

**Title 9**  
**BUILDING AND CONSTRUCTION**

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**Chapter 9.30**  
**FILL AND EXCAVATION CODE**

Sections:

9.30.010 Description

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Chapter 850, Fill and Excavation Code of Linn County, (latest revision March 3, 1999) as revised by Schedule A, Revisions to Linn County Fill and Excavation Code for the City of Tangent, is adopted by the city as the standards applicable to all drainage and fill projects undertaken by or on behalf of the city and shall be used as the presumptive basis for all drainage projects authorized by the city. The Uniform Building Code, Appendix Chapter 33 Excavation and Grading is available for review at Tangent City Hall upon request. (Ord. 2007-003, 2007, Ord. 2004-11, 2004)



**Chapter 9.40**  
**DANGEROUS BUILDING, STRUCTURES AND PROPERTIES**

Sections:

- 9.40.010 Dangerous Buildings, Structures and Properties
- 9.40.020 Abatement of Dangerous Buildings, Structures and Properties
- 9.40.030 Repair or Demolition
- 9.40.040 Order to Vacate
- 9.40.050 Procedures, Notice and Order
- 9.40.060 Temporary Safeguards
- 9.40.070 Vacated Buildings, Structures and Properties
- 9.40.080 Historic Buildings

**9.40.010 Dangerous Buildings, Structures and Properties.**

- (1) Generally. All buildings and other structures in the City of Tangent shall comply with all applicable building and structural specialty codes. No property shall contain any dangerous building or structure as described in this chapter. Any building, structure or property identified and determined to be dangerous by the city =s appointed or authorized Building Official, shall be repaired, brought into compliance with any applicable building or structural specialty codes or demolished.
- (2) Definition. A dangerous building, property or structure shall be deemed to exist whenever any property, building, structure or portion thereof meets any of the following criteria to the extent that the life, health, property or safety of the public or an occupant is or could be unreasonably endangered:
  - (A) High Loads. Whenever the stress in any materials, member or portion of a structure, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the State Building Code and Fire and Life Safety Code for new buildings of similar structure, purpose or location.
  - (B) Weakened or Unstable Structural Members or Appendages.
    - i. Whenever any portion of a structure has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability is materially less than it was before such catastrophe and is less than the minimum requirements of the State Building Code and Fire and Life Safety Code for new buildings of similar structure, purpose or location; and/or
    - ii. Whenever appendages including parapet walls, cornices, spires, towers, tanks, statuaries, signs or other appendages or structural members which are supported by, attached to or part of a building, are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the State Building Code and Fire and Life Safety Code.

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- (C) Buckled or Leaning Walls, Structural Members. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- (D) Vulnerability to Earthquakes or High Winds.
- i. Whenever any portion of a structure has wracked, warped, buckled or has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar construction; or
  - ii. Whenever any portion of a building, or any member, appurtenance or ornamentation of the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the State Building Code and Fire and Life Safety Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the State Building Code and Fire and Life Safety Code for such buildings.
- (E) Insufficient Strength or Fire Resistance. Whenever any structure which, whether or not erected in accordance with all applicable laws and ordinances:
- i. Has in any nonsupporting part, member or portion, with less than 50% of the strength or the fire-resisting characteristics required by law for a newly constructed building of like area, height and occupancy in the same location.
  - ii. Has in any supporting part, member or portion with less than 66% of the strength or the fire-resisting characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
  - iii. This subsection does not apply to strength required to resist seismic loads. For application of seismic requirements see the State Building Code.
- (F) Risk of Failure or Collapse.
- i. Whenever any portion or member or appurtenance thereof is likely to collapse, fail or to become detached or dislodged, with the possibility of injuring people or damaging property.
  - ii. Whenever the structure or any portion thereof, is likely to partially or completely collapse as a result of any cause, including, but not limited to:
    - 1) Dilapidation, deterioration or decay;
    - 2) Faulty construction;
    - 3) The removal, movement or instability of any portion of the ground necessary for structural support of the structure; or
    - 4) The deterioration, decay or inadequacy of the foundation.
- (G) Excessive Damage or Deterioration. Whenever the structure, exclusive of the foundation:
- i. Shows 33% or more damage to or deterioration of its supporting members;
  - ii. Shows 50% damage or deterioration of its nonsupporting members; or
  - iii. Shows 50% damage or deterioration of its enclosing or outside wall coverings.
- (H) Demolition Remnants On-Site. Whenever any portion of a structure, including unfilled excavations, remains on a site for more than 30 days after the demolition or destruction of the structure.
- (I) Lack of Approved Foundation.
- i. Where a structure is not placed on an approved foundation and no valid permit exists for a foundation for that structure.

- ii. For more than 90 days after issuance of a permit for a foundation for a structure, where the structure is not placed on an approved foundation.
- (J) Fire Hazard.
  - i. Whenever any structure is a fire hazard as a result of any cause, including but not limited to dilapidated condition, deterioration or damage, inadequate exits, lack of sufficient fire-resistive construction, overgrown vegetation, faulty electric wiring, gas connections, or heating apparatus, storage or keeping of combustibles or any other cause that is determined by the Fire Marshal or Building Official to be a fire hazard.
  - ii. Whenever any door, aisle, passageway, stairway or other 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.
  - iii. 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.
- (K) Other Hazards to Health, Safety or Public Welfare.
  - i. Whenever, for any reason, the structure, building, property or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
  - ii. Whenever a structure, building or property has any conditions or defects to the extent that life, health, property or safety of the public or its occupants are endangered.
- (L) Public Nuisance.
  - i. Whenever any structure, building or property is in such a condition as to constitute a public nuisance as defined in the Tangent Nuisance Ordinance (Ordinance 2007 -03).
  - ii. Whenever the structure, building or property has been so damaged by fire, wind, earthquake or flood or any other cause, or has become so dilapidated or deteriorated as to become:
    - 1) An attractive nuisance;
    - 2) A harbor for vagrants or criminals; or
    - 3) As to enable people to resort thereto for the purpose of committing unlawful acts.
- (M) Drug Lab Property. Is currently listed as Aunfit for use@ by the State of Oregon due to toxic contamination resulting from the manufacture of illegal drugs.
- (N) Violations of Codes, Laws. Whenever any structure, building or property has been constructed, exists, is used or maintained in violation of any specific requirement or prohibition applicable to the structure or property, including any applicable requirements of the State Building Code or structural specialty codes, land use regulations, Fire and Life Safety Code or any state or city regulation relating to the condition, location or structural integrity of buildings.

**9.40.020 Abatement of Dangerous Buildings, Structures and Properties .**

Any building, structure or property or portion thereof, that is determined after inspection by the Building Official to be dangerous as defined in this chapter, is hereby declared to be a nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with this chapter. The Building Official, upon making such a determination, may, in addition to commencing abatement proceedings, secure the property to protect the public health, safety and welfare pending repair or demolition.

**9.40.030 Repair or Demolition.**

The following standards shall be applied by the Building Official and by the City Council on appeal in ordering the repair or demolition of any dangerous building, structure or property:

- (1) Any condition(s) that results in a building, structure or property being declared a dangerous building under this chapter shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or
- (2) The building or structure shall be demolished at the option of the building owner, subject to issuance of a demolition permit.

**9.40.040 Order to Vacate.**

- (1) If the building, structure or property is in such condition as to make it immediately dangerous to the life, limb, property or safety of its occupants or the public, it shall be ordered to be vacated.
- (2) If the Building Official has determined that the building, structure or property must be vacated, the notice and order to vacate shall require that it be vacated within a time certain from the date of the order, as determined by the Building Official to be reasonable.
- (3) Every notice and order to vacate shall, in addition to being served as provided in the Tangent Nuisance Ordinance, be conspicuously posted at the main entrance (e.g., the front door) of the building and shall be in substantially the following form:

**DANGEROUS BUILDING - DO NOT OCCUPY**

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

By Order of the Building Official  
City of Tangent, Linn County

**9.40.050 Procedures, Notice and Order .**

Except as provided in this section, violations of this chapter shall be enforced and processed as nuisances according to the Tangent Nuisance Ordinance (Ordinance No. 2007 -03).

- (1) Notice and Order. Whenever the Building Official determines that a building, structure or property is dangerous, as defined by this chapter, he or she shall provide notice of the violation in the manner prescribed in the Tangent Nuisance Ordinance to anyone with a recorded ownership interest in the property where the dangerous building is located. The Building Official shall be entitled to rely upon the ownership information on the most recent property tax records. Additionally, the Building Official shall provide notice of the violation to anyone occupying or otherwise using the building and/or property, and the Building Official shall post the property with the notice.
- (2) Process and City Council Review. As provided under the Tangent Nuisance Ordinance, the notice issued under subsection (1) shall notify the respondents of the nature of the violation, a description of what aspects of the building or property constitute a violation of this chapter, what must be done to remedy the violation, that the remedy must be completed within 15 days and that any of the respondents may request a hearing and a determination by the City Council within that 15-day period. All other procedures provided for in the Tangent Nuisance Ordinance, including city cost recovery for abatement, shall apply.

**9.40.060 Temporary Safeguards .**



Notwithstanding other provisions of this chapter, whenever the Building Official determines, based upon commonly accepted safe practices and principles of structural soundness or methods of construction and repair, that there is imminent danger due to an unsafe condition, the Building Official may without further notice or process employ the necessary labor and materials to perform the required work as expeditiously as possible, including the boarding -up of openings, removal of flammable or other dangerous materials, to render a dangerous building temporarily safe; and may cause such other action to be taken as the Building Official deems necessary to meet such emergency and protect health, safety and welfare.

**9.40.070 Vacated Buildings, Structures and Properties .**

Upon posting by the Building Official, all vacated buildings, structures and properties shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to adversely affect the public health, safety or welfare.

**9.40.080 Historic Buildings.**

The provisions of this code shall not be mandatory for structures designated as historic buildings when such buildings or structures are judged by the Building Official to be safe and in the interest of public health, safety and welfare. (Ord. 2009 -05)

