

CITY OF MONMOUTH, COUNTY OF POLK

STATE OF OREGON

An Ordinance Adopting the Monmouth )  
Housing Code and Repealing )  
Ordinance 1157 and MCC 80.146 )

Ordinance No. 1256

WHEREAS, the Monmouth Housing Code, attached as Exhibit A, will provide regulations regarding the upkeep and maintenance of residential buildings which are not currently covered by the Nuisance or Dangerous Building sections of the Monmouth City Code or State Building Codes;

WHEREAS, it would be in the best interest of the City to Adopt the Monmouth Housing Code so the City would be better able to deal with residential properties which are eyesores to the community; and

WHEREAS, the Monmouth Housing Code is more specifically tailored to the needs of the City of Monmouth than the Uniform Housing Code:

NOW, THEREFORE; THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

Section 1. The Monmouth City Code is hereby amended by adding the following section thereto:

“MCC 80.147 Monmouth Housing Code. A publication, a copy of which is on file in the office of the City Recorder, marked and entitled Monmouth Housing Code, 2007 edition, is hereby adopted in its entirety as the Housing Code for the City and, by this reference, is incorporated in the Monmouth City Code, as if fully set forth therein.”

Section 2. Ordinance 1157 and Monmouth City Code section 80.146, Uniform Housing Code, is hereby repealed.

Section 3. If the Monmouth Housing Code in any way conflicts with the provisions of any of the State of Oregon Building Codes, the provisions of the State Building Codes shall control and apply.

Section 4. If the Monmouth Housing Code in any way conflicts with any other provision of the Monmouth City Code, other than provisions concerning State of Oregon Building Codes, the provision of the Monmouth City Code shall control and apply.

Read for the first time: July 17, 2007

Read for the second time: August 7, 2007

Adopted by the City Council: August 7, 2007

Approved by the Mayor: August 7, 2007

Attest:

\_\_\_\_\_  
John E. D. Oberst, Mayor

\_\_\_\_\_  
Phyllis L. Bolman, City Recorder

EXHIBIT A

## **CHAPTER 1 TITLE AND SCOPE**

### **SECTION 101—TITLE**

These regulations shall be known as the Monmouth Housing Code, may be cited as such, and referred to as "this code."

### **SECTION 102 — PURPOSE**

The purpose of this code is to provide a minimum standard to safeguard health, welfare, and property, by regulating and controlling the use, occupancy, and maintenance of all residential buildings, and accessory structures and fences within the City of Monmouth.

The purpose of this code is not to create or designate any particular owner or manager, as being in violation, or group of persons who will or should be protected or benefited by the terms of this code.

### **SECTION 103 — SCOPE**

The provisions of this code shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation, all accessory structures and fences within the City of Monmouth. All legal occupancies in existing buildings may be continued as provided in Section 3401 of the State of Oregon Structural Specialty Code, except such structures that are found to be substandard as defined in this code. Boarding houses, congregate residences or lodging houses shall comply with all the requirements of this code for dwellings. All additions or repairs shall be as required by the appropriate state specialty code.

## **CHAPTER 2 ENFORCEMENT**

### **SECTION 201 — GENERAL**

**201.1 Authority.** The Building Official is hereby authorized and directed to enforce all of the provisions of this code. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer and has the authority to issue citations for violations of this code.

**201.2 Right of Entry.** When it is necessary to make an inspection to enforce the provisions of this code, the Building Official may request entry at reasonable times to perform the duties imposed by this code. If the Building Official should have reason to believe that there exists in a building or upon a premises a condition that makes the building or premises unsafe, dangerous or hazardous, the building official or his representative may request entry at any time. If the building or premises is occupied, credentials shall be presented to the occupant and entry requested. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

**201.3 Responsibilities Defined.** Owners remain liable for violations imposed by this code even though an obligation is also imposed on the occupants of the building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this code.

All dwellings and parts thereof shall be maintained in a safe and sanitary condition. To determine compliance with this section, the Building Official may request to conduct an inspection and or documentation to prove repairs or compliance.

Property owners, are responsible for maintaining buildings in a sound structural condition. All dwellings shall also be kept in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

All sanitary facilities and furnished devices shall be maintained in a manner that will prevent insect and rodent infestation. The owner shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Occupants of a dwelling unit, shall maintain the dwelling and premises which they occupy and control, in a clean and sanitary condition. Occupants shall dispose of their rubbish, garbage and other organic waste in a sanitary manner.

## **SECTION 202 — SUBSTANDARD BUILDINGS**

Buildings or portions thereof that are determined to be substandard as defined in this code are hereby declared to be a violation and shall be abated by repair, rehabilitation, closure, demolition or removal in accordance with the procedure specified in Section 1004 of this code.

## **CHAPTER 3 PERMITS AND FEES**

### **SECTION 301— GENERAL**

No building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Building Official in the manner and according to the applicable conditions prescribed in the Building Code.

### **SECTION 302 — FEES**

When a building permit is required by section 301 of this code, the appropriate fees shall be paid as specified in the Building Code.

The Building Official may require a fee be paid for inspection services for Chronic Nuisance Properties as defined in this code and as per Section 1202. Inspection service fees shall be as set by the city fee schedule plus, \$100.00 administrative fee.

## **CHAPTER 4 SPACE AND OCCUPANCY STANDARDS**

### **SECTION 401 — LOCATION ON PROPERTY**

All buildings shall be located as required by the city zoning and development ordinance.

## **SECTION 402 — ROOM DIMENSIONS**

The minimum ceiling height and floor area shall be as required in chapter 3 of the Oregon Residential Building Code.

## **SECTION 403 — LIGHT, VENTILATION AND HEATING**

Light, ventilation and heating requirements shall be as required in chapter 3 of the Oregon Residential Building Code.

## **SECTION 404 — SANITATION**

**404.1 Dwelling Units, Lodging Houses and Congregate Residences.** Dwelling units, lodging houses and congregate residences shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.

**404.2 Kitchen.** Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Sinks shall be free of nicks or chips that will not allow proper sanitation.

**404.3 Fixtures.** All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material free of nicks or chips that will not allow proper sanitation.

**404.4 Water Closet Compartment.** Walls and floors of water closet compartments, except in dwelling units shall be finished in accordance with the Building Code.

**404.5 Room Separations.** Every water closet, bathtub or shower required by this code shall be installed in a room that will afford privacy to the occupant.

**404.6 Installation and Maintenance.** All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Plumbing Code.

**404.7 Utilities.** Dwelling units, lodging houses and congregate residences shall be connected and provided with water, sewer disposal, and electricity at the time occupants will occupy the building. Owners or property managers shall not allow occupants to live in any residential building without public service utilities.

## **CHAPTER 5 STRUCTURAL REQUIREMENTS**

### **SECTION 501 GENERAL**

**501.1 General.** Buildings or structures may be of any type of construction permitted by the Building Code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Building Code.

**501.2 Shelter.** Every building shall be weather protected to provide shelter for the occupants against the elements and to exclude dampness.

**501.3 Protection of materials.** All wood shall be protected against termite damage and decay as provided in the Building Code.

## **CHAPTER 6 MECHANICAL REQUIREMENTS**

### **SECTION 601 — HEATING AND VENTILATION**

**601.1 Heating.** Dwelling units, guest rooms and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of 70°F (21.1°C) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with the Building Code, the Mechanical Code and all other applicable laws. Un-vented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

**601.2 Electrical Equipment.** All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

Where there is electrical power available within 300 feet (91 440 mm) of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two electrical convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one electric light fixture.

**601.3 Ventilation.** Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Mechanical Code and in this code. Where mechanical ventilation is provided in lieu of the natural ventilation required by Section 403 of this code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

## **CHAPTER 7 EXITS**

### **SECTION 701— GENERAL**

Dwelling units or guest rooms shall have access directly to the out side or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways and appurtenances as required by Chapter 10 of the Building Code. Sleeping rooms below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

## **CHAPTER 8 FIRE PROTECTION**

### **SECTION 801— GENERAL**

All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the Building Code for the appropriate occupancy, type of construction and location on property, and shall be provided with the appropriate fire-extinguishing systems or equipment required by Chapter 9 of the Building Code.

## **CHAPTER 9 SUBSTANDARD BUILDINGS**

### **SECTION 901 — DEFINITION**

**901.1 General.** Any building or portion thereof that is determined to be an unsafe building in accordance with Section 102 of the Building Code, or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be sub standard buildings.

**901.2 Inadequate Sanitation.** Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

1. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit or lodging house.
2. Lack of or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel.
3. Lack of or improper kitchen sink in a dwelling unit.
4. Lack of hot and cold running water to plumbing fixtures in a hotel.
5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house.
6. Lack of adequate heating facilities.
7. Lack of or improper operation of required ventilating equipment.
8. Lack of minimum amounts of natural light and ventilation required by this code.
9. Room and space dimensions less than required by this code.
10. Lack of required electrical lighting.
11. Dampness of habitable rooms.
12. Infestation of insects, vermin or rodents as determined by the health officer.
13. General dilapidation or improper maintenance.
14. Lack of connection to required sewage disposal system.
15. Lack of adequate garbage and rubbish storage and removal facilities as determined by the health officer.

**901.3 Structural Hazards.** Buildings or portions thereof shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include, but not be limited to, the following:

1. Deteriorated or inadequate foundations.
2. Defective or deteriorated flooring or floor supports or a walking surface that presents a tripping hazard.
3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
6. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split or buckle due to defective material or deterioration.
7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
8. Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration.
9. Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.

**901.4 Nuisance.** Buildings or portions thereof in which there exists any nuisance as defined in this code are deemed substandard buildings.

**901.5 Hazardous Electrical Wiring.** Electrical wiring that was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not being used in a safe manner shall be considered substandard.

**901.6 Hazardous Plumbing.** Plumbing that was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not free of cross-connections or siphonage between fixtures shall be considered substandard.

**901.7 Hazardous Mechanical Equipment.** Mechanical equipment that was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good and safe condition shall be considered substandard.

**901.8 Faulty Weather Protection.** Buildings or portions thereof shall be considered substandard when they have faulty weather protection, which shall include, but not be limited to, the following:

1. Deteriorated, crumbling or loose plaster.
2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.
5. Deteriorated, missing, or broken window or door seals.

**901.9 Fire Hazard.** Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief of the fire department, is

in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered substandard.

**901.10 Faulty Materials of Construction.** The use of materials of construction, except those that are specifically allowed or approved by this code and the Building Code, and that have been adequately maintained in good and safe condition, shall cause a building to be substandard.

**901.11 Hazardous or Unsanitary Premises.** The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on a premises constitutes fire, health or safety hazards that shall be abated in accordance with the procedures specified in Section 1004 of this code.

**901.12 Inadequate Exits.** Except for those buildings or portions thereof that have been provided with adequate exit facilities conforming to the provisions of this code, buildings or portions thereof whose exit facilities were installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered substandard.

Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the building official finds that an unsafe condition exists through an improper location of exits, a lack of an adequate number or width of exits, or when other conditions exist that are dangerous to human life.

**901.13 Inadequate Fire-protection or fire-fighting equipment.** Buildings or portions thereof shall be considered substandard when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this code, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

**901.14 Improper Occupancy.** All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies shall be considered substandard.

## CHAPTER 10

### INSPECTIONS, NOTICES ORDERS, ABATEMENT

#### SECTION 1001—GENERAL

Unless the Building Official has reasonable cause to believe that there exists in a building a condition that is unsafe, dangerous or hazardous the procedure for housing code inspections should be as follows.

1. The tenant must file a written complaint with the landlord which describes the substandard conditions.
2. If there is no response to the request within 10 days, a complaint may be filed with the City of Monmouth Building Department.

## **SECTION 1002—CAUSE FOR INSPECTION**

1. If the landlord or property manager fails to make necessary repairs within 10 days after tenant notice, the tenant may request a housing code inspection through the Building Department.
2. The tenant must present the written notice to the landlord or property manager.
3. If all of the requirements of this section have been satisfied and the complaint appears to present a violation of the Housing Code, a Housing Code inspection may be scheduled.
4. The tenant must be present at the time of the inspection.

## **SECTION 1003 — NOTICE AND ORDER**

If there is reasonable cause of a violation the Building Official may issue a notice and order of violation of this code to the responsible party. The notice and order shall contain the following.

1. The name of the person(s) responsible for abating the violations and a description of the violation by code section.
2. A description of the property, by street address or otherwise, where the violation exists.
3. A direction to abate the violation within ten (10) days from the date the notice was mailed.
4. A statement that unless the violation is abated or an appeal is filed within the ten (10) day period the Building Official may issue a citation, or have the violation abated. The cost of abatement plus an administrative charge will be charged to the person(s) responsible and may become a lien against the property.
5. A statement that the person responsible may appeal the notice to abate with the City Manager as described in Section 1201.1 of this code.

## **SECTION 1004 —ABATEMENT**

The following standards shall be followed by the Building Official in ordering the repair, vacation or demolition of any substandard building or structure.

1. Any building or portion of a building declared to be substandard under this code shall be made to comply with one of the following.
  - 1.1 The building shall be repaired in accordance with the current Building Code or other current code applicable to the type of substandard conditions requiring repair.
  - 1.2 The building shall be demolished at the option of the building owner.
  - 1.3 If the building does not constitute an immediate danger to the safety of the public, it may be vacated, and secured against entry. The Building Official shall post the building as described in Section 1005.1 and revoke the building certificate of occupancy.
2. If the building or portion of a building or structure is in such condition as to make it immediately dangerous to the public, or is in such condition as to pose a safety risk to the occupants, it shall be ordered to be vacated, posted and secured against entry.
3. Following 90 days after posting, the Building Official shall request final disposition from the City Council at the first scheduled council meeting. If the Council should require the building to be abated, the Building Official shall present a cost estimate for abatement and request funding approval from the City Council.

## **SECTION 1005—NOTICE TO VACATE**

**1005.1 Posting.** Every notice to vacate shall, in addition to being served as provided in Section 1003 will be posted at or upon each exit of a building or portion of a building, and shall be in the following form:

**DO NOT ENTER  
UNSAFE TO OCCUPY**

It is a misdemeanor to occupy this building or to remove  
Or deface this notice  
Building Official  
City of Monmouth  
(date and time)

**1005.2 Compliance.** Whenever such notice is posted, the Building Official shall include a notification of the notice and order in the posting and necessitating the emergency. No person shall remain in or enter any building that has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code. Any person violating this subsection shall be guilty of a Class C misdemeanor.

## **CHAPTER 11 APPEALS PROCESS**

### **SECTION 1101—GENERAL**

**1101.1 Form of appeal.** Any person entitled to service under Section 1003 may appeal any notice and order of the Building Official under this code. Appeals must be delivered to city hall within the time frame stated in the notice letter and contain all of the following information.

1. A copy of the notice letter sent by the Building Official.
2. List complete address of property or unit that the appeal is for.
3. A brief statement in ordinary and concise language of that specific order or action protested. List any material facts claimed to support the contentions of the appellant.
4. A statement as listed in item three for each violation stated in the notice letter.
5. A brief statement of the relief sought and the reasons why it is claimed.
6. The signatures of all parties named as appellants and their official mailing address.

**1101.2 Processing of appeal.** Upon receipt of any appeal filed pursuant to this section, the Building Official shall have it stamped with the current date and time. The appeal shall be delivered to the city manager and any action to be taken shall be suspended until a decision is rendered.

### **SECTION 1102 — EFFECT OF FAILURE TO APPEAL**

Appeals must be delivered to the City Manager within the time period as described in the notice and order and chapter 10 of this code. Failure of any person to file an appeal in

accordance with the provisions of Section 1101.1 shall constitute a waiver of the right to an appeal process or to any portion thereof.

### **SECTION 1103 SCOPE OF HEARING ON APPEAL**

Only those matters or issues specifically raised by the appellant before the City shall be considered in the appeal.

### **Section 1104 APPEAL AUTHORITY**

The City Manager shall hear and render all decisions of appeals within the scope of this code.

### **SECTION 1105 STAYING OF ORDER UNDER APPEAL**

Except for vacation orders made pursuant to Section 1005, enforcement of any notice and order of the Building Official issued under this code shall be stayed during the pendency of an appeal therefrom that is properly and timely filed.

## **CHAPTER 12 PENALTIES**

### **SECTION 1201 —FINES**

**1201.1 General.** After any order of the Building Official or final appeal process pursuant to this code becomes final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

If, the Building Official should find it necessary to issue a citation for non compliance of section 1003 the following penalties shall apply.

1. A person violating any provisions of this code shall be considered to have committed a separate offense for each violation that exists.
2. A person violating any of the provisions of this code shall be considered to have committed a separate offense for each day during which such violations exist.
3. A person violating any of the provisions of this code shall be subject to a fine not to exceed \$500.00 for each offense for each day that a violation exists plus abatement fees as described in Section 1202.

### **SECTION 1202—ABATEMENT FEES**

If after the property owner or his representative should fail to abate the substandard building as stated in the notice and order, the Building Official may direct the violation to be abated as per section 1004. The following fees shall apply.

1. The direct cost to abate the violation plus
2. A charge based on the hourly rate for inspection services as per city council fee schedule plus
3. Administrative fee in the amount of \$100.00.

### **SECTION 1203— LIEN OF ASSESSMENT**

All fees imposed by the building department are due upon receipt of a billing statement. All such assessments remaining unpaid after 30 days from the date of mailing shall become delinquent and may be placed as a lien on the real property. The lien shall continue until the assessment and all interest due is paid in full.

## CHAPTER 13 DEFINITIONS

### SECTION 1301 — DEFINITIONS

**Terms defined in other codes.** Where terms are not defined in this code and are defined in the city zoning development ordinance, building code, plumbing code, mechanical code, electrical code or fire code as adopted by the State of Oregon, shall have the meanings ascribed to them as in the ordinance and codes.

**Terms not defined.** Any words used in this code shall be in accordance with the meanings defined in Webster's Third New International Dictionary of the English Language, copyright 1986.

Accessory Building or Structure. A detached building or portion of a main building, the use of which is incidental, appropriate, and subordinate to that of the main building or to the use of the land.

Accessory Use. A use incidental, appropriate, and subordinate to the main use of a building or land.

Apartment. A dwelling unit that is part of an apartment house.

Apartment House. Three (3) or more dwelling units within the same building or sharing one (1) or more common walls and designed for occupancy by three or more families living independently of each other. (Same as dwelling, MULTIFAMILY).

Boarding House. A building or portion thereof used for the purpose of providing meals or meals and lodging for pay. An establishment where meals are served for compensation to more than five (5) persons shall be considered a restaurant. An establishment with more than five (5) sleeping rooms shall be considered a hotel.

Building Official. "Building Official" means a person charged with responsibility for administration and enforcement of the state building code or other adopted codes by the municipality. The Building Official may appoint a representative to conduct business on his behalf.

Condominium. The land, whether leasehold or in fee simple and whether contiguous or non-contiguous, all buildings, improvements, and structures thereon, and all easements, rights, and appurtenances belonging thereto, which are submitted to the provisions of Oregon Revised Statutes (ORS) 100.005 to 100.625.

Chronic Nuisance Property. Dwellings or portions thereof inspected and finally found to be substandard more than two times in a 120 day period or four times in a 365 day period. For the purpose of this code all multi family dwellings and apartment complexes shall be considered one dwelling unit.

Dormitory. A building other than a hotel, boarding house, or rooming house and used primarily for sleeping purposes.

Dwelling Unit. One (1) or more habitable rooms occupied or intended or designed to be occupied by one (1) family and having facilities for living, sleeping, cooking and eating.

Dwelling, Single-Family. A single detached dwelling unit designed exclusively for occupancy by one (1) family.

Family. An individual or two (2) or more persons related by blood, marriage, or adoption; or a group of not more than five (5) persons (excluding servants) not related by blood or marriage and living together in a dwelling.

Hot Water is water supplied to plumbing fixtures at a temperature of not less than 120 degrees F.

Manufactured Dwelling. Manufactured dwelling means:

- A. Manufactured home, as defined by this Ordinance.
- B. Mobile home, as defined by this Ordinance.
- C. Residential trailer, as defined by this Ordinance.

Manufactured Home. A manufactured home is a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standard regulations in effect at the time of the construction.

Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Multi family dwelling. A building or structure that contains three or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes, apartment houses, condominiums, congregate residences, townhouses and similar non-transient dwellings. For the purpose of chronic nuisance all multi family dwellings shall be considered one dwelling.

Nuisance. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation that may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.
4. Overcrowding a room with occupants.
5. Insufficient ventilation or illumination.
6. Inadequate or unsanitary sewage or plumbing facilities.
7. Un-cleanliness, as determined by the health officer.

8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

Owner. The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a property according to the terms of a recorded contract.

Property Manager. A person, company or firm that collects rent, performs maintenance, or oversees the daily operation of a dwelling unit other than the property owner for a fee or any type of compensation.

Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Responsible Party. The owner, a person, company, or firm that is given the authority to collect rents, perform maintenance or oversee the daily operation of a dwelling unit for a fee or any type of compensation.

Rooming House. A dwelling or portion thereof where sleeping rooms are provided, where no meals are provided, and where lodging for three (3) or more persons is provided for compensation. An establishment having more than five(5) sleeping rooms shall be considered a hotel.

Structure. That which is built or constructed; an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner, regardless of whether it is wholly or partly above or below grade.