

TIGARD MUNICIPAL CODE

Chapter 14.16 PROPERTY MAINTENANCE REGULATIONS.

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PART 1 - GENERAL

- 14.16.010 Chapter Title.

A. This Chapter shall be known as "Property

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Maintenance Regulations," and is referred to herein as "this Chapter." (Ord. 99-02)

14.16.020 Purpose.

A. The purpose of this Chapter is to protect the health, safety and welfare of Tigard citizens, to prevent deterioration of existing housing, and to contribute to vital neighborhoods by:

1. Establishing and enforcing minimum standards for residential structures regarding basic equipment, facilities, sanitation, fire safety, and maintenance.

2. Regulating and abating dangerous and derelict buildings. (Ord. 99-02)

14.16.030 Scope, Conflict With State Law.

A. The provisions of this Chapter shall apply to all property in the City except as otherwise excluded by law; however, the provisions of this Chapter do not apply to Group "I" occupancies as classified by the 1998 Oregon Structural Specialty Code. In the event that a provision of this Chapter conflicts with a licensing requirement of the Oregon State Department of Human Resources, the state licensing requirements shall be followed. In areas where the Oregon State Department of Human Resources does not regulate through its licensing process, the provisions of this Chapter shall apply. (Ord. 99-02)

14.16.040 Application Of Titles 14 And 18.

A. Any alterations to buildings, or changes of their use, which may be a result of the enforcement of this Chapter shall be done in accordance with applicable Sections of Title 14 (Buildings and Construction) and Title 18 (Zoning) of the Code of the City of Tigard. (Ord. 99-02)

14.16.050 Use Of Summary Headings.

A. This Chapter makes use of summary headings (in bold face type) on chapters, sections, and subsections to assist the reader in navigating the document. In the event of a conflict in meaning between the bold heading and the following plain text, the meaning of the plain text shall apply. (Ord. 99-02)

14.16.060 Definitions, Generally.

A. For the purpose of this Chapter, 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. "And" indicates that all connected items or provisions apply. "Or" indicates that the connected items or provisions may apply singly or in combination. Terms, words, phrases and their derivatives used, but not specifically defined in this Chapter, either shall have the meanings defined in Titles 14 or 18, or if not defined, shall have their commonly accepted meanings. If a conflict exists between a definition in Title 14 and 18, the definitions in this Chapter shall apply to actions taken pursuant to this Chapter. (Ord. 99-02)

14.16.070 Definitions.

A. The definition of words with specific meaning in this Chapter are as follows:

1. Abatement of a nuisance. The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.

2. Accessory Structure. Any structure not intended for human occupancy which is located on residential property. Accessory structures may be attached to or detached from the residential structure. Examples of accessory structures

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include: garages, carports, sheds, and other non-dwelling buildings; decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs and walkways, and other exterior structures on the property.

3. Apartment House. See Dwelling Classifications.

4. Approved. Meets the standards set forth by applicable provisions of the Tigard City Code including any applicable regulations for electric, plumbing, building, or other sets of standards included by reference in this Chapter.

5. Basement. The usable portion of a building which is below the main entrance story and is partly or completely below grade.

6. Boarded. Secured against entry by apparatus which is visible off the premises and is not both lawful and customary to install on occupied structures.

7. Building. Any structure used or intended to be used for supporting or sheltering any use or occupancy.

8. Building, Existing. A building constructed and legally occupied prior to the adoption of this Chapter, and one for which a building permit has been lawfully issued and has not been revoked or lapsed due to inactivity.

9. Building Official. The Building Official, or authorized representative, charged with the enforcement and administration of this Chapter.

10. Ceiling Height. The clear distance between the floor and the ceiling directly above it.

11. Court. 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.

12. Dangerous Building. See Dangerous Structure.

13. Dangerous Structure. Any structure which has any of the conditions or defects described in Section 14.16.380.

14. Derelict Building. Any structure which has any of the conditions or defects described in Section 14.16.370(A)

15. Duplex. See Dwelling Classifications, "Two-Family Dwelling."

16. Dwelling. Any structure containing dwelling units, including all dwelling classifications covered by this Chapter.

17. Dwelling Classifications. Types of dwellings covered by this Chapter include:

a. Accessory Dwelling Unit. An additional dwelling unit within a detached single-family dwelling, subject to the provisions of Title 18.

b. Single-Family Dwelling. A structure containing one dwelling unit, including adult foster care homes.

c. Two-Family Dwelling. A structure containing two dwelling units, also known as a "duplex."

d. Apartment House. Any building or portion of a building containing three or more dwelling units, which is designed, built, rented, leased, let, or hired out to be occupied for residential living purposes.

e. Hotel. Any structure containing dwelling units that are intended, designed, or used for renting or hiring out for sleeping purposes by

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residents on a daily, weekly, or monthly basis.

f. Motel. For purposes of this Chapter, a motel shall be defined the same as a hotel.

g. Single-Room Occupancy Housing Unit. A one-room dwelling unit in a hotel providing sleeping, cooking, and living facilities for one or two persons in which some or all sanitary or cooking facilities (toilet, lavatory, bathtub or shower, kitchen sink, or cooking equipment) may be shared with other dwelling units.

h. Social Care Facilities. Any building or portion of a building, which is designed, built, rented, leased, let, hired out or otherwise occupied for group residential living purposes, which is not an apartment house, single-family dwelling or two-family dwelling. Such facilities include but are not limited to, retirement facilities, assisted living facilities, residential care facilities, half-way houses, youth shelters, homeless shelters and other group living residential facilities.

i. Manufactured Dwelling. The term "manufactured dwelling" includes the following types of single-family dwellings:

(1) 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, or is intended to be used for, residential purposes, and that was constructed before January 1, 1962.

(2) 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, or is intended to be 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.

(3) Manufactured 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, or is intended to be used for, residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations.

Manufactured Dwelling does not include any unit identified as a recreational vehicle by the manufacturer.

18. Dwelling Unit. One or more habitable rooms that are occupied by, or in the case of an unoccupied structure or portion of a structure, are designed or intended to be occupied by, one person or by a family or group living together as a single housekeeping unit that includes facilities for living and sleeping and, unless exempted by this Chapter in Sections 14.16.230 and 14.16.240, also includes facilities for cooking, eating, and sanitation.

19. Exit. (Means of Egress.) A continuous, unobstructed means of escape to a public way, as defined in the building code in effect in the City.

20. Exterior Property Area. The sections of residential property which are outside the exterior walls and roof of the dwelling.

21. Extermination. The elimination of insects, rodents, vermin or other pests at or about the affected building.

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

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23. Habitable Room (Space). Habitable room or space is a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

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

25. Hotel. See Dwelling Classifications.

26. Human Habitation. The use of any residential structure or portion of the structure in which any person remains for continuous periods of two hours or more or for periods which will amount to four or more hours out of 24 hours in one day.

27. Immediate Danger. Any condition posing a direct immediate threat to human life, health, or safety.

28. Infestation. The presence within or around a dwelling of insects, rodents, vermin or other pests to a degree that is harmful to the dwelling or its occupants.

29. Inspection. The examination of a property by a person authorized by law for the purpose of evaluating its condition as provided by this Chapter.

30. Inspector. An authorized representative of the Building Official whose primary function is the inspection of properties and the enforcement of this Chapter.

31. Interested Party. Any person or entity that possesses any legal or equitable interest of record in a property including but not limited to the holder of any lien or encumbrance of record on the property.

32. Kitchen. A room used or designed to be used for the preparation of food.

33. Lavatory. A fixed wash basin connected to hot and cold running water and the building drain and used primarily for personal hygiene.

34. Maintenance. The work of keeping property in proper condition to perpetuate its use.

35. Manufactured Dwelling. See Dwelling Classifications.

36. Motel. See Dwelling Classifications.

37. Occupancy. The lawful purpose for which a building or part of a building is used or intended to be used.

38. Occupant. Any person (including an owner or operator) using a building, or any part of a building, for its lawful, intended use.

39. Occupied. Used for an occupancy.

40. Operator. Any person who has charge, care or control of a building or part of a building in which dwelling units are let or offered for occupancy.

41. Outdoor area. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

42. Owner. The person whose name and address is listed as the owner of the property by the County Tax Assessor in the County Assessment and Taxation records.

43. Plumbing or Plumbing Fixtures. Plumbing or plumbing fixtures mean any water heating facilities, water pipes, vent pipes, garbage

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or disposal units, waste lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connection to water, gas, sewer, or vent lines.

44. Property. Real property and all improvements or structures on real property, from property line to property line.

45. Public right of way. Any sidewalk, planting strip, alley, street, or pathway, improved or unimproved, that is dedicated to public use.

46. Repair. The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

47. Resident. Any person (including owner or operator) hiring or occupying a room or dwelling unit for living or sleeping purposes.

48. Residential Property. Real property and all improvements or structures on real property used or in the case of unoccupied property intended to be used for residential purposes including any residential structure, dwelling, or dwelling unit as defined in this chapter and any mixed-use structures which have one or more dwelling units. Hotels that are used exclusively for transient occupancy, as defined in this Chapter, are excluded from this definition of residential property.

49. Residential Rental Property. Any property within the City on which exist one or more dwelling units which are not occupied as the principal residence of the owner.

50. Residential Structure. Any building or other improvement or structure containing one or more dwelling units as well as any accessory structure. This includes any dwelling as defined in this Chapter.

51. Shall. As used in this Chapter, is mandatory.

52. Single-Family Dwelling. See Dwelling Classifications.

53. Single-Room Occupancy Housing Unit. See Dwelling Classifications.

54. Sink. A fixed basin connected to hot and cold running water and a drainage system and primarily used for the preparation of food and the washing of cooking and eating utensils.

55. Sleeping Room. Any room designed, built, or intended to be used as a bedroom as well as any other room used for sleeping purposes.

56. Smoke Alarm or Detector. An approved detection device for products of combustion other than heat that is either a single station device or intended for use in conjunction with a central control panel and which plainly identifies the testing agency that inspected or approved the device.

57. 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, including but not limited to buildings.

58. Substandard. In violation of any of the minimum requirements as set out in this Chapter.

59. Supplied. Installed, furnished or provided by the owner or operator.

60. Swimming Pool. An artificial basin, chamber, or tank constructed of impervious material, having a depth of 18 inches or more, and used or intended to be used for swimming, diving, or recreational bathing.

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61. Toilet. A flushable plumbing fixture connected to running water and a drainage system and used for the disposal of human waste.

62. Toilet Compartment. A room containing only a toilet or only a toilet and lavatory.

63. Transient Occupancy. Occupancy of a dwelling unit in a hotel where the following conditions are met:

a. Occupancy is charged on a daily basis and is not collected more than six days in advance;

b. The lodging operator provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy;

c. The period of occupancy does not exceed 30 days; and

d. If the occupancy exceeds five days, the resident has a business address or a residence other than at the hotel.

64. Two-Family Dwelling. See Dwelling Classifications.

65. Unoccupied. Not used for occupancy.

66. Unsecured. Any structure in which doors, windows, or apertures are open or broken so as to allow access by unauthorized persons.

67. Yard. An open, unoccupied space, other than a court, unobstructed from the ground to the sky, and located between a structure and the property line of the lot on which the structure is situated. (Ord. 99-02)

PART 2 - STANDARDS

14.16.080 Housing Maintenance Requirements, Generally.

A. No owner shall maintain or permit to be maintained any residential property which does not comply with the requirements of this Chapter. All residential property shall be maintained to the building code requirements in effect at the time of construction, alteration, or repair and shall meet the minimum requirements described in this chapter. (Ord. 99-02)

14.16.090 Display Of Address Number.

A. Address numbers posted shall be the same as the number listed on the County Assessment and Taxation Records for the property. All dwellings shall have address numbers posted in a conspicuous place so they may be read from the listed street or public way. Units within apartment houses shall be clearly numbered or lettered. (Ord. 99-02)

14.16.100 Accessory Structures.

A. All accessory structures on residential property shall be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions. (Ord. 99-02)

14.16.110 Roofs.

A. The roof shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building and shall channel rainwater into approved receivers. (Ord. 99-02)

14.16.120 Chimneys.

A. Every masonry, metal, or other chimney shall remain adequately supported and free from

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obstructions and shall be maintained in a condition which ensures there will be no leakage or back-up of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials. (Ord. 99-02)

14.16.130 Foundations And Structural Members.

A. Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.

B. The supporting structural members in every dwelling shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads. (Ord. 99-02)

14.16.140 Exterior Walls And Exposed Surfaces.

A. Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.

B. All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Wood used in construction of permanent structures and located nearer than six inches to earth shall be treated wood or wood having a natural resistance to decay.

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

D. Every section of exterior brick, stone, masonry, or other veneer shall be maintained structurally sound and be adequately supported and tied back to its supporting structure. (Ord. 99-02)

14.16.150 Stairs And Porches.

A. Every stair, porch, and attachment to stairs or porches shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, or loose. (Ord. 99-02)

14.16.160 Handrails And Guardrails.

A. Every handrail and guardrail shall be firmly fastened, and shall be maintained in good condition, capable of supporting the loads to which it is subjected, and meet the following requirements:

1. Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.

2. Where not otherwise required by original building codes, exterior stairs of more than three risers which are designed and intended to be used as part of the regular access to the dwelling unit shall have handrails. Interior stairs of more than three risers that connect between floors with habitable rooms shall have handrails. When required handrails are installed they shall have a minimum height of 30 inches and maximum height of 38 inches, measured vertically from the nosing of the treads. They shall be continuous the full length of the stairs and shall be returned or shall terminate in newel posts or safety terminals.

3. Where not otherwise required by

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original building codes, porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails at least 36 inches high. Open sides of stairs with a total rise of more than 30 inches above the floor or grade below shall have guardrails no less than 34 inches in height measured vertically from the nosing of the tread. When required guardrails are installed, they shall have intermediate rails or ornamental closures which will not allow passage of an object 4 inches or more in diameter. (Ord. 99-02)

14.16.170 Windows.

A. Every habitable room shall have at least one window facing directly to an exterior yard or court or shall be provided with approved artificial light. Except where approved artificial light is provided, the minimum total glass area for each habitable room shall be 6.8 percent of the room's floor area, except for basement rooms where the minimum shall be 5 percent. These exceptions to the current code shall not apply where any occupancy has been changed or increased contrary to the provisions of this Chapter.

B. Every habitable room shall have at least one window that can be easily opened or another approved device to adequately ventilate the room. Except where another approved ventilation device is provided, the total openable window area in every habitable room shall be equal to at least one-fortieth of the area of the room. Windows required for secondary escape purposes in sleeping rooms must also meet the requirements outlined in Subsection 14.16.170(D).

C. Every bathroom and toilet compartment shall comply with the light and ventilation requirements for habitable rooms as required by Subsections 14.16.170(A) and (B), except that no window shall be required in bathrooms or toilet compartments equipped with an approved ventilation system.

D. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements described in Section 14.16.300(A) shall have a sill height of no more than 44 inches above the floor or above an approved, permanently installed step. The step must not exceed 12 inches in height and must extend the full width of the window. The top surface of the step must be a minimum of six feet from the ceiling above the step.

E. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements described in Section 14.16.300(A) shall have a minimum net clear opening at least 20 inches wide, at least 22 inches high, and, if constructed after July 1, 1974, at least five square feet in area.

F. Every window required for ventilation or emergency escape shall be capable of being easily opened and held open by window hardware. Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

G. All windows within 10 feet of the exterior grade that open must be able to be securely latched from the inside as well as be openable from the inside without the use of a key or any special knowledge or effort. This same requirement shall apply to all openable windows that face other locations that are easily accessible from the outside, such as balconies or fire escapes, regardless of height from the exterior grade.

H. Every window shall be substantially weather-tight, shall be kept in sound condition and repair for its intended use, and shall comply with the following:

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

2. Every window sash shall be in good

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condition and fit weather-tight within its frames.

3. Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling. (Ord. 99-02)

14.16.180 Doors.

A. Every dwelling or dwelling unit shall have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment, to an exterior yard or court or to an approved exit. All such doors shall be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.

B. In hotels and apartment houses, exit doors in common corridors or other common passageways shall be openable from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.

C. Every door to the exterior of a dwelling unit shall be equipped with a lock designed to discourage unwanted entry and to permit opening from the inside without the use of a key or any special knowledge or effort.

D. Every exterior door shall comply with the following:

1. Every exterior door, door hinge, door lock, and strike plate shall be maintained in good condition.

2. Every exterior door when closed, shall fit reasonably well within its frame and be weather-tight.

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

E. Every interior door and door frame shall be maintained in a sound condition for its intended purpose with the door fitting within the door frame. (Ord. 99-02)

14.16.190 Interior Walls, Floors, And Ceilings.

A. Every interior wall, floor, ceiling, and cabinet shall be constructed and maintained in a safe and structurally sound condition, free of large holes and serious cracks, loose plaster or wallpaper, flaking or scaling paint, to permit the interior wall, floor, ceiling and cabinet to be kept in a clean and sanitary condition.

B. Every toilet compartment, bathroom, and kitchen floor surface shall be constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition. (Ord. 99-02)

14.16.200 Interior Dampness.

A. Every dwelling, including basements, and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure. (Ord. 99-02)

14.16.210 Insect And Rodent Harborage.

A. Every dwelling shall be kept free from insect and rodent infestation, and where insects and rodents are found, they shall be promptly exterminated. After extermination, proper precautions shall be taken to prevent reinfestation. (Ord. 99-02)

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14.16.220 Cleanliness And Sanitation.

A. The interior of every dwelling shall be constructed in a safe and structurally sound condition to permit the interior to be maintained in a clean and sanitary condition. The interior of every dwelling shall be free from accumulation of rubbish or garbage which is affording a breeding ground for insects and rodents, producing dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or a fire hazard. (Ord. 99-02)

14.16.230 Bathroom Facilities.

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

1. A toilet located in a room that is separate from the habitable rooms and that allows privacy;

2. A lavatory basin; and

3. A bathtub or shower located in a room that allows privacy.

B. In hotels, apartment houses and social care facilities where private toilets, lavatories, or baths are not provided, there shall be on each floor at least one toilet, one lavatory, and one bathtub or shower each provided at the rate of one for every twelve residents or fraction of twelve residents. Required toilets, bathtubs, and showers shall be in a room, or rooms, that allow privacy.

C. When there are practical difficulties involved in carrying out the provisions of this section for hotels, apartment houses and social care facilities where private toilets, lavatories or baths are not provided, the Building Official may grant modifications for individual cases. The Building Official shall first find that a special and individual reason makes the requirements of this

section impractical and that the modification is in conformance with the intent of this section and that such modification does not result in the provision of inadequate bathroom facilities in the dwelling. (Ord. 99-02)

14.16.240 Kitchen Facilities.

A. Every dwelling unit shall contain a kitchen sink apart from the lavatory basin required under Section 14.16.230, with the exception of single-room occupancy housing units which shall comply with Subsection 14.16.350(B) and social care facilities complying with Subsection 14.16.240(C).

B. Except as otherwise provided for in Subsections 14.16.240(C) and 14.16.350(B) and (C), every dwelling unit shall have approved service connections for refrigeration and cooking appliances.

C. Social care facilities may be provided with a community kitchen with facilities for cooking, refrigeration, and washing utensils. (Ord. 99-02)

14.16.250 Plumbing Facilities.

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

B. All required sinks, lavatory basins, bathtubs and showers shall be supplied with both hot and cold running water. Every dwelling shall be supplied with water heating facilities adequate for each dwelling unit which are installed in an approved manner, properly maintained, and properly connected with hot water lines to all required sinks, lavatory basins, bathtubs and showers. Water heating facilities shall be capable of heating water enough to permit an adequate amount of water to be drawn at every required facility at a temperature of at least 120 degrees at

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any time needed.

C. In every dwelling all plumbing or plumbing fixtures shall be:

1. Properly installed, connected, and maintained in good working order;
2. Kept free from obstructions, leaks, and defects;
3. Capable of performing the function for which they are designed; and
4. Installed and maintained so-as to prevent structural deterioration or health hazards.

D. All plumbing repairs and installations shall be made in accordance with the provisions of the Plumbing Code adopted by the City. (Ord. 99-02)

14.16.260 Heating Equipment And Facilities.

A. All heating equipment, including that used for cooking, water heating, dwelling heat, and clothes drying shall be:

1. Properly installed, connected, and maintained in safe condition and good working order,
2. Free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards; and
3. Capable of performing the function for which they are designed.

B. Every dwelling shall have a heating facility capable of maintaining a room temperature of 68 degrees Fahrenheit at a point 3 feet from the floor in all habitable rooms.

1. Portable heating devices may not be

used to meet the dwelling heat requirements of this Chapter.

2. No inverted or open flame fuel burning heater shall be permitted. All heating devices or appliances shall be of an approved type. (Ord. 99-02)

14.16.270 Electrical System, Outlets, And Lighting.

A. Every dwelling shall be connected to an approved source of electric power. Every electric outlet and fixture shall be maintained and safely connected to an approved electrical system. The electrical system shall not constitute a hazard to the occupants of the building by reason of inadequate service, improper fusing, improper wiring or installation, deterioration or damage, or similar reasons.

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

1. Every habitable room shall contain at least two operable electric outlets or one outlet and one operable electric light fixture.
2. Every toilet compartment or bathroom shall contain at least one supplied and operable electric light fixture and one outlet. Every laundry, furnace room, and all similar non-habitable spaces located in a dwelling shall have one supplied electric light fixture available at all times.
3. Every public hallway, corridor, and stairway in apartment houses, hotels and social care facilities shall be adequately lighted at all times with an average intensity of illumination of at least one foot candle at principal points such as angles and intersections of corridors and

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passageways, stairways, landings of stairways, landings of stairs and exit doorways, and at least 1/2 foot candle at other points. Measurement of illumination shall be taken at points not more than 4 feet above the floor. (Ord. 99-02)

14.16.280 Sleeping Room Requirements.

A. Every room used for sleeping purposes:

1. Shall be a habitable room as defined in this Chapter; and

2. Shall have natural or approved artificial light, ventilation, and windows or other means for escape purposes as required by this Chapter. (Ord. 99-02)

14.16.290 Overcrowding.

A. No dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there are more residents than one plus one additional resident for every 150 square feet of floor area of the habitable rooms in the dwelling unit. (Ord. 99-02)

14.16.300 Emergency Exits.

A. Every sleeping room shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full clear opening without the use of special knowledge, effort, or separate tools. Windows used to meet this requirement shall meet the size and sill height requirements described in 14.16.170(D). All below grade windows used to meet this requirement shall have a window well the full width of the window, constructed of permanent materials with a 3 foot clearance measured perpendicular to the outside wall. The bottom of the well may not be more than 44 inches below grade.

B. Required exit doors and other exits shall be

free of encumbrances or obstructions that block access to the exit.

C. All doorways, windows and any device used in connection with the means of escape shall be maintained in good working order and repair.

D. In addition to other exit requirements, in hotels and apartment houses:

1. All fire escapes shall be kept in good order and repair.

2. Every fire escape or stairway, stair platform, corridor or passageway which may be one of the regular means of emergency exit from the building shall be kept free of encumbrances or obstructions of any kind.

3. Where doors to stair enclosures are required by City code to be self-closing, the self closing device shall be maintained in good working order and it shall be unlawful to wedge or prop the doors open.

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

5. Where necessary to indicate the direction of egress, every apartment house and hotel shall have directional signs in place, visible throughout common passageways, that indicate the way to exit doors and fire escapes. Emergency exit doors and windows shall be clearly labeled for their intended use. (Ord. 99-02)

14.16.310 Smoke Alarms And Detectors.

A. Smoke alarms and detectors shall be required to be maintained as was required at the time of construction of the dwelling. Notwithstanding the provisions of the requirement at the time of

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construction, a single station smoke alarm or detector shall be located in all buildings where a room or area therein is designated for sleeping purposes either as a primary use or use on a casual basis. A single station smoke alarm or detector shall be installed in the immediate vicinity of the sleeping rooms and on each additional story of the dwelling, including basements and attics with habitable space. All alarms and detectors shall be approved, shall comply with all applicable laws, shall be installed in accordance with the manufacturer's instructions and shall be operable. (Ord. 99-02)

14.16.320 Hazardous Materials.

A. When paint is applied to any surface of a residential structure, it shall be lead-free.

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

C. No residential property shall be used as a place for the storage and handling of highly combustible or explosive materials or any articles which may be dangerous or detrimental to life or health. No residential property shall be used for the storage or sale of paints, varnishes or oils used in the making of paints and varnishes, except as needed to maintain the dwelling.

D. Residential property shall be kept free of friable asbestos. (Ord. 99-02)

14.16.330 Maintenance Of Facilities And Equipment.

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

1. All required facilities in every dwelling

shall be constructed and maintained to properly and safely perform their intended function.

2. All non-required facilities or equipment present in a dwelling shall be maintained to prevent structural damage to the building or hazards of health, sanitation, or fire. (Ord. 99-02)

14.16.340 Swimming Pool Enclosures.

A. Each swimming pool not totally enclosed by a structure shall be enclosed by a substantial fence at least 4 feet in height and equipped with a self-closing and latching gate except where bordered by a wall of an adjacent structure at least 4 feet in height. No swimming pool shall be nearer than 3 feet from any lot line, and no enclosing fence or wall shall be constructed nearer than 3 feet to the outer walls of the swimming pool, but in no case shall the distance between the pool and the lot line or wall be closer than allowed by Title 18. The lot line shall be as defined in Title 18 of City code. (Ord. 99-02)

14.16.350 Special Standards For Single-Room Occupancy Housing Units.

A. In addition to meeting requirements for residential structures defined elsewhere in this Chapter, hotels containing single-room occupancy housing units shall comply with the following:

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

2. When there are practical difficulties involved in carrying out the provisions of this subsection where each individual single-room

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occupancy housing unit is not provided with facilities for cooking, refrigeration and washing utensils, the Building Official may grant modifications for individual cases. The Building Official shall first find that a special and individual reason makes the requirements of this section impractical and that the modification is in conformance with the intent of this section and that such modification does not result in the provision of inadequate cooking, refrigeration and utensil washing facilities for the single-room occupancy housing units.

3. Where cooking units are provided in individual single-room occupancy housing units, they shall conform to the requirements set forth below.

a. All appliances shall be hard-wired and on separate circuits or have single dedicated connections;

b. All cooking appliances shall be fixed and permanent, except microwave ovens;

c. The Mechanical Specialty Code, as adopted by Chapter 14.04 shall be used for setting standards for cooking appliances. Cabinets over cooking surfaces shall be 30 inches above the cooking surface, except that this distance may be reduced to 24 inches when a heat shield with 1 inch airspace and extending at least 6 inches horizontally on either side of the cooking appliance is provided. Cooking appliances shall be located with at least a 6-inch clear space in all directions from the perimeter of the cooking element or burner;

d. All cooking appliances shall be installed so as to provide a minimum clear work space in front of the appliance of 24 inches. (Ord. 99-02)

PART 3 - DANGEROUS & DERELICT STRUCTURES

14.16.360 Dangerous And Derelict Structures, Generally.

A. No property shall contain any dangerous or derelict structure as described in this chapter. All such buildings or structures shall be repaired or demolished. (Ord. 99-02)

14.16.370 Derelict Structures.

A. A derelict structure is any unoccupied non-residential building, structure, or portion thereof that meets any of the following criteria or any residential building which is at least 50% unoccupied and meets any of the following criteria:

1. Has been ordered vacated by the Building Official pursuant to Chapter 1.16 and Section 14.16.385, 14.16.390 and 14.16.400; or,

2. Has been issued a notice of infraction by the Code Enforcement Officer pursuant to Section 1.16.120; or,

3. Is unsecured; or,

4. Is boarded unless the boarding is required by the Building Official; or,

5. Has, while vacant, had a nuisance declared by the City on the property upon which it is located.

B. Any property which has been declared by the Building Official to include a derelict structure shall be considered in violation of this Chapter until:

1. The structure has been lawfully occupied; or,

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2. The structure has been demolished and the lot cleared and graded after approval is issued by the City, with final inspection and approval by the Building Official, or,

3. The owner has demonstrated to the satisfaction of the Building Official that the property is free of all conditions causing its status as a derelict structure. (Ord. 99-02)

14.16.380 Dangerous Structures.

A. Any structure which has any or all of the following conditions or defects to the extent that life, health, property, or safety of the public or the structure's occupants are endangered, shall be deemed to be a dangerous structure, declared a nuisance, and such condition or defects shall be abated pursuant to Section 14.16.410 and Chapter 1.16 of the City Code.

B. High loads. Whenever the stress in any materials, member, or portion of a structure, due to all dead and live loads, is more than 1-1/2 times the working stress or stresses allowed in Chapter 14.04 for new buildings of similar structure, purpose, or location.

C. Weakened or unstable structural members or appendages.

1. Whenever any portion of a structure has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability is materially less than it was before such catastrophe and is less than the minimum requirements of Chapter 14.04 for new buildings of similar structure, purpose, or location; or

2. Whenever appendages including parapet walls, cornices, spires, towers, tanks, statuaries, or other appendages or structural members which are supported by, attached to, or part of a building, and which are in a deteriorated condition or

otherwise unable to sustain the design loads which are specified in Chapter 14.04.

D. Buckled or leaning walls, structural members. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

E. Vulnerability to earthquakes, high winds.

1. Whenever any portion of a structure is wrecked, warped, buckled, or has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction; or

2. Whenever any portion of a building, or any member, appurtenance, or ornamentation of the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in Chapter 14.04 for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in Chapter 14.04 for such buildings.

F. Insufficient strength or fire resistance. Whenever any structure which, whether or not erected in accordance with all applicable laws and ordinances:

1. Has in any non-supporting part, member, or portion, less than 50 percent of the strength or the fire-resisting qualities or characteristics required by law for a newly constructed building of like area, height, and occupancy in the same location; or

2. Has in any supporting part, member, or portion less than 66 percent of the strength or the fire-resisting qualities or characteristics required

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by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

G. Risk of failure or collapse.

1. Whenever any portion or member or appurtenance thereof is likely to fail, or to become disabled or dislodged, or to collapse and thereby injure persons or damage property; or

2. Whenever the structure, or any portion thereof, is likely to partially or completely collapse as a result of any cause, including but not limited to:

a. Dilapidation, deterioration, or decay;

b. Faulty construction;

c. The removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such structure; or

d. The deterioration, decay, or inadequacy of its foundation.

H. Excessive damage or deterioration. Whenever the structure exclusive of the foundation:

1. Shows 33 percent or more damage or deterioration of its supporting member or members;

2. 50 percent damage or deterioration of its non-supporting members; or

3. 50 percent damage or deterioration of its enclosing or outside wall coverings.

I. Demolition remnants on site. Whenever any portion of a structure, including unfilled excavations, remains on a site for more than 30

days after the demolition or destruction of the structure;

J. Fire hazard. Whenever any structure is a fire hazard as a result of any cause, including but not limited to: Dilapidated condition, deterioration, or damage; inadequate exits; lack of sufficient fire-resistive construction; or faulty electric wiring, gas connections, or heating apparatus.

K. Other hazards to health, safety, or public welfare.

1. Whenever, for any reason, the structure, or any portion thereof, is manifestly unsafe for the purpose for which it is lawfully constructed or currently is being used; or

2. Whenever a structure is structurally unsafe or is otherwise hazardous to human life, including but not limited to whenever a structure constitutes a hazard to health, safety, or public welfare by reason of inadequate maintenance, dilapidation, unsanitary conditions, obsolescence, fire hazard, disaster, damage, or abandonment.

L. Public nuisance.

1. Whenever any structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence; or

2. Whenever the structure has been so damaged by fire, wind, earthquake or flood or any other cause, or has become so dilapidated or deteriorated as to become:

a. An attractive nuisance, or

b. A harbor for vagrants or criminals.

M. Chronic dereliction. Whenever a derelict structure, as defined in this Chapter, remains unoccupied for a period in excess of 6 months or period less than 6 months when the structure or

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portion thereof constitutes an attractive nuisance or hazard to the public.

N. Violations of codes, laws. Whenever any structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such structure provided by the building regulations of this City, as specified in Chapter 14.04 or any law or ordinance of this State or City relating to the condition, location, or structure or buildings. (Ord. 99-02)

PART 4 - ENFORCEMENT

14.16.385 Notice Of Status As Derelict Or Dangerous Structure.

A. When the Building Official determines that a structure is a derelict or dangerous structure notice of infraction shall be given to the owner pursuant to City Code Chapter 1.16. Additional notice to other affected persons may be given at the discretion of the Building Official. In addition to the notice required by Chapter 1.16, the Building Official shall give the statement of actions required to cure or remedy the condition and, if necessary, the order to vacate described in § 14.16.390 and 14.16.400. (Ord. 99-02)

14.16.390 Statement Of Actions Required.

A. Notice of the statement of action shall be given in conjunction with the notice of infraction pursuant to Chapter 1.16.

B. The statement of the action required to cure or remedy a condition giving rise to classification of a structure as derelict or dangerous shall include the following:

1. If the Building Official has determined that the building or structure must be repaired, the statement shall require that all required permits be secured and the work

physically commenced within such time from the date of the statement and completed within such time as the Building Official shall determine is reasonable under all of the circumstances.

2. If the Building Official has determined that the building or structure must be vacated, the statement shall order that the building or structure shall be vacated within a time certain from the date of the statement as determined by the Building Official to be reasonable.

3. If the Building Official has determined that (a) the building or structure is vacant, (b) that building or structure is structurally sound and does not present a fire hazard, and (c) the building or structure has presented or is likely to present a danger to individuals who may enter the building or structure even though they are unauthorized to do so, the statement shall require that the building or structure be secured against unauthorized entry by means which may include but are not limited to the boarding up of doors and windows.

4. If the Building Official has determined that the building or structure must be demolished, the statement shall order that the building be vacated within such time as the Building Official shall determine is reasonable from the date of the statement; that all required permits be secured from the date of the statement, and that the demolition be completed within such time as the Building Official shall determine is reasonable.

5. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official will order the building vacated and posted to prevent further occupancy until the work is completed, and may proceed to cause the work to be done and charge the costs thereof against the property or its owners. (Ord. 99-02)

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14.16.400 Notice Of Unsafe Occupancy.

A. Posting Notice. In conjunction with an order to vacate, a notice shall be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY

It is a violation of Chapter 14.16 of the City Code to occupy this building or to remove or deface this notice.

Building Official
City of Tigard

B. Compliance.

1. Upon an order to vacate and the posting of an unsafe building notice, no person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit.

2. 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 ordinance, codified in Chapter 14.04 of this code. (Ord. 99-02)

14.16.410 Abatement Of Dangerous Structures.

A. All structures or portions thereof which are determined after inspection by the Building Official to be dangerous as defined in this Chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified herein. If the Building Official determines that a structure is dangerous,

as defined by this Chapter, the Building Official may commence proceedings to cause the repair, vacation or demolition of the structure. (Ord. 99-02)

14.16.420 Inspections Required, Right Of Entry.

A. Inspections. All buildings, structures, or other improvements regulated by this Chapter and all construction work for which a permit is required shall be subject to inspection by the Building Official.

B. Right of Entry. Whenever the Building Official has reasonable cause to suspect a violation of any provision of this Chapter exists or when necessary to investigate an application for or revocation of any approval under any of the procedures described in this title, the Building Official may enter on any site or into any structure for the purpose of investigation, provided that no premises shall be entered without first obtaining the consent of the owner or person in control of the premises if other than the owner, or by obtaining a search warrant.

C. Search Warrant. If consent cannot be obtained, the Building Official shall secure a search warrant from the City's Municipal Court before further attempts to gain entry, and shall have recourse to every other remedy provided by law to secure entry. (Ord. 99-02)

14.16.430 Fee-Paid Inspections For Residential Structures.

A. Requested inspections that are not part of the City's code enforcement program will be made as soon as practical after payment to the Building Official of the fee specified by resolution of the City Council. (Ord. 99-02)

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14.16.440 Occupancy Of Residential Property After Notice Of Violation.

A. If a notice of violation of sections 14.16.080 through 14.16.350 or 14.16.360 through 14.16.380 has been issued, and if the affected dwelling unit(s) is or becomes vacant, it shall be unlawful to reoccupy or permit re-occupancy of the unit(s) for residential purposes until the necessary permits are obtained, corrections made, and permit inspection approvals given.

B. Notwithstanding Subsection 14.16.440 (A), the Building Official may permit re-occupancy of the dwelling unit if in the Building Official's opinion, all fire and life safety hazards have been rectified. (Ord. 99-02)

14.16.450 Illegal Residential Occupancy.

A. When a property has an illegal residential occupancy, including but not limited to occupancy of tents, campers, motor homes, recreational vehicles, or other structures or spaces not intended for permanent residential use or occupancy or spaces constructed or converted without permit, the use shall be abated or the structure brought into compliance with the present regulations for a building of the same occupancy. (Ord. 99-02)

14.16.460 Interference With Repair, Demolition, Or Abatement Prohibited.

A. It is unlawful for any person to obstruct, impede, or interfere with any person lawfully engaged in:

1. The work of repairing, vacating, warehousing, or demolishing any structure pursuant to the provisions of this Chapter;

2. The abatement of a nuisance pursuant to the provisions of this Chapter; or Chapter 1.16.

3. The performance of any necessary act preliminary to or incidental to such work as authorized by this Chapter or directed pursuant to it. (Ord. 99-02)

14.16.470 Violations.

A. A violation of this Chapter shall constitute a Class 1 civil infraction, which shall be processed according to the procedures in the civil infractions ordinance, set out at Chapter 1.16 of this Code.

B. Each violation of a separate provision of this Chapter shall constitute a separate infraction, and each day that a violation of this Chapter is committed or permitted to continue shall constitute a separate infraction.

C. A finding of a violation of this Chapter shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition and not in lieu of any remedies available to the City.

D. If a provision of this Chapter is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this Chapter. (Ord. 99-02) ■