

ORDINANCE NO. 3679

AN ORDINANCE TO AMEND ORDINANCE NO. 3432, THE ALBANY HOUSING CODE, REPEALING ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Amend Sec. 1.3, subparagraph (a), first paragraph to read as follows:

(a) Application: The provisions of this Code shall apply to all buildings or portions thereof, used or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued except such structures as are found to be substandard as defined in this Code in Sec. 4.1.

Section 2: Amend Sec. 1.3 by adding subparagraph (c) to read as follows:

(c) Relocation: Existing buildings which are moved or relocated shall be considered as new buildings and shall comply with all the requirements of this Code.

Section 3: Amend Sec 1.3 by adding subparagraph (d) to read as follows:

(d) Existing conditions which might otherwise cause a dwelling or dwelling unit to be classed as substandard as defined in this Code but which do not otherwise endanger the peace, health, safety and welfare of the occupant or the general public, such as minor dampness in rooms; knob and tube electrical circuits which have been maintained and are not overloaded; ceiling heights; room dimensions; chimneys which are undersized but which are sound and capable of functioning as designed; lack of periodic maintenance; materials permitted by Building Code at the time of construction; all are to be permitted to continue without correction.

This subsection shall in no way delete the intent or definition of "substandard conditions" as defined in Section 4 of this Code and their intended application.

Section 4: Amend Sec. 2.10 STANDARDS FOR REPAIR, REHABILITATION, VACATION OR DEMOLITION by adding the following subparagraph (a) through (c), inclusive, to paragraph no. 1:

(a) When any work of repair or demolition is to be done pursuant to this Code, the Building Official shall issue his order therefor and the work shall be accomplished by city personnel or by private contract under the direction of said Building Official. Plans and specifications therefor may be prepared by said Building Official, or he may employ such architectural and

engineering assistance on a contract basis as he may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard Public Works contractual procedures shall be followed.

(b) The cost of such work shall be paid from the Improvement Projects Fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the City Council shall determine is appropriate.

(c) The Council may at any time transfer to the Improvement Projects Fund, out of any money in the General Fund of the City, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, any any sum so transferred shall be deemed a loan to the Improvement Projects Fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for, shall be paid to the City Finance Officer who shall credit the same to the Improvement Projects Fund.

(d) The Building Official shall keep an itemized account of the expense incurred by the City in the repair or demolition of any building done pursuant to the provisions of this Code. Upon the completion of the work of repair or demolition, said Building Official shall prepare and file with the City Finance Officer a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Sec. 2.4 of this Code.

(e) Upon receipt of said report the City Finance Officer shall present it to the City Council for consideration. The City Council shall fix a time, date and place for hearing said report, and any protests of objections thereto. The Finance Officer shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in the City, and served by registered mail, postage prepaid, addressed to the owner of the property as provided by Sec. 2.4 of this Code. Such notice shall be given at least 10 days prior to the date set for hearing and shall specify the day, hour, and place when the Council will hear and pass upon the Building Official's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

(f) Any person interested in or affected by the proposed charge may file written protests or objections with the Finance Director at any time prior to the time set for the hearing on the report of the Building Official. Each such protest or ob-

jection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The Finance Director shall endorse on every such protest or objection, the date it was received by him. He shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

(g) Upon the day and hour fixed for the hearing, the City Council shall hear and pass upon the report of the Building Official together with any such objections or protests. The Council may make such revision, correction or modification in the report or the charge as it may deem just; and when the Council is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the City Council on the report and the charge, and on all protests or objections, shall be final and conclusive.

(h) The City Council may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

(i) If the City Council orders that the charge shall be a personal obligation of the property owner, it shall direct the City Attorney to collect the same on behalf of the City by use of all appropriate legal remedies.

(j) If the City Council orders that the charge shall be assessed against the property, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property. The collection and enforcement of said lien shall be in substantially the same manner as in the case of assessments for the cost of public improvements as described in Ordinance No. 2864, City of Albany Ordinances.

(k) The validity of any assessment made under the provisions of this Code shall not be contested in any action or proceeding unless the same is commenced within 30 days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after the entry of such judgment.

(l) The City Council, in its discretion, may determine that assessments may be payable in installments. The Council's determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by Council resolution.

(m) Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property, and shall be paramount to all other liens except for state, county and municipal taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

(n) All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of seven per cent per annum from and after said date.

(o) All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the City Finance Officer who shall credit the same to the Improvement Projects Fund.

Section 5: Amend Sec. 3.1 to read as follows:

There is hereby established a Housing Board of Appeals to consist of five members who are residents of the City of Albany. If possible, at least three members should be resident home owners within urban renewal project areas, if any exist. Of these three members, at least two shall be fully eligible for grants and/or loans provided within such project areas. The Board shall have the authority to adjudge the reasonableness of this Code as it may affect the health, safety and welfare of an owner or occupant.

Section 6: Amend Sec. 3.2 to read as follows:

The members of the Board shall be appointed by the Mayor with the approval of the City Council as follows: one for five years, one for four years, one for three years, one for two years, and one to serve one year; and thereafter, each member shall serve five years or until his successor has been appointed. The Building Official shall act as Secretary to the Board. Other staff members with the Building Official shall be available to furnish technical advise.

Section 7: Amend Sec. 3.5 BOARD OF APPEALS by repealing the existing Sec. 3.5 and adopting a new Sec. 3.5 to read as follows:

(a) Any person entitled to service under Sec. 2.4 of this Code may appeal from any notice and order or any action of the Building Official under this Code by filing at the office of the Building Official within 30 days from the date of the service of such order, a written appeal containing:

1. A heading in the words: "Before the Boards of Appeals of the City of Albany.

2. A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal.

3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

4. A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the applicant.

5. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

6. The signatures of all parties named as applicants, and their official mailing addresses.

7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

(b) Upon receipt of any appeal filed pursuant to this Section, the Building Official shall present it at the next regular or special meeting of the Board of Appeals.

(c) As soon as practicable after receiving the written appeal, the Housing Board of Appeals shall fix a date, time, and place for the hearing of the appeal by the Board. Such date shall be not less than 10 days nor more than 60 days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the Board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

(d) Failure of any person to file an appeal in accordance with the provisions of this Code, shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order, or to any portion thereof.

(e) Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

(f) Except for vacation orders made pursuant to this Code, enforcement of any notice and order of the Building Official issued under this Code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

(g) A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the Board.

(h) The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the Board, but shall in no event, be greater than the cost involved.

(i) The Board may grant continuances for good cause shown.

(j) In any proceedings under this Chapter, The Boards, any board member has the power to administer oaths and affirmations and to certify to official acts.

(k) The Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

(l) The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before the Board at _____ on the _____ day of _____, 19____, at the hour of _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the Housing Board of Appeals."

(m) The Board may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the Board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in his possession or under his control. A subpoena need not be issued when the affidavit is defective in any particular.

(n) Any person who refuses without lawful excuse to attend any hearing, or to produce material evidence in his possession or under his control as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor.

(o) Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(p) Oral evidence shall be taken only on oath or affirmation.

(q) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

(r) Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

(s) Irrelevant and unduly repetitious evidence shall be excluded.

(t) Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut the evidence against him;
6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(u) What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of the state or of official records of the Board or Departments and ordinances of the city or rules and regulations of the Board.

(v) Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

(w) Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board.

(x) The Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the Board shall state for the record upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board.

(y) The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by registered mail, postage prepaid, return receipt requested.

(z) The effective date of the decision shall be as stated therein.

Section 8: Add a new Sec. 3.6 ENFORCEMENT OF THE ORDER OF THE HOUSING BOARD OF APPEALS.

(a) After any order of the Housing Board of Appeals made pursuant to this Code shall have become 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.

(b) If, after any order of the Housing Board of Appeals made pursuant to this Code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (i) cause such person to be prosecuted under Subsection (a) of this Section or (ii) institute any appropriate action to abate such building as a public nuisance.

(c) Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this Code becomes effective:

1. The Building Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

"SUBSTANDARD BUILDING
DO NOT OCCUPY

It is a misdemeanor to occupy this building or to remove or deface this notice.

Building Official
City of Albany"

2. No person shall occupy any building which has been posted as specified in this Subsection. No person shall remove or deface any such notice so posted until the repairs, demolition, or removal ordered by the Building Official have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Uniform Building Code.

3. The Building Official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building substandard as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished; or, to be demolished, and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this Code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot shall be paid over to the person or persons lawfully entitled thereto.

(d) Upon receipt of an application from the person required to conform to the order and an agreement by such person that he will comply with the order if allowed additional time, the Building Official may, in his descretion, grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation, or demolition, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Building Official's authority to extend time is limited to the physical repair, rehabilitation, or demolition of the premises and will not in any way affect or extend the time to appeal his notice and order.

(e) No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city, or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this Code, or with any person to whom such building has been lawfully sold pursuant

to the provisions of this Code, whenever such officer, employee, contractor or authorized representative of the city, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building pursuant to the provisions of this Code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this Code.

Section 9: Add a new Sec. 3.7 PERMITS AND INSPECTIONS to read as follows:

(a) No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or cause or permit the same to be done, without first obtaining a separate building permit for each such building or structure from the Building Official in the manner and according to the applicable conditions prescribed in Chapter 3 of the Uniform Building Code.

(b) Whenever a building permit is required by Sec. 3.7 (a) of this Code, the appropriate fees shall be paid to the Building Official as specified in Section 303 of the Uniform Building Code.

(c) All buildings or structures within the scope of this Code and all construction or work for which a permit is required shall be subject to inspection by the Building Official in accordance with and in the manner provided by this Code and Sections 304 and 305 of the Uniform Building Code.

Section 10: Amend Sec. 4.1, subparagraph 1. to read as follows:

1. Infestation of insects, vermin or rodents as determined by the Health Officer.

Section 11. Amend Sec. 4.1, subparagraph o. to read as follows:

o. Lack of adequate garbage and rubbish storage and removal facilities as determined by the Health Officer.

Section 12: Amend Sec. 4.2 by adding a new subparagraph i. to read as follows:

i. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

Section 13: Amend Sec. 4.7 by adding two new subparagraphs c. and d. to read as follows:

c. Deteriorated, crumbling, or loose plaster.

d. 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.

Section 14: Amend Sec. 4.8 to delete reference to "Building Official" to read as follows:

8. Any building or portion thereof, devise, apparatus, equipment, combustible waste, or vegetation which, in the opinion of the Fire Marshal, 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 explosion arising from any cause.

Section 15: Amend Sec. 4.9 to read as follows:

9. FAULTY MATERIALS OF CONSTRUCTION: All materials of construction except those which are specifically allowed or approved by this Code and the Uniform Building Code, and which have been adequately maintained in good and safe condition.

Section 16: Repeal Section 5 of Ordinance No. 3432 and adopt a new Section 5 to read as follows:

1. For the purpose of this Code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this Chapter. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

2. AGRICULTURAL BUILDING is a building located on agricultural property and used to shelter farm implements, hay, grain, poultry, livestock, or other farm produce, in which there is no human habitation, and which is not used by the public.

3. ALLEY is any public space or thoroughfare less than 16 feet but not less than 10 feet in width which has been dedicated or deeded to the public for public use.

4. ALTER or ALTERATION is any change, addition or modification in construction or occupancy.

5. APARTMENT shall mean a dwelling unit as defined in this Code.

6. APARTMENT HOUSE is any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

7. APPROVED as to materials and types of construction, refers to approval by the Building Official as the result of investigation and tests conducted by him, or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

8. APPROVED AGENCY is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the Building Official.

9. APPROVED FABRICATOR is an established and qualified person, firm or corporation approved by the Building Official pursuant to Section 305 (c) of the Uniform Building Code, Vol. I.

10. AREA (See Floor Area).

11. ASSEMBLY BUILDING is a building or a portion of a building used for the gathering together of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation or of 100 or more persons in drinking and dining establishments.

12. ATTIC STORY is any story situated wholly or partly in the roof, so designated, arranged, or built as to be used for business, storage, or habitation.

13. BALCONY is that portion of the seating space of an assembly room, the lowest part of which is raised 4 feet or more above the level of the main floor.

14. BALCONY, EXTERIOR EXIT. See Section 3301 (c) of the Uniform Building Code, Vol. I.

15. BASEMENT is that portion of a building between floor and ceiling, which is partly below and partly above grade (as defined in this section), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.(See Story).

16. BOILER, HIGH PRESSURE is a boiler furnishing steam at pressures in excess of 15 pounds per square inch or hot water at temperatures in excess of 250° F., or at pressures in excess of 160 pounds per square inch.

17. BOILER, LOW PRESSURE HOT WATER AND LOW PRESSURE STEAM is a boiler furnishing hot water at pressures not exceeding 160 pounds per square inch and at temperatures not more than 250° F., or steam at pressures not more than 15 pounds per square inch.

18. BOILER ROOM is any room containing a steam or hot water boiler.

19. BUILDING is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

20. BUILDING, EXISTING, is a building erected prior to the adoption of this Code, or one for which a legal building permit has been issued.

21. BUILDING OFFICIAL is the officer charged with the administration and enforcement of this Code, or his regularly authorized deputy.

22. CAST STONE is a precast building stone manufactured from portland cement concrete and used as a trim, veneer, or facing on or in buildings or structures.

23. CELLAR is that portion of a building between floor and ceiling which is wholly or partly below grade (as defined in this section) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (See Story).

24. CENTRAL HEATING PLANT is comfort heating plant equipment installed in such a manner to supply heat by means of ducts or pipes to areas other than the room in which the equipment is located.

25. CHIEF OF THE FIRE DEPARTMENT is the head of the Fire Department or his regularly authorized deputy.

26. CITY shall mean the City of Albany, Oregon.

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

28. DEAD LOAD in a building is the weight of the walls, permanent partitions, framing, floors, roofs, and all other permanent stationary construction entering into and becoming a part of the building.

29. DISPERSAL AREA, SAFE. See Section 3322 of the Uniform Building Code, Vol. I.

30. DORMITORY is a room occupied by more than two guests.

31. DWELLING is any building or any portion thereof, which is not an "Apartment House", "Lodging House" or a "Hotel" as defined in this Code, which contains one or two "Dwelling Units" or "Guest Rooms" used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or which are occupied for living purposes.

32. DWELLING UNIT is one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

33. EXISTING BUILDINGS (See Building, Existing).

34. EFFICIENCY LIVING UNIT is any room having cooking facilities used for combined living, dining, and sleeping purposes and meeting the requirements of Section 6.2, Subparagraph 2 of this Code.

35. EXIT. See Section 3301 (c), Uniform Building Code, Vol. I.

36. EXIT COURT. See Section 3301 (c), Uniform Building Code, Vol. I.

37. EXIT PASSAGEWAY. See Section 3301 (c), Uniform Building Code, Vol. I.

38. FAMILY is an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

39. FIRE ASSEMBLY. See Section 4306 (b), Uniform Building Code, Vol. I.

40. FIRE RESISTANCE or FIRE-RESISTIVE CONSTRUCTION is construction to resist the spread of fire, details of which are specified in Chapters 42 and 43 of the Uniform Building Code, Vol. I.

41. FIRE-RETARDANT TREATED WOOD is lumber or plywood impregnated with chemicals and when tested in accordance with U.B.C. Standard No. 42-1 for a period of 30 minutes shall have a flame spread of not over 25 and show no evidence of progressive combustion. The fire-retardant properties shall not be considered permanent where exposed to weather.

42. All materials shall bear identification showing the fire performance rating thereof issued by an approved agency having a re-examination service.

43. FLOOR AREA is the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

44. FOOTING is that portion of the foundation of a structure which spreads and transmits loads directly to the soil or the piles.

45. FRONT OF LOT is the front boundary line of a lot bordering on the street, and in the case of a corner lot may be either frontage.

46. GARAGE is a building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank, is stored, repaired, or kept.

47. GARAGE, PRIVATE, is a building, or a portion of a building, not more than 1000 square feet in area, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept. (See Section 1501, Uniform Building Code, Vol. I.

48. GARAGE, PUBLIC, is any garage other than a private garage.

49. GRADE (Adjacent Ground Elevation) is the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point 5 feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than 5 feet distant from said wall. In case walls are parallel to and within 5 feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

50. GRADE (Lumber) is the classification of lumber in regard to strength and utility.

51. GUEST is any person hiring or occupying a room for living or sleeping purposes.

52. GUEST ROOM is any room or rooms used, or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

53. HABITABLE ROOM is any room meeting the requirements of this Code for sleeping, living, cooking or dining purposes excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

54. HEALTH OFFICER shall be the Linn County Health Officer.

55. HEIGHT OF BUILDING is the vertical distance from the "Grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

56. HORIZONTAL EXIT. See Section 3301 (c), Uniform Building Code, Vol. I.

57. HOT WATER shall be water at a temperature of not less than 120° F.

58. HOTEL is any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

59. LINTEL is the beam or girder placed over an opening in a wall, which supports the wall construction above.

60. LIVE LOADS are all loads except dead and lateral loads.

61. LODGING HOUSE is any building or portion thereof, containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all the requirements of this Code for dwellings.

62. MARQUEE is a permanent roofed structure attached to and supported by the building and projecting over public property. Marquees are regulated in Chapter 45, Uniform Building Code, Vol. I.

63. MASONRY is that form of construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block or tile, or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.

64. MASONRY, SOLID, is masonry of solid units built without hollow spaces.

65. MEZZANINE or MEZZANINE FLOOR is an intermediate floor placed in any story or room. When the total area of any such "Mezzanine Floor" exceeds 33 1/3 per cent of the total floor area in that room, it shall be considered as constituting an additional "Story". The clear height above or below a "Mezzanine Floor" construction shall be not less than 7 feet.

66. NONCOMBUSTIBLE as applied to building construction material means a material which, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire. Any material conforming to U.B.C. Standard No. 4-1 shall be considered noncombustible within the meaning of this Section.

2. Material having a structural base of noncombustible material as defined in Item No. 1 above, with a surfacing material not over 1/8 inch thick which has a flame-spread rating of 50 or less.

"Noncombustible" does not apply to surface finish materials. Material required to be noncombustible for reduced clearances to flues, heating appliances, or other materials shall refer to material conforming to Item No. 1. No material shall be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.

Flame-spread rating as used herein refers to rating obtained according to tests conducted as specified in U.B.C. Standard No. 42-1.

67. NUISANCE. The following shall be defined as nuisances:

(a) Any public nuisance known at common law or in equity jurisprudence.

(b) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors.

(c) Whatever is dangerous to human life or is detrimental to health, as determined by the Health Officer.

(d) Overcrowding a room with occupants.

(e) Insufficient ventilation or illumination.

(f) Inadequate or unsanitary sewage or plumbing facilities.

(g) Uncleanliness, as determined by the Health Officer.

(h) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

68. OCCUPANCY is the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

69. OCCUPANT LOAD. See Section 3301 (c), Uniform Building Code, Vol. I.

70. OCCUPIED SPACE is the total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane excluding permitted projections as allowed by this Code.

71. ORIEL WINDOW is a window which projects from the main line of an enclosing wall of a building and is carried on brackets or corbels.

72. PANIC HARDWARE. See Section 3301 (c), Uniform Building Code, Vol. I.

73. PERSON is a natural person, his heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

74. PLATFORM, ENCLOSED, is partially enclosed portion of an assembly room, the ceiling of which is not more than 5 feet above the proscenium opening and which is designed or used for the presentation of plays, demonstrations, or other entertainment wherein scenery, drops, decorations, or other effects may be installed or used.

75. PUBLIC WAY. See Section 3301 (c), Uniform Building Code, Vol. I.

76. REPAIR is the reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "Repair" or "Repairs" shall not apply to any change of construction.

77. ROOMING HOUSE. See "Lodging House".

78. SHAFT is a vertical opening through a building for elevators, dumb-waiters, mechanical equipment, or similar purposes.

79. SHALL as used in this Code, is mandatory.

80. STAGE is a partially enclosed portion of an assembly building which is designed or used for the presentation of plays, demonstrations, or other entertainment wherein scenery, props, or other effects may be installed or used, and where the distance between the top of the proscenium opening and the ceiling above the stage is more than 5 feet.

81. STAIRWAY. Two or more risers shall constitute a stairway.

82. STORY is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than 6 feet above grade as defined herein for more than 50 per cent of the total perimeter or is more than 12 feet above grade as defined herein at any point, the basement, cellar or unused under-floor space shall be considered as a story.

83. STREET is any thoroughfare or public space not less than 16 feet in width which has been dedicated or deeded to the public for public use.

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

85. UNIFORM BUILDING CODE shall mean the Uniform Building Code, Volume I, 1970 Edition, published by the International Conference of Building Officials.

86. U.B.C. STANDARDS is the 1970 Edition of the "Uniform Building Code Standards".

87. VALUE or VALUATION of a building shall be the estimated cost to replace the building in kind, based on current replacement costs, as determined in Section 303 (a), Uniform Building Code, Vol. I.

88. VENEER. See Section 3002, Uniform Building Code, Vol. I.

89. VENTILATING CEILING is a suspended ceiling containing many small apertures through which air, at low pressure, is forced downward from an overhead plenum dimensioned by the concealed space between suspended ceiling and the floor or roof above.

90. WALLS shall be defined as follows:

(a) BEARING WALL is any wall meeting either of the following classification:

(1) Any metal or wood stud wall which supports more than 100 pounds per lineal foot of superimposed load.

(2) Any masonry or concrete wall which supports more than 200 pounds per lineal foot superimposed load, or any such wall supporting its own weight for more than one story.

(b) EXTERIOR WALL is any wall or element of a wall, or any member of group of members, which defines the exterior boundaries or courts of a building.

(c) FACED WALL is a wall in which the masonry facing and backing are so bonded as to exert a common action under load.

(d) NONBEARING WALL is a wall which supports no load other than its own weight.

(e) PARAPET WALL is that part of any wall entirely above the roof line.

(f) RETAINING WALL is any wall used to resist the lateral displacement of any material.

91. WATER HEATER is an appliance designed primarily to supply hot water and is equipped with automatic controls limiting water temperature to a maximum of 210°F.

92. WEATHER-EXPOSED SURFACES are all surfaces of walls, ceilings, floors, roofs, soffits and similar surfaces exposed to the weather excepting the following:

(a) Ceilings and roof soffits enclosed by walls or by beams which extend a minimum of 12 inches below such ceiling or roof soffits.

(b) Walls or portions of walls within an unenclosed roof area, when located a horizontal distance from an exterior opening equal to twice the height of the opening.

(c) Ceiling and roof soffits beyond a horizontal distance of 10 feet from the outer edge of the ceiling or roof soffits.

93. WINDOW. (See "Bay Window"; see "Oriel Window").

94. YARD is an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code, on the lot on which a building is situated.

Section 17: Amend Sec. 6.2 to read as follows:

1. CEILING HEIGHTS: Habitable rooms, storage rooms and laundry rooms shall have a ceiling height of not less than 7 feet 6 inches. Hallways, corridors, bathrooms and toilet rooms shall have a ceiling height of not less than 7 feet measured to the lowest projection from the ceiling.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet.

2. SUPERFICIAL FLOOR AREA: Every dwelling unit shall have at least one room which shall have not less than 120 square feet of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than 150 square feet of superficial floor area. Every room used for sleeping purposes shall have not less than 90 square feet of superficial floor area. Where more than two persons occupy a room used for sleeping purposes, the required superficial floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

EXCEPTION: Nothing in this Section shall prohibit the use of an efficiency living unit meeting the following requirements:

1. The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.

2. The unit shall be provided with a separate closet.

3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this Code shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

3. WIDTH: No habitable room shall be less than 7 feet in any dimension and no water closet space less than 30 inches in width and shall provide a clear space in front of the water closet not less than 24 inches.

Section 18: Amend Sec. 6.3, subparagraph 2, to read as follows:

2. Every water closet, bathtub, or shower required by this Code shall be installed in a room which will afford privacy to the occupant. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tight-fitting door.

Section 19: Repeal existing Sec. 6.4 and add a new Sec. 6.4 to read as follows:

1. NATURAL LIGHT AND VENTILATION: All guest rooms, dormitories, and habitable rooms within a dwelling unit shall be provided with natural light by means of windows or skylights with an area of not less than one-tenth of the floor area of such rooms with a minimum of 12 square feet.

All bathrooms, water closet compartments, laundry rooms, and similar rooms shall be provided with natural ventilation by means of windows or skylights with an area of not less than one-tenth of the floor area of such rooms with a minimum of 3 square feet.

Not less than one-half of the required window or skylight area shall be openable to provide natural ventilation.

2. ORIGIN OF LIGHT AND VENTILATION: Required windows shall open directly onto a street or public alley or a yard or court located on the same lot as the building.

EXCEPTION: Required windows may open into a roofed porch where the porch:

1. Abuts a street, yard, or court; and

2. Has a ceiling height of not less than 7 feet; and
3. Has the longer side at least 65 per cent open and unobstructed.

A required window in a service room may open into a vent shaft which is open and unobstructed to the sky and not less than 4 feet in least dimension. No vent shaft shall extend through more than two stories.

For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

3. MECHANICAL VENTILATION: In lieu of openable windows for natural ventilation, a mechanical ventilation system may be provided. Such system shall be capable of providing two air changes per hour in all guest rooms, dormitories, habitable rooms, and in public corridors. One-fifth of the air supply shall be taken from the outside. In bathrooms, water closet compartments, laundry rooms, and similar rooms, a mechanical ventilation system connected directly to the outside, capable of providing five air changes per hour, shall be provided.

4. HALLWAYS: All public hallways, stairs, and other exitways shall be adequately lighted at all times in accordance with Section 3312 (a) of the Uniform Building Code.

Section 20: Repeal existing Sec. 7.3 and adopt a new Sec. 7.3 to read as follows:

1. DWELLING UNITS: Every dwelling unit shall be provided with a water closet, a lavatory, and a bathtub or shower.

2. HOTELS: Where private water closets, lavatories, and baths are not provided, there shall be provided on each floor for each sex at least one water closet and lavatory and one bath accessible from a public hallway. Additional water closets, lavatories, and baths shall be provided on each floor for each sex at the rate of one for every additional 10 guests, or fractional number thereof in excess of 10. Such facilities shall be clearly marked for "Men" or "Women".

3. KITCHEN: Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. No wooden sink or sink of similarly absorbent material shall be permitted.

4. 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, except water closets shall be provided with cold water only.

All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.

5. WATER CLOSET COMPARTMENTS: Walls and floors of water closet compartments except in dwellings shall be finished in accordance with Section 1711 of the Uniform Building Code. Water closet compartments in dwellings shall be finished with approved nonabsorbent materials.

6. INSTALLATION AND MAINTENANCE: All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with all applicable laws.

Section 21: Amend Sec. 8.1 by adding the following sentence:

Should it be determined that structural conditions exist which endanger the peace, health, safety or welfare of the occupant or the general public and require correction, such corrections shall comply with the applicable requirements of the Uniform Building Code.

8.2 SHELTER: Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.

8.3 PROTECTION OF MATERIALS: All wood shall be protected against termite damage and decay as provided in the Uniform Building Code.

Section 22: Amend Sec. 9.1 to read as follows:

1. HEATING: Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 70° F at a point 3 feet above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Chapter 37 of Uniform Building Code, Volume I; Uniform Building Code, Volume II, Mechanical, and all other applicable laws. No unvented fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

Section 23: Amend Sec. 9.1 to read as follows:

9.3 ELECTRICAL EQUIPMENT: All electrical equipment, wiring and/or appliances shall be of an approved type, installed and shall be maintained in a safe manner in accordance with all applicable

laws.

Where there is electrical power available within 300 feet of the premises of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two supplied electrical convenience outlets or one such convenience outlet and one supplied electrical light fixture. Every water closet compartment, bathroom, laundry room, heating equipment area, and exit shall contain at least one electric light fixture.

Section 24: Amend Sec. 9.4 to read as follows:

9.4 VENTILATION: Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Uniform Building Code, Volume II, Mechanical, and in this Code. Where mechanical ventilation is provided in lieu of the natural ventilation required by this Code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

Section 25: Amend Sec. 10.1 to read as follows:

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways, and appurtenances as required by Chapter 33 of the Uniform Building Code.

Every sleeping room below the fourth floor shall have at least one window or exterior door approved for emergency exit or rescue. Where windows are provided, they shall have a sill height not more than 48 inches above the floor.

Windows with an area of not less than 5 square feet with no dimension less than 22 inches shall be deemed to meet the requirements of this Section provided sill heights are not over 48 inches above the floor.

Section 26: Repeal existing Section 11 and adopt a new Section 11 to read as follows:

All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the Uniform Building Code, for the appropriate occupancy, type of construction and location on property or in fire zone; and shall be provided with the appropriate fire-extinguishing systems or equipment required by Chapter 38 of the Uniform Building Code.

Section 27: EMERGENCY CLAUSE

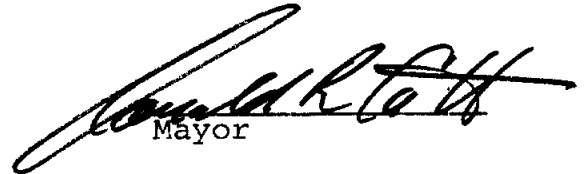
WHEREAS, it is in the betterment of the public health, interest, safety and general welfare of the citizens of the City of Albany

that this ordinance become in full force immediately upon passage, an emergency is hereby declared to exist and this Ordinance shall become effective immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: December 20, 1972

Approved by the Mayor: December 20, 1972

Effective Date: December 20, 1972


Mayor

ATTEST:

Ernest W. Isham
City Recorder