No. 8-

MISCELLANEOUS VIOLATIONS

50.700. Pest Infestation Prohibited.

- (a) All premises shall be kept free from pest infestation.
- (b) Pest infestations shall be promptly exterminated in a manner that will not be injurious to human health.
- (c) After extermination, proper precautions shall be taken to prevent re-infestation. (Ord No. 8-2000)

50.705. Noxious Vegetation Prohibited.

- (a) No owner shall cause or permit noxious or rank vegetation upon premises or in the right-of-way of a street abutting any premises.
- (b) In addition to, or in lieu of, any other enforcement action authorized by law, the Health Officer may cause a violation of this section to be corrected in the same manner as a public nuisance pursuant to SRC 50.810 to 50.880. (Ord No. 8-2000; Ord No. 39-2000; Ord No. 33-05)

50.710. Keeping of Chickens.

- (a) **Definitions.** As used in this section, the following mean:
 - (1) Chicken means the common domestic fowl (*Gallus gallus domesticus*) or its young.
 - (2) Chicken facility means a combination of a coop and a runway.
 - (3) Commercial poultry operation means a farm that raises chickens for sale or the production of eggs for profit.
 - (4) Community garden means a lot or parcel of land gardened collectively by a group of people or gardened individually in individual allotments.
 - (5) Coop means a structure providing roofed shelter for the chickens.
 - (6) Hen means an adult female chicken.
 - (7) Rooster means a male chicken, and includes a capon.
 - (8) Runway means a fully enclosed, fenced area connected to the coop.
 - (9) UDC means the Unified Development Code set forth in Salem Revised Code Chapters 100 through 900.
- (b) **Location.** Chickens may be kept at any residence, community garden, on any lot owned by a school or a religious organization, or in any zone where the Keeping of Livestock and Other Animals as set forth in SRC 400.120(d) is allowed under the UDC.
- (c) **Standards.** Except where the Keeping of Livestock and Other Animals is allowed under the UDC, chickens kept at any residence, community garden, or on any premises owned by a school or religious organization shall be subject to the following conditions:
 - (1) A maximum of 6 hens per premises is allowed;
 - (2) Roosters are prohibited;
 - (3) Chickens shall be confined at all times within a chicken facility, except when under the personal control of a owner or custodian;
 - (4) No chicken facility or other structure that houses chickens, either temporarily or permanently, shall be located within 3 feet of any other building on the same premises, or within 25 feet of a residence on an adjacent unit of land;
 - (5) A chicken facility shall be located in the rear yard of a premises, and shall comply with the setback requirements of the zone in which it is located;
 - (6) A chicken facility, and the premises where the chicken facility is located, shall be maintained in a condition such that the facility or chickens do not produce noise or odor that creates a nuisance for adjacent properties;

- (7) A coop shall not exceed 120 square feet, and;
- (8) There shall be a minimum of 3 square feet of coop space, and 6 square feet of run space, per chicken.
- (d) Chickens not kept in compliance with this section shall be deemed a public nuisance under SRC 50.800. If the owner or custodian has not rectified the conditions by the date provided in any notice provided under SRC 50.810, the City may abate the nuisance, as provided in SRC 50.800-50.880.
- (e) **Violation.**
 - (1) Except as otherwise provided under the UDC, it shall be unlawful to keep chickens in a manner that does not comply with the provisions of this section. A violation of this section is an infraction and shall be punishable as follows:
 - (A) \$250 for the first violation;
 - (B) \$500 for the second violation; and
 - (C) \$750 for the third and each subsequent violation, and the violator shall be prohibited from keeping chickens for 10 years. (Ord No. 19-10; Ord No. 8-12; Ord No. 12-14)

PUBLIC NUISANCES

50.800. Public Nuisance Prohibited.

No person shall cause, permit, or maintain a public nuisance on public or private property. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

50.805. Public Nuisances. The following are specifically declared to be public nuisances, but this list shall not be deemed to be exclusive:

- (a) Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety.
- (b) The accumulation, exposure, or deposit of any garbage, rubbish, bulk solid waste, or solid waste on any public way; or any private street, alley, or lot; or into a stream, well, spring, brook, ditch, pond, river, or other inland waters within the city; or the placing of such substances in such position that high water or natural seepage will carry the same into such waters;
- (c) Any physical condition of a premise considered an attractive nuisance, including, but not limited to abandoned wells, shafts, basements, unguarded machinery;
- (d) An abandoned, unattended, or discarded icebox, refrigerator, or other container accessible to children which has an airtight door, or lock which may not be released for opening from the inside;
- (e) Dangerous pilings and unprotected excavations;
- (f) Any premises that has unsanitary plumbing fixtures, or plumbing fixtures that permit the spillage of effluent outside of an approved sanitary sewer system, or the escape of sewer odors and gases;
- (g) The maintenance of premises which are in such a state or condition as to cause an offensive odor;
- (h) The accumulation of feces or manure in piles or heaps, unless enclosed in containers capable of excluding flies and maintained in such a manner or condition that offensive odor is not emitted therefrom;
- (i) The burning of any rubbish, garbage, rubber, cloth, or any other thing, the burning of which, or the smoke emitted from such burning, creates an offensive odor;
- (j) The accumulation of stagnant water in which mosquitoes may breed;
- (k) Violation of SRC 50.260 by keeping more than five cubic yards of junk on any residentially zoned property;
- (l) Violation of SRC 50.600, "Derelict Structures";

- (m) Violation of SRC 50.700, "Pest Infestation";
- (n) Any building or structure that is in a condition that poses an imminent hazard to public health, safety or welfare.
- (o) The keeping of chickens in violation of SRC 50.710(c). (Ord No. 8-2000; Ord No. 39-2000; Ord No. 33-05; Ord No. 12-14)

50.810. Notice to Person Responsible. Whenever the Health Officer has reasonable grounds to believe that a violation of 50.800 has occurred, a notice and order shall be served on the owner(s) and occupant(s). (Ord No. 8-2000)

50.815. Form of Notice. Such notice prescribed in 50.810 shall:

- (a) Be in writing;
- (b) Include a description of the premises sufficient for identification;
- (c) Include a statement of the reason or reasons why the notice is being issued;
- (d) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the premises into compliance with the provisions of this chapter.
- (e) Include a notice that the city may abate the nuisance pursuant to this chapter and that the person responsible shall be responsible for the costs of such abatement.
- (f) Include instructions for an appeal. (Ord No. 8-2000)

50.820. Effective Date of Notice. All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing if not personally served. (Ord No. 8-2000)

50.825. Method of Service.

- (a) Notices under this chapter shall be deemed to be properly served if a copy thereof is:
 - (1) Personally delivered to the owner(s) and occupant(s); or
 - (2) Sent by first class mail to the owner(s) and occupant(s) at their last known address; or
 - (3) Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address if they cannot be located.
- (b) Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of a owner(s) or occupant(s) shall not render the notice void and in such case the notice shall be sufficient. (Ord No. 8-2000)

50.830. Recording a Violation. The city may record a notice of violation with the County Clerk. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be recorded. (Ord No. 8-2000)

50.835. Abatement Procedures - Joint Responsibility. If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance. (Ord No. 8-2000)

50.840. Abatement Procedures - by the City.

- (a) If within time allowed, the violation has not been corrected, the Health Officer may cause the violation to be corrected.
- (b) The Health Officer shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a twenty percent charge for administrative overhead.

(c) The Health Officer or a person authorized by the Health Officer may enter upon the property to abate the nuisance only upon obtaining consent of the owner and occupant; upon obtaining an administrative warrant pursuant to SRC 4.190 through 4.225; or in an emergency pursuant to SRC 4.230. (Ord No. 8-2000; Ord No. 26-11)

50.845. Abatement Procedures - Assessment of Costs.

(a) After abatement by the city, the Director of Finance, by first class mail, shall forward to the owner(s) and occupant(s) a notice stating:

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

(2) That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice.

(b) If the costs and administrative overhead are not paid within thirty days of the billing date, the Health Officer shall thereafter file with the Hearings Officer an itemized statement of costs and overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance.

(c) Upon filing of such statement of costs and overhead, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer, and cause notice thereof to be served via certified mail to the owner(s) and occupant(s).

(d) After the hearing, the Hearings Officer shall declare the correctness of such statement and declare the same to be a lien upon the property.

(e) An error in the contents or service of any notice shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property. (Ord No. 8-2000; Ord No. 33-05)

50.850. Abatement Procedures - Summary Abatement. The abatement procedure provided by this chapter is not exclusive but is in addition to procedures provided by other laws. (Ord No. 8-2000)

50.880. Collections. Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims court or entered into the city's lien docket in the manner provided by SRC 20J.410 and a lien for the entire amount placed against the real property pursuant to SRC 20J.180. (Ord No. 8-2000; Ord No. 12-14)

PENALTIES

50.900. Violations.

(a) Violations of SRC 50.060, SRC 50.610, and SRC 50.800 are misdemeanors, all other violations of this Chapter are infractions.

(b) Violation of SRC 50.710 is an infraction, and is punishable as set forth in SRC 50.710(e)(1).

(c) Violation of any other section of this Chapter is an infraction and is punishable by a fine of not less than \$100 and not more than \$250. The second and subsequent violation of the same provision of this Chapter in any one year period is punishable by a fine of not less than \$250.

(d) In addition to any other penalty provided by law, a person adjudged responsible for violation of any of the provisions of this Chapter may be ordered by the Hearings Officer or court to correct the violation. (Ord No. 8-2000; Ord No. 33-05; Ord No. 12-14)

50.910. Receivership Authority. In addition to, and not in lieu of any other provision in this chapter, when the health officer finds residential property in violation of this chapter, and believes that the violation is a threat to the public's health, welfare and safety, and the owner has not acted in a timely

manner to correct the violations, the health officer may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455). (Ord No. 8-2000)

50.915. Civil Penalties.

(a) Civil Penalty.

Any person who fails to comply with the requirements of this Chapter or who fails to comply with an enforcement order issued pursuant to this Chapter shall be subject to a civil penalty as provided in SRC Chapter 20J, not to exceed \$2,000 per violation. Each day that a violation continues shall constitute a separate violation.

(b) Civil Penalty Against Agents.

Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, shall likewise be subject to a civil penalty. (Ord No. 12-14)

50.920. Appeals Generally. Any person who is issued an order from the Health Officer or any person who is subject to a civil penalty, pursuant to this Chapter may appeal the decision to the Hearings Officer by following the process set forth in SRC Chapter 20J. The hearing on the appeal shall follow the contested case procedures set forth in SRC 20J.240 through 20J.430. (Ord No. 12-14)

