

**CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS**  
**Study Session Worksheet**

**Presentation Date:** November 24, 2015 **Time:** 1:30 pm    **Length:** 1 hour  
**Presentation Title:** Combating Nuisance Houses in Clackamas County  
**Department/Division:** Sheriff's Office, Code Enforcement, District Attorney's Office,  
County Counsel  
**Presenters:** Scott Ciecko, Lt. Graham Phalen, DDA Bill Stewart, Scott Caufield

**WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

Staff respectfully requests the Board to consider the proposed amendments to Chapter 9.01 of the Clackamas County Code governing dangerous buildings. The proposed amendments are attached hereto as Exhibit 1.

Staff also requests the Board to direct department managers to investigate their funding needs for dealing with and responding to nuisance houses, and to notify the Board of the results of the investigations when that information is available to them.

No other Board action is requested, however, the broader purpose of this policy session is to educate the Board on nuisance houses in Clackamas County as well as the efforts that are being made to combat them.

**EXECUTIVE SUMMARY:**

In recent months an increasing amount of attention has been brought to nuisance houses within the County. These problem houses often include situations where ownership of the house is unclear or in flux, and/or the owner of the house is suffering from a condition that impairs his or her ability to properly manage the home. These houses become chronic problems in their neighborhoods and are frequently inhabited by squatters, are havens for drug use and criminal activity, and accumulate vast amounts of solid waste.

Resolving the problems associated with these houses is time consuming, labor intensive, expensive, and challenging. Dealing with the problems requires that staff time and financial resources from multiple County departments be utilized in a coordinated effort. Last summer (2015) an unofficial task force was put together with participants from the Sheriff's Office, Code Enforcement, the District Attorney's Office, and County Counsel. More recently, H3S has begun participating in meetings and the task force is exploring how to integrate that department into the efforts that are currently under way.

From a legal standpoint, the problems associated with these houses can be difficult to combat because they often fall just out of reach of the County Code and State statutes. Even when current law does reach the problems at hand, the available legal processes can be slow and inefficient. The County's dangerous buildings code is one legal tool that is proving to be effective and efficient, however, there are a number of proposed

amendments to that Chapter that would greatly help to streamline the process. Thus, the County Building Official, along with the departments/divisions working to combat these nuisance houses, respectfully request the Board to amend Chapter 9.01 of the Clackamas County Code as shown in the materials submitted herewith.

**FINANCIAL IMPLICATIONS** (current year and ongoing):

Is this item in your current budget?       YES       NO

What is the cost? Total costs unknown

What is the funding source? No specific source

The full costs of these nuisance houses to the County and to the public are difficult to quantify. There are currently approximately 20 County employees from numerous departments/divisions who are active on the unofficial task force. The amount of staff time spent working on these issues varies depending on the role of the employee. CCSO patrol deputies and Code Enforcement officers spend a significant amount of time investigating, inspecting, and working to find resolutions to nuisance houses.

These problem houses also undoubtedly impose a financial impact on the public. Two recent meetings where nuisance houses have been discussed attracted approximately 90 and 150 citizens, respectively. Furthermore local partners (Oak Lodge Sanitation District and Oak Lodge Water District) have participated in a recent cleanup effort by donating dumpsters, a front-loader, and employee time to remove some of the solid waste that had accumulated at the site.

At present there are 25 houses on the task force list of nuisance houses. This list is largely limited to the area on or near Highway 99E (SE McLoughlin Blvd.), however, the task force hopes to expand its efforts County-wide in the future. Attached to this worksheet as Exhibit 2 is a case study of two specific houses that have recently been targeted by County staff. The case study includes the financial impacts to the Sheriff's Department in working to resolve the problems faced.

In working to find solutions to these problem houses, County staff frequently discovers that people with legitimate property interests in the houses do not have the financial resources to clean up solid waste accumulations, conduct the repairs needed to ensure minimum health and safety, or to secure the house against squatters. This is true even after unwanted people have been removed from the homes. Consequently, utilizing County funds in certain situations could be extremely helpful in situations where cooperative owners lack the resources to take necessary remedial steps.

Currently Section 9.01.280 of the County Code calls for a dangerous building "repair and demolition fund," which is intended to assist with these situations. Unfortunately, this fund has not contained any money in recent years. Additionally, Section 10.03.230 of the County Code creates a "Solid Waste Disposal Fund," which is funded and utilized by DTD Resource Conservation & Solid Waste program. The program's budget,

however, has not contained any line-items in recent years for cleanup of illegal solid waste accumulations such as those encountered when dealing with nuisance houses.

### **STRATEGIC PLAN ALIGNMENT:**

Continuing to combat nuisance houses in Clackamas County is entirely consistent with the Performance Clackamas goal of ensuring safe, healthy, and secure communities. These nuisance houses have significant negative impacts on their neighborhoods. As described above the houses are frequently inhabited by squatters, are havens for drug use and criminal activity, and accumulate vast amounts of solid waste. In addition, some of these houses become infested by vermin, emit foul odors, are structurally unsound, lack proper water and sewer connections, and pose health risks to the occupants as well as other people in their immediate vicinity.

### **LEGAL/POLICY REQUIREMENTS:**

If the Board is inclined to make the suggested amendments to Chapter 9.01 of the County Code (dangerous buildings), such changes can be implemented on an emergency basis, effective immediately upon adoption, by approving an ordinance. Approval can occur at a single public meeting of the governing body, provided the vote in favor of the ordinance is unanimous. If the vote is not unanimous, then the ordinance must be adopted by conducting two votes at least 13 days apart.

Any budgetary or funding changes should be implemented upon consultation with the finance department and the managers or directors of the other impacted departments.

### **PUBLIC/GOVERNMENTAL PARTICIPATION:**

In addition to this policy session and a business meeting that will be needed to adopt changes to the County Code, it does not appear that any other immediate government or public processes are necessary.

That being said, public involvement and cooperation is essential in combatting nuisance houses. There have been several neighborhood meetings that have already occurred about problem homes, and these meetings have been well attended. CCSO deputies have been active in talking with community members where problem houses are located. Continued public outreach will be necessary to identify problem homes and to determine the best approaches for dealing with each unique situation.

### **OPTIONS:**

As to the proposed amendments to the County Code the Board could (1) adopt an ordinance implementing the amendments on an emergency basis; (2) adopt an ordinance implementing the amendments in the normal course; or (3) take no action and leave the County Code as it currently exists.

As to the budgetary and funding issues discussed the Board could (1) direct department managers to further investigate their funding needs and provide the Board with more specific funding and budgetary needs when available; or (2) take no action.

The other issues presented in this policy session are primarily for informational purposes and require no Board action at this time.

**RECOMMENDATION:**

Staff respectfully requests that the Board adopt the proposed ordinance changes to Chapter 9.01 of the Clackamas County Code in order to give County employees a more efficient and more effective tool in combating nuisance houses in the County.

Staff further requests the Board to direct department managers to further investigate their funding needs and provide the Board with more specific funding and budgetary needs when available.

If the Board is not inclined to take these requested actions the County departments involved on combating nuisance houses will continue to maintain the status quo as to dealing with nuisance houses. This approach can yield results in dealing with the problems, however, the current process is not nearly as efficient or as effective as it could be with further funding, coordination, and legislative fixes.

**ATTACHMENTS:**

- Exhibit 1 – proposed changes to Chapter 9.01 of the Clackamas County Code.
- Exhibit 2 – case study of two specific nuisance houses recently dealt with in the County

**SUBMITTED BY:**

Scott Ciecko, Assistant County Counsel



Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval \_\_\_\_\_

County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Scott Ciecko @ 503-655-8362

## Chapter 9.01

### 9.01 Code for the Abatement of Dangerous Buildings and Structures

#### 9.01.010 Purpose

It is the purpose of this chapter to provide a just, equitable and practicable method, to be cumulative with addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law. Whereby buildings or structures which from any cause endanger the life, limb, health, property, safety, or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

- A. The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.
- B. The provisions of this chapter shall apply to all dangerous buildings and structures, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

[Codified by Ord. 05-2000, 7/13/00]

#### 9.01.020 Alterations, Additions and Repairs

All buildings or structures, which are required to be repaired, under the provisions of this chapter, shall remain subject to all applicable provisions of law, including but not limited to the Oregon Specialty Code.

[Codified by Ord. 05-2000, 7/13/00]

#### 9.01.030 Administration

- A. The building official and his or her authorized representatives are hereby delegated full authority to enforce the provisions of this chapter. The building official shall have the power to render interpretations of this chapter, to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this chapter.
- B. The Compliance Hearings Officer appointed pursuant to Chapter 2.07, has the authority and jurisdiction to conduct hearings to enforce the provisions of this chapter.
- C. The following Clackamas County employees are "Authorized Representatives" of the building official :
  - 1. The Deputy Building Codes Administrator;
  - 2. The Plan Review Supervisor; and
  - 3. The Structural/Mechanical Inspector Supervisor.
- D. The words, phrases, and provisions in this chapter shall be construed as specified herein or as specified in the Building Code where terms are not defined, they shall have their

ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language Unabridged; copyright 1986, shall be construed as providing ordinary accepted meanings. 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.

1. BUILDING CODE is the Clackamas County Building Code, as defined in Section 9.02.040.
2. DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 9.01.100 of this chapter.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.040 Inspections**

The health officer, the building official, and their staff are hereby authorized to make any such inspections and take such actions as may be required to enforce the provisions of this chapter. Where provisions of the Oregon Fire Code may be at issue, the building office shall consult with a fire marshal prior to taking action under this chapter.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.050 Right of Entry**

When the health officer, building official or the building official's authorized representative has reasonable suspicion to believe that there exists in a building or upon premises a condition which is contrary to or in violation of this chapter, that makes the building or premises unsafe, dangerous, or hazardous, the building official, the building official's authorized representatives, the health official and their staff may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such building or premises were occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.060 Abatement Of Dangerous Buildings**

All buildings or portions thereof, which are determined after inspection or receipt of other verifiable information 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 procedure specified in Section 9.01.100 of this chapter. In addition to abatement as described herein, a dangerous building may be ordered to be vacated subject to the provisions of this chapter.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.070 Violations**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, or structure, cause or permit the same to be done in violation of this chapter or any provision of the Building Code.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.080 Inspection Of Work**

All buildings or structures within the scope of this chapter and all construction or work for which a permit is required shall be subject to inspection by the building official or the building official's authorized representative in accordance with and in the manner provided by this chapter and of the Building Code.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.090 Code Compliance Hearings Officer**

- A. As authorized by Section 9.01.030 (B) of this code, and subject to Chapter 2.07 of this code, the Code Compliance Hearings Officer shall conduct hearings and render decisions to enforce the provisions of this chapter.
- B. The Code Compliance Hearings Officer shall have no authority to interpret the administrative provisions of this chapter nor shall the Code Compliance Hearings Officer be empowered to waive requirements of this chapter.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.100 Dangerous Building or Structure**

For the purpose of this chapter, any building, building system, or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building or structure, provided that such conditions or defects endanger the life, health, property or safety of its occupants or the public.

- A. Whenever a building or structure is determined to be structurally unsound or defective such that building collapse or other structural failure may occur or where such a structural condition exists that may be injurious to life, limb, or property.
- B. Whenever a required door, aisle, passageway, stair, or other exit component or system is blocked or otherwise rendered unusable or is otherwise in violation of any applicable code.
- C. Whenever a building or structure is being used or occupied contrary to the manner in which it was approved provided that such use creates a life or fire safety hazard, health hazard, or environmental hazard to the building occupants or adjacent property owners.
- D. Whenever a building or structure is effected by one or more health hazards including but not limited to inadequate plumbing and/or sanitation, inadequate light and/or ventilation, chemical hazard, toxins, or is otherwise determined to be unfit for human habitation or use.

- E. Whenever, for any reason, a building or structure or a portion thereof is manifestly unsafe for the purpose for which it is being used.
- F. Whenever a building contains a fire hazard as defined in the most current edition of the Oregon Fire Code that creates an immediate threat to life or fire safety.
- G. Whenever any building system (electrical, plumbing, heating, ventilation, air conditioning or other permanently installed system) is determined to be unsafe or otherwise in violation of any applicable code or ordinance.
- H. Whenever permanently installed equipment or machinery creates a structural, life or fire safety hazard, health or other hazard.
- I. Whenever the accumulation of solid and/or putrescible waste creates a structural, life or fire safety, health or other hazard.
- J. Whenever an environmental hazard exists that poses an immediate danger to the occupants of a building or where the continued use of a building will cause the environmental hazard to worsen.
- K. Whenever an occupied building lacks an operational, potable water supply.
- L. Whenever an occupied building lacks a functioning connection to public sewer or an approved and fully operational septic facilities.
- M. Whenever any other condition exists that creates a significant structural, life or fire safety, health or other hazard that impacts the occupancy or continued use of buildings or structures. In such cases, the health officer or the building official shall cite the specific reason(s) that the building or structure has been determined to be unsafe.

#### **9.01.110 Notices And Orders Of Building Official**

When the building official or the building official's authorized representative has inspected, caused to be inspected, or received a sufficient amount of verifiable information about any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.

##### **A. Notice and Order**

The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 9.01.100 of this chapter.
3. A statement of the action required to be taken as determined by the building official.
  - a. If the building official has determined that the building or structure must be repaired, the order shall require that all required permits must be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.
  - b. If the building official has determined that the building or structure must



be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

- c. If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.
  4. 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;
    - a. Will order the building vacated and posted to prevent further occupancy until the work is completed, and
    - b. May proceed to cause the work to be done and charge the costs thereof against the property or its owner.
  5. Statements advising
    - a. that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the Code Compliance Hearings Officer, provided the appeal is made in writing as provided in this chapter and filed with the building official within 30 days from the date of service of such notice and order; and
    - b. That failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
- B. Service of Notice and Order
- The notice and order and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the building official or disclosed from official public records: The holder of any mortgage, or deed of trust or other legal interest holder; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.
- C. Method of Service
- Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.120 Recordation Of Notice And Order**

- A. Where the building official or an authorized representative has determined that a building or structure constitutes an immediate danger to the life, limb, property, or safety of the public, the building official may record with the County Clerk a certificate describing the property and certifying that:
1. the building is a dangerous building; and
  2. the owner has been so notified.
- B. If the building or structure does not constitute an immediate danger to the life, limb, property, or safety of the public, and if the property owner does not obtain compliance with the order within the time specified therein, and no appeal has been properly and timely filed, the building official or an authorized representative may record with the County Clerk a certificate describing the property and certifying that:
1. the building is a dangerous building; and
  2. the owner has been so notified.
- C. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.130 Repair, Vacation And Demolition**

The following standards shall be followed by the building official (and by the Code Compliance Hearings Officer if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

- A. Any building declared a dangerous building under this chapter shall be made to comply with one of the following:
1. The building shall be repaired in accordance with the Building Code or other current code applicable to the type of substandard conditions requiring repair; or
  2. The building shall be demolished at the option of the building owner; or
  3. Where a building is not occupied and does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured, and maintained against entry in a manner acceptable to the building official. Where a building cannot adequately be secured and maintained against entry the building official shall have discretion to disallow the securing of the building against entry as an option for resolution of the dangerous condition.
- B. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated and such a building shall remain vacated until such time as the building official or an authorized representative determines the building no longer poses an immediate threat. Upon issuance and posting of an order to vacate a dangerous building it shall be

unlawful for anyone to enter or remain in the building without obtaining the prior written permission of the building official or an authorized representative. A person who enters or remains in a duly ordered and posted dangerous building is subject to arrest, criminal prosecution, and any other remedy available at law.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.140 Order To Vacate**

- A. Posting. Every order to vacate shall, in addition to being served as provided in Section 9.01.110, 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 misdemeanor to occupy this building,  
Or to remove or deface this notice.  
Building Official  
. . . . . of . . . . .

- B. Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Section 9.01.110, reciting the emergency and specifying the conditions which necessitate the posting. 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. 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 the provisions of the Building Code.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.150 Appeal**

- A. Any person entitled to service under Section 9.01.110 may appeal from any notice and order or any action of the building official under this chapter by filing at the office of the building official a written appeal containing:
1. A heading in the words: "Before the Code Compliance Hearings Officer of Clackamas County
  2. The . . . . . of . . . . ."
  3. A caption reading: "Appeal of . . . . .," giving the names of all appellants participating in the appeal.
  4. 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.
  5. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

6. 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.
  7. The signatures of all parties named as appellants and their official mailing addresses.
  8. 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. The appeal shall be filed within 30 days from the date of the service of such order or action of the building official.
- C. As soon as practicable after receiving the written appeal, the Code Compliance Hearings Officer shall fix a date time and place for the hearing of the appeal by the board. Such date shall not be less than 15 days and not for 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 provided in the manner set forth in Section 2.07.050.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.160 Effect Of Failure To Appeal**

Failure of any person to file an appeal in accordance with the provisions of Section 9.01.150 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.170 Scope Of Hearing On Appeal**

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

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.180 Staying Of Order Under Appeal**

Except for vacation orders made pursuant to Section 9.01.140, enforcement of any notice and order of the building official issued under this chapter shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.190 Hearing, Conduct of Hearing, and the Form of Decision on Appeal**

The notice of hearing, the conduct of the hearing and the form of decision shall be provided in the manner set forth in Section 2.07.050-2.01.100.

#### **9.01.200 Compliance**

After any order of the building official or the Code Compliance Hearings Officer made pursuant to this chapter becomes final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order.

- A. Failure to Obey Order to Vacate. Any person who fails to comply with an order to vacate a dangerous building is subject to arrest and criminal prosecution, as well as fines, fees, and civil penalties permitted by law.
- B. Failure to Obey Order to Repair or Demolish Building. Whenever effective person fails to comply with an order to repair or demolish a dangerous building the building official may:
  - 1. order the building to be vacated, and
  - 2. 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 dangerous 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 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 chapter. 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.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.210 Extension Of Time To Perform Work**

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant extensions of time, in increments of 60 additional 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 the time to appeal the notice and order.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.220 Interference With Repair Or Demolition Work Prohibited**

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction 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 chapter; or with any person to whom such building has been lawfully sold pursuant to the provisions of this chapter, whenever such officer, employee, contractor or authorized representative of this jurisdiction, 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 chapter, or in performing any

necessary act preliminary to or incidental to such work or authorized or directed pursuant to this chapter.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.230 Performance Of Work Of Repair Or Demolition**

When any work of repair or demolition is to be done pursuant to Section 9.01.200, of this chapter, the building official shall issue an order therefor to the director of the Department of Transportation and Development and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of said director. Plans and specifications therefor may be prepared by said director, or the director may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.240 Recovery Of Cost Of Repair Or Demolition**

The director of the Department of Transportation or his or her designee shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 9.01.240, of this chapter. Upon the completion of the work of repair or demolition, said director shall prepare and record with the clerk of this jurisdiction 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 Section 9.01.110. Thereafter the costs of said work shall become a lien on the property and a debt for which the record owner(s) are personally liable until paid in full. Said lien shall be enforceable in any manner provided by law.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.250 Remedies not Exclusive**

None of the remedies described in this chapter are exclusive and the County may pursue any other remedies available to it including, but not limited to, commencing a civil action in a court of competent jurisdiction.

## Chapter 9.01

### 9.01 ~~Uniform~~ Code for the Abatement of Dangerous Buildings and Structures

#### 9.01.010 Purpose

It is the purpose of this chapter to provide a just, equitable and practicable method, to be cumulative with addition to any other, remedy provided by the Building Code, Housing Code or otherwise available by law. Whereby buildings or structures which from any cause endanger the life, limb, health, ~~morals~~, property, safety, or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

- A. The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.
- B. The provisions of this chapter shall apply to all dangerous buildings and structures, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

[Codified by Ord. 05-2000, 7/13/00]

#### 9.01.020 Alterations, Additions and Repairs

All buildings or structures, which are required to be repaired, under the provisions of this chapter, shall ~~be remain~~ subject to the all applicable provisions of ~~Section 3403 the applicable of the Building of law, including but not limited to the Oregon Specialty Code under which they are regulated.~~

[Codified by Ord. 05-2000, 7/13/00]

#### 9.01.030 Administration

- A. The building official and his or her authorized representatives are ~~is~~ hereby authorized delegated full authority to enforce the provisions of this chapter. The building official shall have the power to render interpretations of this chapter, ~~To~~ adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this chapter.
- B. ~~The Compliance Hearings Officer appointed pursuant to Chapter 2.07.010, Compliance Hearings Officer, of this code, is hereby appointed as the Board of Appeals~~ has the authority and jurisdiction to conduct hearings to enforce the provisions of ~~for~~ this chapter.
- C. ~~The building official hereby appoints~~ The following Clackamas County employees are as its "Authorized Representatives" of the building official :
  - 1. The Deputy Building Codes Administrator~~Official~~;
  - 2. The Plans Review Supervisor; and
  - 3. The Structural/~~and~~ Mechanical Inspector~~ion~~ Supervisor.

- ~~D. For the purpose of this chapter, certain terms, phrases, words, and their derivatives~~The words, phrases, and provisions in this chapter shall be construed as specified in either this chapter herein or as specified in the Building Code, as defined herein. ~~Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language Unabridged; copyright 1986, shall be construed as providing ordinary accepted meanings. 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.~~
- ~~1. BUILDING CODE is the Clackamas County Building Code, as defined in Section 9.02.040.~~
  - ~~1.2. DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 9.01.100 of this chapter.~~

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.040 Inspections**

~~The health officer, the fire marshal, and the building official, and their staff~~ are hereby authorized to make any such inspections and take such actions as may be required to enforce the provisions of this chapter. Where provisions of the Oregon Fire Code may be at issue, the building office shall consult with the applicable fire marshal prior to taking action under this chapter.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.050 Right of Entry**

~~When it is necessary to make an inspection to enforce the provisions of this chapter.~~ When the health officer, building official or the building official's ~~has~~ authorized representative has reasonable ~~cause suspicion~~ to believe that there exists in a building or upon premises a condition, which is contrary to or in violation of this chapter, ~~that.~~ ~~This~~ makes the building or premises unsafe, dangerous, or hazardous, ~~the building official, the building official's or authorized representatives, the health official and their authorized inspection personnel~~ staff may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this chapter. ~~Provided that if such building or premises were occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. Authorized representatives shall include the officers named in Section 9.01.040 and their authorized inspection personnel.~~

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.060 Abatement Of Dangerous Buildings**

All buildings or portions thereof, which are determined after inspection or receipt of other reasonably credible verifiable information ~~by the building official or the building official's~~



~~authorized representative~~ 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 procedure specified in Section 9.01.100 of this chapter. In addition to abatement as described herein, a dangerous building may be ordered to be vacated subject to the provisions of this chapter.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.070 Violations**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, or structure, cause or permit the same to be done in violation of this chapter or any Oregon Specialty Code provision of the Building Code.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.080 Inspection Of Work**

All buildings or structures within the scope of this chapter and all construction or work for which a permit is required shall be subject to inspection by the building official or the building official's authorized representative in accordance with and in the manner provided by this chapter and ~~Sections 108 and 1701~~ of the Oregon Specialty Building Building Codes.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.090 Code Compliance Hearings Officer Board Of Appeals**

##### **9.01.090**

- ~~A. As authorized by Section 9.01.030 (B) of this code, and subject to Chapter 2.07 of this code, the Code Compliance Hearings Officer shall serve as the Appeals Board for this chapter~~ conduct hearings and render decisions to enforce the provisions of this chapter.
- ~~A. General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this chapter, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals, shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in Section 9.01.150 of this chapter. Copies of all rules or regulations adopted by the board shall be delivered to the building official; who shall make them freely accessible to the public.~~

- B. ~~Limitations of Authority.~~ The Code Compliance Hearings Officer ~~board of appeals~~ shall have no authority ~~relative to interpretation of~~ the administrative provisions of this chapter nor shall the Code Compliance Hearings Officer ~~board~~ be empowered to waive requirements of this chapter.

~~Definitions.~~ For the purpose of this chapter, certain terms, phrases, words, and their derivatives shall be construed as specified in either this chapter or as specified in the Oregon Specialty Building Codes or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language Unabridged; copyright 1986, shall be construed as providing ordinary accepted meanings. 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.

BUILDING CODE is the Uniform Building Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 9.01.100 of this chapter.

HOUSING CODE is the Uniform Housing Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

[Codified by Ord. 05-2000, 7/13/00]

#### 9.01.100 Dangerous Building or Structure

For the purpose of this chapter, any building, building system, or structure which has any or all ~~of but not limited to~~ of the conditions or defects hereinafter described shall be deemed to be a dangerous building or structure, provided that such conditions or defects ~~exists to the extent that~~ endanger the life, health, property or safety of ~~the public or~~ its occupants or the public are endangered.

- A. ~~Whenever any door, aisle, passageway, stairway or other exists or is maintained in violation of any specific requirement or means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.~~
- B. ~~Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.~~
- C. ~~Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.~~
- D. ~~Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.~~
- E. ~~Whenever any portion, member, or appurtenance thereof is likely to fail, or to become detached, dislodged, or to collapse and thereby injure persons or damage property.~~
- F. ~~Whenever any portion of a building, or any member, appurtenance or ornamentation on 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 the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
- G. — Whenever any portion thereof has wracked, warped, buckled, or 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.
- H. — Whenever the building or structure, or any portion thereof, because of
1. — dilapidation, deterioration or decay;
  2. — faulty construction;
  3. — the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
  4. — the deterioration, decay or inadequacy of its foundation; or
  5. — any other causes are likely to partially or completely collapse.
- I. — Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- J. — 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.
- K. — Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls, or coverings.
- L. — Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
1. — an attractive nuisance to children;
  2. — a harbor for vagrants, criminals or immoral persons; or as to
  3. — Enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- M. — Whenever any building or structure has been constructed, exists or maintained in violation of any specific requirement prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or chapter of this state or jurisdiction relating to the condition, location or structure of buildings.
- N. — Whenever any building or structure which, whether or not erected in accordance with all applicable laws and codes, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the;
1. — Strength,
  2. — fire resisting qualities or characteristics,
  3. — Weather resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
- O. — Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

- ~~P. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.~~
- ~~Q. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.~~
- ~~R. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

- A. Whenever a building or structure is determined to be structurally unsound or defective such that building collapse or other structural failure may occur or where such a structural condition exists that may be injurious to life, limb, or property.
- B. Whenever a required door, aisle, passageway, stair, or other exit component or system is blocked or otherwise rendered unusable or is otherwise in violation of any applicable code.
- C. Whenever a building or structure is being used or occupied contrary to the manner in which it was approved provided that such use creates a life or fire safety hazard, health hazard, or environmental hazard to the building occupants or adjacent property owners.
- D. Whenever a building or structure contains or is effected by one or more health hazards including but not limited to inadequate plumbing and/or sanitation, inadequate light and/or ventilation, chemical hazard, toxins, or is otherwise determined to be unfit for human habitation or use.
- E. Whenever, for any reason, a building or structure or a portion thereof is manifestly unsafe for the purpose for which it is being used.
- F. Whenever a building contains a fire hazard as defined in the most current edition of the Oregon Fire Code that creates an immediate threat to life or fire safety.
- G. Whenever any building system (electrical, plumbing, heating, ventilation, air conditioning or other permanently installed system) is determined to be unsafe or otherwise in violation of any applicable code or ordinance.
- H. Whenever permanently installed equipment or machinery creates a structural, life or fire safety hazard, health or other hazard.
- I. Whenever the accumulation of solid and/or putrescible waste creates a structural, life or fire safety, health or other hazard.
- J. Whenever an environmental hazard exists that poses an immediate danger to the occupants of a building or where the continued use of a building will cause the environmental hazard to worsen.
- K. Whenever an occupied building lacks access to an operational, potable running water supply.
- L. Whenever an occupied building lacks access to a functioning connection to public sewer or an approved and fully operational septic facilities.
- M. Whenever any other condition exists that creates a significant structural, life or fire safety, health or other hazard that impacts the occupancy or continued use of buildings or

structures. In such cases, the health officer or the building official shall cite the specific reason(s) that the building or structure has been determined to be unsafe.

### 9.01.110 Notices And Orders Of Building Official

Commencement of Proceedings—When the building official or the building official's authorized representative has inspected, ~~or~~ caused to be inspected, or received a sufficient amount of verifiable information about any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.

#### A. Notice and Order

The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 9.01.100 of this chapter.
3. A statement of the action -required to be taken as determined by the building official.
  - a. If the building official has determined that the building or structure must be repaired, the order shall require that all required permits must be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.
  - b. If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.
  - c. If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.
4. 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;
  - a. Will order the building vacated and posted to prevent further occupancy until the work is completed, and
  - b. May proceed to cause the work to be done and charge the costs thereof against the property or its owner.
5. Statements advising
  - a. that any person having any record title or legal interest in the building may

appeal from the notice and order or any action of the building official to the ~~board of appeals~~ Code Compliance Hearings Officer, provided the appeal is made in writing as provided in this chapter and filed with the building official within 30 days from the date of service of such notice and order; and

- b. ~~that~~That failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

B. Service of Notice and Order

-The notice and order and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the building official or disclosed from official public records: ~~The holder of any mortgage, or deed of trust or other lien or encumbrance of record~~ legal interest holder; the owner or holder of any mortgage, or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate, any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

C. Method of Service

Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

~~D. Proof of Service~~

~~Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.~~

[Codified by Ord. 05-2000, 7/13/00]

**9.01.120 Recordation Of Notice And Order**

~~A. Where the building official or an authorized representative has determined that a building or structure constitutes an immediate danger to the life, limb, property, or safety of the public, if compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall~~ may file in the office of the county recorder record with the County Clerk a certificate describing the property and certifying that:

- ~~1.A. that~~ 1.A. that the building is a dangerous building; and  
~~2B. that~~ 2B. that the owner has been so notified;;

B. If the building or structure does not constitute an immediate danger to the life, limb, property, or safety of the public, and if the property owner does not obtain compliance with the order within the time specified therein, and no appeal has been properly and timely filed, the building official or an authorized representative may file in the office of the county recorder with the County Clerk a certificate describing the property and certifying that:

1. the building is a dangerous building; and
2. the owner has been so notified.

C. Whenever the corrections ordered shall thereafter have been completed or the bBuilding demolished so that it no longer exists as a dangerous building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

[Codified by Ord. 05-2000, 7/13/00]

### **9.01.130 Repair, Vacation And Demolition**

The following standards shall be followed by the building official (and by the Code Compliance Hearings Officer~~board of appeals~~ if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

A. Any building declared a dangerous building under this chapter shall be made to comply with one of the following:

1. The building shall be repaired in accordance with the ~~current B~~building Ccode or other current code applicable to the type of substandard conditions requiring repair; or
2. The building shall be demolished at the option of the building owner; or
3. Where a building is not occupied If the building and does not ~~otherwise~~ constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured, and maintained against entry in a manner acceptable to the building official. Where a building cannot adequately be secured and maintained against entry (as evidenced by more than two repeated "open and accessible" complaints) the building official shall have the authoritydiscretion to disallow the securing of the building against entry as an option for resolution of the dangerous condition.

B. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated and such a building shall remain vacated until such time as the building official or an authorized representative determines the building no longer poses an immediate threat. Upon issuance and posting of an order to vacate a dangerous building it shall be unlawful for anyone to enter or remain in the building without obtaining the prior written permission of the building official or an authorized representative. A person who enters or remains in a duly ordered and posted dangerous building is subject to arrest, criminal prosecution, and any other remedy available at law.

[Codified by Ord. 05-2000, 7/13/00]

**9.01.140 ~~Notice-Order~~ To Vacate**

- A. Posting. Every ~~notice-order~~ to vacate shall, in addition to being served as provided in Section 9.01.110, 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 misdemeanor to occupy this building,  
Or to remove or deface this notice.  
Building Official  
..... of .....

- B. Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Section 9.01.110, reciting the emergency and specifying the conditions which necessitate the posting. 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. 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 the provisions of the ~~Oregon Specialty Building Building Codes~~.

[Codified by Ord. 05-2000, 7/13/00]

**9.01.150 Appeal**

- A. ~~Form of Appeal.~~ Any person entitled to service under Section 9.01.110 may appeal from any notice and order or any action of the building official under this chapter by filing at the office of the building official a written appeal containing:
1. A heading in the words: "Before the ~~Code Compliance Hearings Officer board of appeals~~ of ~~Clackamas County~~
  2. ~~the. The~~ ..... of ....."
  3. A caption reading: "Appeal of.....," giving the names of all appellants participating in the appeal.
  4. 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.
  5. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
  6. 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.
  7. The signatures of all parties named as appellants and their official mailing addresses.
  8. 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. The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; ~~provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 9.01.140, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.~~
- ~~C. Processing of Appeal. 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.~~
- ~~D.C. Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the Code Compliance Hearings Officer board of appeals shall fix a date time and place for the hearing of the appeal by the board. Such date shall not be less than 150 days and not for 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 provided in the manner set forth in Section 2.07.050 given at least 10 days prior to the date of the hearing to each appellant by the building official 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 the address shown on the appeal.~~

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.160 Effect Of Failure To Appeal**

Failure of any person to file an appeal in accordance with the provisions of Section 9.01.150 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.170 Scope Of Hearing On Appeal**

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

[Codified by Ord. 05-2000, 7/13/00]

#### **9.01.180 Staying Of Order Under Appeal**

Except for vacation orders made pursuant to Section 9.01.140, enforcement of any notice and order of the building official issued under this chapter shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

[Codified by Ord. 05-2000, 7/13/00]

#### **~~9.01.190 Procedures For Conduct Of Hearing Appeals~~**

- ~~A. Hearing Examiners. The board may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted to the board for decision.~~

- ~~B. — Record. 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.~~
- ~~C. — Reporting. The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. An audio 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 building official board, but shall in no event be greater than the cost involved.~~
- ~~D. — Continuances. The board may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing no continuances may be granted except by the examiner for good cause shown so long as the matter remains before the examiner.~~
- ~~E. — Oaths — Certification. In any proceedings under this chapter, the board, any board member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.~~
- ~~F. — Reasonable Dispatch. 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.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

**9.01.2009.01.190 Form Of Notice of Hearing, Conduct of Hearing, and the Form of Decision on Appeal**

~~The notice of hearing, the conduct of the hearing and the form of decision shall be provided in the manner set forth in Section 2.07.050-2.01.100. 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 of appeals or name of hearing examiner) at . . . . . on the . . . . . Day of . . . . ., 19. . . . . at the hour 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 (board of appeals or name of hearing examiner).”~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

**Subpoenas**

~~Filing of Affidavit. The board or examiner 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 to things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular.~~

~~Case Referred to Examiner. In cases where a hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.~~

~~Penalties. Any person who refuses without lawful excuse to attend any hearing or to produce material evidence which the person possesses or controls as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

### ~~Conduct Of Hearing~~

~~Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.~~

~~Oral Evidence. Oral evidence shall be taken only on oath or affirmation.~~

~~Hearsay Evidence. 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.~~

~~Admissibility of Evidence. 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.~~

~~Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.~~

~~Rights of Parties. Each party shall have these rights, among others:~~

~~To call and examine witnesses on any matter relevant to the issues of the hearing;~~

~~To introduce documentary and physical evidence;~~

~~To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;~~

~~To impeach any witness regardless of which party first called the witness to testify;~~

~~To rebut the evidence; and~~

~~To be represented by anyone who is lawfully permitted to do so.~~

### ~~Official Notice~~

#### ~~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 this state or of official records of the board or departments and codes of the city or rules and regulations of the board.~~

#### ~~Parties to be notified~~

~~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.~~

#### ~~Opportunity to refute~~

~~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 or hearing examiner.~~

#### ~~Inspection of the premises~~

~~The board or the hearing examiner may inspect any building or premises involved in the appeal during the course of the hearing, provided that~~

~~notice of such inspection shall be given to the parties before the inspection is made,~~

~~the parties are given an opportunity to be present during the inspection, and~~

~~the board or the hearing examiner 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 or hearing examiner.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

### ~~Method And Form Of Decision~~

~~Hearing before Board Itself. When a contested case is heard before the board itself, a member thereof who did not hear the evidence or has not read the entire record of the proceedings shall not vote on or take part in the decision.~~

~~Hearing before Examiner. If a contested case is heard by hearing examiner alone, the examiner shall within a reasonable time (not to exceed 90 days from the date the hearing is closed) submit a written report to the board. Such report shall contain a brief summary of the evidence considered and state the examiner's findings, conclusions, and recommendations. The report also shall contain a proposed decision in such form that it may be adopted by the board as its decision in the case. All examiner's reports filed with the board shall be matters of public record. A copy of each such report and proposed decision shall be mailed to each party on the date they are filed with the board.~~

~~Consideration of Report by Board Notice. The board shall fix the time, date and place to consider the examiner's report and proposed decision. Notice thereof shall be mailed to each interested party not less than five days prior to the date fixed, unless it is otherwise stipulated by all of the parties.~~

~~Exceptions to Report. Not later than two days before the date set to consider the report, any party may file written exceptions to any part or all of the examiner's report and may attach thereto a proposed decision together with written argument in support of such decision. By leave of the board, any party may present oral argument to the board.~~

~~Disposition by the Board. The board may adopt or reject the proposed decision in its entirety, or may modify the proposed decision.~~

~~Proposed Decision Not Adopted. If the proposed decision is not adopted as provided in Section 9.01.230, the board may decide the case upon the entire record before it, with or without taking additional evidence, or may refer the case to the same or another hearing examiner to take additional evidence. If the case is reassigned to a hearing examiner, the examiner shall prepare a report and proposed decision as provided in Section 9.01.230 hereof after any additional evidence is submitted. Consideration of such proposed decision by the board shall comply with the provisions of this section.~~

~~Form of Decision. The decision shall be in writing and shall contain findings of facts, 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 by certified mail, postage prepaid, return receipt requested.~~

~~Effective Date of Decision. The effective date of the decision shall be as stated therein.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

### ~~9.01.2109.01.200~~ **Compliance**

After any order of the building official or the ~~board of appeals~~ Code Compliance Hearings Officer made pursuant to this chapter ~~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.~~

A. ~~Failure to Obey Order to Vacate. If, after any order of the building official or board of appeals made pursuant to this chapter has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may;~~

~~1. cause such person to be prosecuted under Section 9.01.240; or~~  
A. ~~institute~~Institute any appropriate action to abate such building as a public nuisance. Any person who fails to comply with an order to vacate a dangerous building is subject to arrest and criminal prosecution, as well as fines, fees, and civil penalties permitted by law.

B. ~~Failure to Obey Order to Commence Work~~Repair or Demolish Building. Whenever ~~the required repair or demolition is not commenced within 30 days after any final notice and order issued under this chapter becomes effective~~effective person fails to comply with an order to repair or demolish a dangerous building, the building official may:

~~1. order the building to be vacated, and by posting at each entrance thereto a notice reading:~~

~~1. DANGEROUS BUILDING DO NOT OCCUPY~~

~~2. It is a misdemeanor to occupy this building,~~

~~3. Or to remove or deface this notice,~~

~~4. Building Official~~

~~5. . . . . of . . . . .~~

~~1. order that nNo person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removals ordered by the building official have been completed, and a certificate of occupancy issued pursuant to the provisions of the Building Code;~~

2. 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 dangerous 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 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 chapter. 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.

[Codified by Ord. 05-2000, 7/13/00]

### 9.01.2209.01.210 Extension Of Time To Perform Work

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant ~~an~~ extensions of time, in increments of 60 additional days 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 the time to appeal the notice and order.

[Codified by Ord. 05-2000, 7/13/00]

**9.01.2309.01.220 Interference With Repair Or Demolition Work Prohibited**

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction 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 chapter; or with any person to whom such building has been lawfully sold pursuant to the provisions of this chapter, whenever such officer, employee, contractor or authorized representative of this jurisdiction, 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 chapter, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this chapter.

[Codified by Ord. 05-2000, 7/13/00]

**9.01.2409.01.230 Performance Of Work Of Repair Or Demolition**

~~Procedure.~~—When any work of repair or demolition is to be done pursuant to Section 9.01.2040, of this chapter, the building official shall issue an order therefor to the director of ~~public works~~the Department of Transportation and Development and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of said director. Plans and specifications therefor may be prepared by said director, or the director may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

~~C. — Costs. The cost of such work shall be paid from the repair and demolition 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 legislative body of this jurisdiction shall determine is appropriate.~~

[Codified by Ord. 05-2000, 7/13/00]

**9.01.250 — Repair And Demolition Fund**

~~A. — General. The legislative body of this jurisdiction shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the director of public works to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.~~

~~B. — Maintenance of Fund. The legislative body may at any time transfer to the repair and demolition fund, out of any money in the general fund of this jurisdiction, such sums as it may deem necessary in order to expedite the performance of the work of repair or~~

~~demolition, and any sum so transferred shall be deemed a loan to the repair and demolition 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 treasurer of a jurisdiction who shall credit the same to the repair and demolition fund.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

#### **9.01.2609.01.240 Recovery Of Cost Of Repair Or Demolition**

The director of ~~public works~~the Department of Transportation or his or her designee shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 9.01.240, of this chapter. Upon the completion of the work of repair or demolition, said director shall prepare and ~~file~~record with the clerk of this jurisdiction 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 Section 9.01.110.

Thereafter the costs of said work shall become a lien on the property and a debt for which the record owner(s) are personally liable until paid in full. Said lien shall be enforceable in any manner provided by law.

~~[Codified by Ord. 05-2000, 7/13/00]~~

#### **9.01.270 Notice Of Hearing**

~~Upon receipt of said report, the clerk of this jurisdiction shall present it to the legislative body of this jurisdiction for consideration. The legislative body of this jurisdiction shall fix a time, date and place for hearing said report and any protests or objections thereto. The clerk of this jurisdiction shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the last equalized assessment roll of the county, if such so appears, or as known to the clerk. Such notice shall be given at least 10 days prior to the date set for the hearing and shall specify the day, hour and place when the legislative body will hear and pass upon the director'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.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

#### **9.01.280 Protests And Objections**

~~Any person interested in or affected by the proposed charge may file written protests or objections with the clerk of this jurisdiction at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The clerk of this jurisdiction shall endorse on every such protest or objection the date of receipt. The clerk shall present such protests or objections to the legislative body of this jurisdiction at the time set for the hearing, and no other protests or objections shall be considered.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

**~~9.01.290~~ — ~~Hearing Of Protests~~**

~~Upon the day and hour fixed for the hearing, the legislative body of this jurisdiction shall hear and pass upon the report of the director together with any such objections or protests. The legislative body may make such revision, correction or modification in the report or the charge as it may deem just; and when the legislative body 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 legislative body of this jurisdiction on the report, the charge, and on all protests or objections shall be final and conclusive.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

**~~9.01.300~~ — ~~Personal Obligation Or Special Assessment~~**

~~A. — The legislative body of this jurisdiction may thereupon order that said charge should be made a personal obligation of the property owner or assess said charge against the property involved.~~

~~B. — Personal Obligation. — If the legislative body of this jurisdiction orders that the charge shall be a personal obligation of the property owner, it shall direct the attorney for this jurisdiction to collect the same on behalf of this jurisdiction by use of all appropriate legal remedies.~~

~~C. — Special Assessment. — If the legislative body of this jurisdiction order 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.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

**~~9.01.310~~ — ~~Contest~~**

~~The validity of any assessment made under the provisions of this chapter 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.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

**~~9.01.320~~ — ~~Authority For Installment Payment Of Assessments With Interest~~**

~~The legislative body of this jurisdiction, in its discretion, may determine that assessments in amounts of \$500.00 or more shall be payable in not to exceed five equal annual installments. The legislative body'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 a resolution adopted prior to the confirmation of the assessment. — [Codified by Ord. 05-2000, 7/13/00]~~

**~~9.01.330~~ — ~~Lien Of Assessment~~**



- A. ~~Priority. 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 property cases with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.~~
- B. ~~Interest. 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 7 percent per annum from and after said date.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

~~**9.01.340 — Report To Assessor And Tax Collector: Addition Of Assessment To Tax Bill**~~

~~After confirmation of the report, certified copies of the assessment shall be given to the assessor and the tax collector for this jurisdiction, who shall add the amount of the assessment to the past regular tax bill levied against the parcel for municipal purposes. [Codified by Ord. 05-2000, 7/13/00]~~

~~**9.01.350 — Filing Copy Of Report With County Auditor**~~

~~If the county assessor and the county tax collector assess property and collect taxes for this jurisdiction, a certified copy of the assessment shall be filed with the county auditor on or before August 10. The descriptions of the parcels reported should be those used for the same parcels on the county assessor's map books for the current year.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

~~**9.01.360 — Collection Of Assessment: Penalties For Foreclosure**~~

- A. ~~The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.~~
- B. ~~If the legislative body of this jurisdiction has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary property taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for sale as provided for ordinary property taxes.~~

~~[Codified by Ord. 05-2000, 7/13/00]~~

~~**9.01.370 — Repayment Of Repair And Demolition Fund**~~

~~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 treasurer of this jurisdiction, who shall credit the same to the repair and demolition fund.~~

~~{Codified by Ord. 05-2000, 7/13/00}~~

9.01.250 Remedies not Exclusive

None of the remedies described in this chapter are exclusive and the County may pursue any other remedies available to it including, but not limited to, commencing a civil action in a court of competent jurisdiction.

### Problem House Project Case Studies

<p><b>3915 SE Risley</b></p>	<p><b>"The Risley Hotel: The worst house in Clackamas County"</b> (<i>Oregonian</i> June 15, 2015)</p>
<p><b>Problems:</b></p>	<p><u>Criminal Activity:</u></p> <ul style="list-style-type: none"> <li>• Extensive law enforcement contacts – 173 law enforcement calls between January 2013 and clean up day on June 24, 2015.</li> <li>• 345 hours spent on calls by CCSO costing approximately \$23,000.</li> <li>• 64 arrests at location.</li> <li>• Extensive drug traffic and use</li> </ul> <p><u>Code Enforcement:</u></p> <ul style="list-style-type: none"> <li>• No garbage service for years.</li> <li>• House occupied by as many as 20 people at a time.</li> <li>• Burned out RV in the back yard with piles of garbage.</li> <li>• Neighbors report significant a significant rat population coming into their yards.</li> <li>• Hypodermic needles and syringes littered around the house.</li> <li>• Very bad odor of decay in the summer months.</li> <li>• Multiple filings of code violations against the estate – open CE cases since 2007.</li> </ul>
<p><b>Ownership:</b></p>	<ul style="list-style-type: none"> <li>• Owner deceased.</li> <li>• Owner's estate was, and currently remains, unresolved.</li> <li>• Owner's son was living at house and allowing people to stay there and use illegal drugs.</li> <li>• Owner's daughter somewhat helpful although lacked resources to get people out of house and clean it up.</li> <li>• Mortgage unpaid and the house is in judicial foreclosure (by Seattle Bank), but that process has not concluded and takes a long time.</li> <li>• Seattle Bank cannot/will not clean up house or take any affirmative steps until judicial foreclosure complete.</li> </ul>
<p><b>Solution:</b></p>	<p><u>Chronic Nuisance/Public Nuisance lawsuit:</u></p> <ul style="list-style-type: none"> <li>• Filed by county counsel in March 2015.</li> <li>• Defendants failed to appear and default judgment obtained.</li> <li>• Court orders all occupants out of house due to nuisance.</li> <li>• CCSO removes all occupants on June 24, 2015.</li> </ul> <p><u>Clean Up:</u></p> <ul style="list-style-type: none"> <li>• Code Enforcement negotiated with daughter of deceased owner to change the locks on the house and undertake partial clean up in June.</li> <li>• Two RVs still on property and additional cleanup needed.</li> </ul>







Risley - Interior

Exhibit 2 - page 5 of 12



Risley - RV

**From:** Todd Gentry [<mailto:toddhgentry@gmail.com>]  
**Sent:** Monday, June 08, 2015 11:31 AM  
**To:** Crime Prevention <[crimeprevention@co.clackamas.or.us](mailto:crimeprevention@co.clackamas.or.us)>; Stewart, Bill <[BillSte@co.clackamas.or.us](mailto:BillSte@co.clackamas.or.us)>  
**Subject:** Thank You from the Risley Neighborhood

Good Afternoon Sara and Bill -

I just wanted to send an update after what feels like the first weekend of our independence on SE Risley. What a beautiful weekend it was!

Much like the families that live near airports eventually learn to tune out the sounds from passing airplanes, I realize we had become so accustomed to the traffic and uncomfortable presence of our neighbors at 3915 that the neighborhood feels like a completely different place now that the house is empty. I never noticed the neighborhood was so quiet.

This weekend we had the blinds open in the kitchen and were able to sit comfortably on our deck and enjoy a drink with a few neighbors. It felt like a new home.

When we first moved in, I noticed the house directly across from 3915 was constantly closed up. Curtains closed, private property signs posted. I wondered if the house was abandoned, but the neighbors assured me a lady lived there but kept the place shuttered to avoid having to see the activity happening outside her windows. For the first time I've seen, Lourdes opened up her curtains and was out working in her front yard this weekend. On a weekend where I saw many things for the first time, or in a new light, seeing her in front of her home, comfortable among her neighbors, was the highlight.

I realize that there were a lot of people working on this case, and that many will go un-thanked, but I wanted to make sure to say thanks to the two of you for all that you contributed here. Your communication with the neighbors and myself is what kept us all feeling like we were part of the fight, and is what kept us all involved to the extent we were. The level of coordination that I was able to witness from you two was definitely a huge contributor to this win.

I know your scope is much larger than Risley Avenue, and that this is just a battle in the war for you, but this made a huge difference for the neighborhood and you have had an enormous impact on many families and homes with this win.

I understand there is still work to be done and I look forward to seeing if the momentum gained here on Risley is able to be used to impact Oak Grove. I am eager to assist in any way I may be of use.

Thank you both so much. You are making positive changes in your community, and your community appreciates it. Great work on SE Risley!

Sincerely,  
Todd Gentry & Risley Neighbors



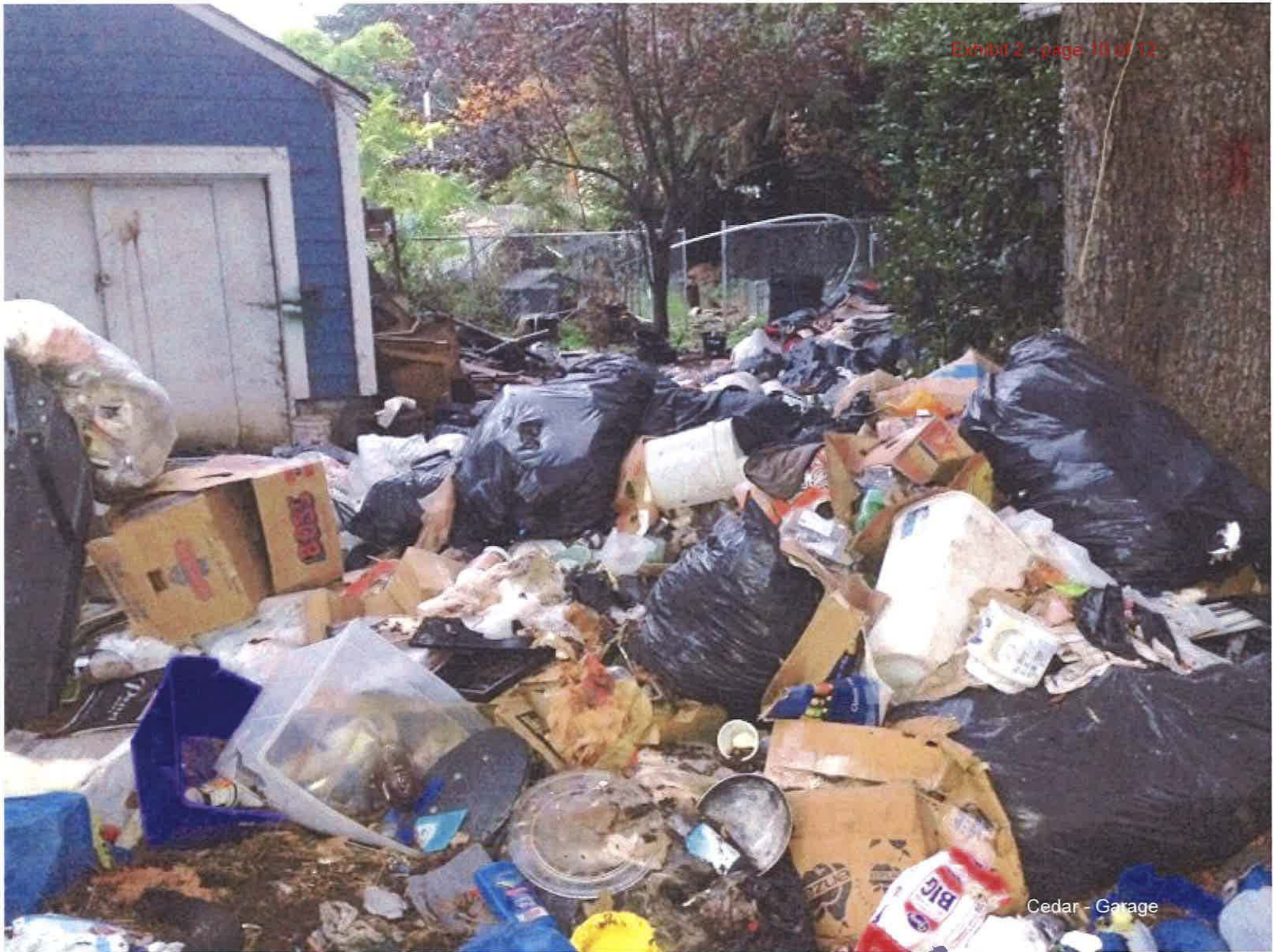
<b>14611 SE Cedar</b>	<b>"Mountains of Trash Hauled Off as Clackamas County Cracks Down on Another Drug House" (Oregonian 10/29/15)</b>
<b>Problems:</b>	<p><u>Criminal Activity:</u></p> <ul style="list-style-type: none"> <li>• Extensive law enforcement contacts -- 70 calls for law enforcement service since March 27, 2014.</li> <li>• Over 107 hours of CCSO time spend on calls costing over \$7,000.</li> <li>• 16 arrests at location.</li> <li>• Extensive drug traffic and use.</li> </ul> <p><u>Code Enforcement:</u></p> <ul style="list-style-type: none"> <li>• No water or sewer service.</li> <li>• Extensive piles of garbage in driveway, back yard, garage, and rear storage shed.</li> <li>• Significant rat population.</li> <li>• Hypodermic needles and syringes littered around house.</li> <li>• Strong odor of decay in the summer months.</li> <li>• House used as a flop house or hotel for drug users.</li> <li>• Code Enforcement case opened up April 14, 2014 for solid waste. Citations issued.</li> </ul>
<b>Ownership:</b>	<ul style="list-style-type: none"> <li>• House is in judicial foreclosure (by US Bank) but US Bank cannot/will not clean up house or take any affirmative steps until judicial foreclosure complete.</li> <li>• Owners abandoned house when foreclosure started believing they no longer had any rights in the house.</li> <li>• Owner's step-daughter had "rented" house to others for use and situation got out of hand.</li> <li>• It appears that owners were not aware of the extent of the situation, did not believe they had authority to do anything about it, and lacked resources to take action.</li> </ul>
<b>Solution:</b>	<p><u>CCSO negotiated with owners of house:</u></p> <ul style="list-style-type: none"> <li>• When nuisance house task force formed in summer 2015 CCSO was able to locate owners and come up with strategy where the owners agreed to remove occupants and work with County to clean up house.</li> <li>• House vacated on October 7, 2015</li> <li>• House boarded up and made part of CCSO exclusion program – now CCSO can arrest any unlawful occupants.</li> <li>• All drug traffic stopped on that day.</li> </ul> <p><u>Clean Up:</u></p> <ul style="list-style-type: none"> <li>• Oak Lodge Sanitary and Oak Lodge Water Districts donate staff and equipment for clean up on October 29, 2015.</li> <li>• Three 40-yard dumpsters filled with garbage.</li> </ul>



Cedar - Interior



Cedar - Interior



Cedar - Garage



edar - Garage

