

# TITLE 8

## BUILDING CODE

### CHAPTER 820

#### DANGEROUS BUILDING CODE

---

#### TABLE OF CONTENTS

*Section Title*

#### I. GENERAL PROVISIONS

- 820.005 Title
- 820.020 Definitions
- 820.030 Purpose and scope
- 820.040 Alterations, additions and repairs
- 820.050 Enforcement authorities
- 820.060 Authority to enter property
  - [820.065 Inspection of work; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]
  - [820.070 Appeals Board; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]
  - [820.080 Dangerous buildings are nuisances; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]
- 820.090 Dangerous buildings
- 820.095 Dangerous buildings are nuisances

#### II. DANGEROUS BUILDING ABATEMENT

- 820.100 Proceedings to abate a dangerous building
- 820.110 Notice and order to abate; contents
- 820.120 Notice and order to abate; persons to receive and manner given
- 820.130 Certificates filed with the Clerk
- 820.140 Repair, vacation and demolition; standards
  - [820.150 Effect of failure to appeal; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]
  - [820.160 Scope of hearing on appeal; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]
  - [820.170 Staying of order under appeal; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]
  - [820.180 Procedure for conduct of hearing appeals; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]

- [820.190 Form of notice of hearing; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]
- [820.200 Subpoenas; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]
- [820.210 Conduct of hearing; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]
- [820.220 Method and form of decision; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]
- 820.300 Failure to comply with an abatement order; enforcement
- 820.310 Extension of time to perform work
  - [820.320 Interference with repair or demolition work prohibited; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]
- 820.350 Appeal

#### III. REPAIR AND DEMOLITION FUND

- 820.400 Performance of work of repair or demolition
- 820.410 Repair and demolition fund
- 820.420 Account of expense; filing and contents
- 820.430 Account of expense; hearing scheduled
- 820.440 Account of expenses; protests and objections
- 820.450 Account of expenses; hearing
- 820.460 Account of expenses; personal obligation or special assessment
- 820.470 Account of expenses; contest
- 820.480 Authority for installment payment of assessments with interest
- 820.490 Lien of assessment
- 820.500 Report to Assessor and Tax Collector; addition of assessment to tax bill
- 820.510 Collection of assessment: penalties for foreclosure
- 820.520 Repayment of Repair and Demolition Fund
- 820.900 Violations
- 820.950 Penalties

#### Statutory References and Other Authorities

Legislative History of Chapter 820 (formerly codified at Chapter 10.30)

---

---

---

## I. GENERAL PROVISIONS

---

---

### 820.005 Title

This Chapter, LCC 820.005 to 820.900, shall be known and may be cited as the “Linn County Dangerous Buildings Code” or simply as the “Dangerous Buildings Code.”

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

### 820.020 Definitions

As used in this Chapter: this Chapter:

(A) “**Abatement order**” means an order issued pursuant to this Chapter by the Building Official ordering the abatement of a dangerous building, or, if such order is appealed to the Appeals Board pursuant to LCC Chapter 480 (Building Code Appeals Board Code), the term means the final decision of the Appeals Board.

(b) “**Appeals Board**” means the Linn County Specialty Code Appeals Board.

(C) “**Authorized representative**” includes the Health Officer and any authorized inspection personnel appointed by the Health Officer to enforce this Chapter.

(D) “**Building**” includes structure and, where the context requires, the term means any portion or premises thereof.

(E) “**Specialty Code**” means LCC Chapter 810 (Linn County Specialty Code).

(F) “**Building Official**” means the Linn County Building Official and any authorized representative thereof.

(G) “**Clerk**” means the Linn County Clerk.

(H) “**Dangerous building**” means a building described in LCC 820.090.

(I) “**Fire Marshal**” means the State Fire Marshal or an authorized deputy.

(J) “**Health Officer**” means the Director of the Environmental Health Division, Linn County Health Department.

(K) “**Owner**” means any person having a record title or legal interest in the building. The term includes, but is not limited to, the owner of record, the contract purchaser of record, any person in control of the building, any person

occupying the building, a contractor of the owner, and the owner’s designated agent.

(L) “**Person**” means an individual, including heirs, executors, administrators or assigns; a firm, partnership, association, domestic or foreign corporation, its heirs, successors or assigns; or any political subdivision, agency, board or bureau of the state or federal government; or the authorized agent of any of the above.

(M) “**Roadmaster**” means the Linn County Roadmaster.

(N) “**Treasurer**” means the Linn County Treasurer.

[Adopted 85-164 §1 eff 5/1/85; formerly 820.300; amd 99-058 §8 eff 3/3/99]

### 820.030 Purpose and scope

(A) *Purpose.* It is the purpose of this Chapter to provide a just, equitable and practicable method, to be cumulative with and in addition to, any other remedy provided by the *Specialty Code*, or otherwise available at law, whereby buildings 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.

(B) *Scope.* The provisions of this Chapter shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous within the unincorporated areas of Linn County, Oregon.

[Adopted 85-164 §1 eff 5/1/85]

### 820.040 Alterations, additions and repairs

All buildings which are required to be repaired under the provisions of this Chapter shall be subject to the provisions of LCC Chapter 810 (Specialty Code).

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

### 820.050 Enforcement authorities

(A) *Administration.* The Building Official is hereby authorized to enforce the provisions of this Chapter.

(B) *Inspections.* The Health Officer, Fire Marshal and Building Official are hereby authorized to make inspections and take actions as may

be required to enforce the provisions of this Chapter.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

### **820.060 Authority to enter property**

(A) All buildings 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 in accordance with and in the manner provided by this Chapter and the *Specialty Code*.

(B) Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Chapter, provided that:

(1) if such building or premises be occupied, the Building Official shall first present proper credentials and request entry; or

(2) 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 such entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

(C) When the Building Official shall have first obtained a proper inspection warrant pursuant to LCC 240.200 to 240.260 or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this Chapter.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

**[820.065 Inspection of work; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]**

**[820.070 Appeals Board; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]**

**[820.080 Dangerous buildings are nuisances; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]**

### **820.090 Dangerous buildings**

(A) For the purpose of this Chapter, any building which has at least one of the conditions or defects described in subsection (B) of this section is a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

(B) *Dangerous conditions or defects.*

(1) 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.

(2) 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.

(3) 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 *Specialty Code* for new buildings of similar structure, purpose or location.

(4) 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 *Specialty Code* for new buildings of similar structure, purpose or location.

(5) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(6) 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 *Specialty Code* for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the *Specialty Code* for such buildings.

(7) Whenever any portion thereof has cracked, 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.

(8) Whenever the building, or any portion thereof, because of:

- (a) Dilapidation, deterioration or decay;
- (b) Faulty construction;
- (c) The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
- (d) The deterioration, decay or inadequacy of its foundation; or
- (e) Any other cause, is likely to partially or completely collapse.

(9) Whenever, for any reason, the building, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(10) 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.

(11) Whenever the building, 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.

(12) Whenever the building has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become;

(a) An attractive nuisance to children;

(b) A harbor for vagrants, criminals or immoral persons; or

(c) As to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(13) Whenever any building has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building provided by the building regulations of Linn County, as specified in the *Specialty Code*, or of any law or code of this State or County relating to the condition, location or structure of buildings.

(14) Whenever any building which, whether or not erected in accordance with all applicable laws and codes, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the

- (a) Strength;
- (b) Fire-resisting qualities or characteristics; or
- (c) Weather-resisting qualities or characteristics required by law in the case of a newly constructed building or like area, height and occupancy in the same location.

(15) Whenever a building, 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 County health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(16) Whenever any building, 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 Building Official to be a fire hazard.

(17) Whenever any building is in such a condition as to constitute a public nuisance

known to the common law or in equity jurisprudence.

(18) Whenever any portion of a building remains on a site after the demolition or destruction of the building or whenever any building 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.

[Adopted 85-164 §1 eff 5/1/85; amd 97-495 §1 eff 10/1/97; amd 99-058 §8 eff 3/3/99]

### **820.095 Dangerous buildings are nuisances**

(A) A building which is determined after inspection by the building official to be a dangerous building is a public nuisances.

(B) The owner of a building declared to be a public nuisance under this Chapter shall abate the nuisance by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in LCC 820.100 to 820.350.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

---

---

## **II. DANGEROUS BUILDING ABATEMENT**

---

---

### **820.100 Proceedings to abate a dangerous building**

Whenever the Building Official has inspected or caused to be inspected any building and has determined that such building is a dangerous building, the Building Official shall commence proceedings to cause the abatement of the dangerous condition (with or without vacation) by giving notice in compliance with LCC 820.110 to 820.140. The determination shall be based on the standards found in LCC 820.090.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

### **820.110 Notice and order to abate; contents**

(A) The notice and order to abate 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 determined that the building is a dangerous building.

(3) A statement containing a brief and concise description of the conditions found and used to make the determination that the building is dangerous under the provisions of LCC 820.090.

(4) If the Building Official has determined that the building must be vacated, the notice and order to abate shall require that the building be vacated, within a time certain from the date of the order as determined by the Building Official to be reasonable.

(5) A notice and order to abate that includes an order to vacate shall be posted at or upon each exit of the building and shall be in substantially the following form:

<p style="text-align:center"><b>DO NOT ENTER</b> <b>UNSAFE TO OCCUPY</b> It is a violation of County Code to occupy this building, or to remove or deface this notice. Building Official Linn County</p>
--

(6) A statement that a notice of abatement complying with this subsection shall be posted on the property if the notice and order to abate includes an order to vacate the property.

(7) A statement that abatement may be accomplished under a plan approved by the Building Official consisting, at the owner's election, of the repair, demolition or removal of the dangerous building.

(8) A statement:

(a) That any person having any record title or legal interest in the building may appeal from the notice and order to abate to the Appeals Board, provided the appeal is made in writing as provided in this Chapter and filed with the Building Official within thirty (30) calendar days from the date such notice and order to abate was given; and

(b) That failure to appeal will constitute a waiver of all right to any administrative or judicial proceeding to determine the matter.

**820.120 Notice and order to abate; persons to receive and manner given**

(A) *Person entitled to notice.* The notice and order to abate, and any amended or supplemental notice and order, shall be given to:

- (1) the owner of the property; and
- (2) a copy thereof shall be given to each of the following, if known to the Building Official or disclosed from official public records:

(a) the holder of any mortgage or deed of trust or other lien or encumbrance of record;

(b) the owner or holder of any lease of record; and

(c) the holder of any other estate or legal interest of record in or to the building or the land on which it is located.

(B) *Giving notice; manner.* A notice and order to abate shall be given as provided in this subsection.

(1) Notice shall be given to the persons described in subsection (C) of this section either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to the address of that person 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. Notice by certified mail in the manner herein provided shall be deemed given on the date of mailing.

(2) The notice and order to abate shall also be posted on the property.

(C) The failure of the Building Official to give notice to any person required herein to receive such notice shall not invalidate any proceedings hereunder as to any other person duly given notice or relieve any such person from any duty or

obligation imposed on that person by the provisions of this section.

(D) *Proof of notice given.* The Building Official shall prepare and maintain in the files of the Building Official an affidavit showing proof that notice was given, the persons to whom notice was given, and the manner the notice was given. The affidavit, 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.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

**820.130 Certificates filed with the Clerk**

(A) If the owner fails to comply with the notice and order to abate within the time specified in the notice, and no appeal has been properly and timely filed, the Building Official shall prepare and file in the office of the Clerk a certificate describing the property and certifying;

(1) That the building is a dangerous building; and

(2) That the owner has been so notified.

(B) After the owner makes the repairs to or demolishes a dangerous building for which a certificate has been filed under subsection (A) of this section and the Building Official determines that the building is no longer a dangerous building, the Building Official shall file a new certificate with the Clerk, certifying that the building has been demolished or that all required corrections have been made, whichever is appropriate, and that the building is no longer dangerous.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

**820.140 Repair, vacation and demolition; standards**

The following standards shall be followed by the Building Official (and by the Appeals Board if an appeal is taken) in issuing a notice and order to abate a dangerous building:

(A) The owner may elect between:

(1) repairing a dangerous building in accordance with the current *Specialty Code*; or

(2) demolishing the building.

(3) remove a dangerous building under a lawful removal permit.

(B) If the dangerous building is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, thy Building Official shall also order that the building be vacated.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

**[820.150 Effect of failure to appeal; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]**

**[820.160 Scope of hearing on appeal; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]**

**[820.170 Staying of order under appeal; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]**

**[820.180 Procedure for conduct of hearing appeals; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]**

**[820.190 Form of notice of hearing; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]**

**[820.200 Subpoenas; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]**

**[820.210 Conduct of hearing; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]**

**[820.220 Method and form of decision; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]**

### **820.300 Failure to comply with an abatement order; enforcement**

(A) If the owner or any other person entitled to receive a notice and order to abate a dangerous building fails to comply in any manner with the notice, that person is guilty of violating this Chapter and is subject to:

- (1) any lawful action to abate such building as a public nuisance;
- (2) an enforcement action pursuant to LCC Chapter 240 (the Linn County Enforcement Code); and

(B) 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.

(C) The remedies authorized by this section are cumulative.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

### **820.310 Extension of time to perform work**

(A) Upon receipt of an application from the person required to conform to an abatement order and an agreement by that person to comply with the order if allowed additional time, the Building Official may grant an extension of time, not to exceed an additional 180 calendar 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.

(B) The Building Official's authority to extend time under this section is discretionary and 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.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

**[820.320 Interference with repair or demolition work prohibited; Adopted 85-164 §1 eff 5/1/85; repealed 99-058 §8 eff 3/3/99]**

### **820.350 Appeal**

Any person entitled to receive notice under LCC 820.110 may appeal from any notice and order to abate a dangerous building by filing at the office of the Building Official a written notice of

intent to appeal conforming to the requirements of LCC 480.410.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

---

---

### III. REPAIR AND DEMOLITION FUND

---

---

#### 820.400 Performance of work of repair or demolition

(A) *Procedure.* When any work of repair or demolition is to be done pursuant to LCC 820.300 (B), the Building Official shall issue an order therefor to the Roadmaster and the work shall be accomplished by personnel of the County or by private contract under the direction of said Roadmaster. Plans and specifications therefor may be prepared by said Roadmaster or the Roadmaster may employ such architectural and engineering assistance on a contract basis as the Roadmaster may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

(B) *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 Board shall determine is appropriate.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

#### 820.410 Repair and demolition fund

(A) *General.* The Board 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 Roadmaster to defray the costs and expenses which may be incurred by the County in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

(B) *Maintenance of fund.* The Board may at any time transfer to the repair and demolition fund, out of any money in the general fund of the County, 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 hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the Treasurer who shall credit the same to the Repair and Demolition Fund.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

#### 820.420 Account of expense; filing and contents

(A) The Roadmaster shall keep an itemized account of the expense incurred by the County in the repair or demolition of any building done pursuant to the provisions of LCC 820.300 (B).

(B) Upon the completion of the work of repair or demolition, said Roadmaster shall prepare and file with the Clerk a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building is or was located, and the names and addresses of the persons entitled to notice pursuant to LCC 820.110 (C).

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

#### 820.430 Account of expense; hearing scheduled

(A) Upon receipt of said report, the Clerk shall present it to the Board for consideration.

(B) The Board shall fix a time, date and place for hearing said report and any protests or objections thereto.

(C) The Clerk shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in the County, and served by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appear on the last equalized assessment roll of the County, if such so appear, or as known to the Clerk. Such notice shall be given at least ten (10) working days prior to the date set for hearing and shall specify the day, hour, and place when the Board will hear and pass upon the Roadmaster'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 change.

**820.440 Account of expenses; protests and objections**

Any person interested in or affected by the proposed charge may file written protests or objections with the Clerk at any time prior to the time set for the hearing on the report of the Roadmaster. 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 shall endorse on every such protest or objection the date it was received by the Clerk . The Clerk shall present such protests or objections to the Board at the time set for the hearing, and no other protests or objections shall be considered.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

**820.450 Account of expenses; hearing**

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

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

**820.460 Account of expenses; personal obligation or special assessment**

(A) *General.* The Board may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

(B) *Personal obligation.* If the Board orders that the charge shall be a personal obligation of the property owner, it shall direct the County Counsel to collect the same on behalf of the County by use of all appropriate legal remedies.

(C) *Special assessment.* If the Board orders that the charge shall be assessed against the prop-

erty 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.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

**820.470 Account of expenses; 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 thirty (30) calendar 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 thirty (30) calendar days after the entry of such judgment.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

**820.480 Authority for installment payment of assessments with interest**

The Board , in its discretion, may determine that assessments in amounts of \$500 or more shall be payable in not to exceed five (5) equal annual installments. The Board’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.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

**820.490 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 taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

(B) *Interest.* All such assessments remaining unpaid after thirty (30) calendar 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.

[Adopted 85-164 §1 eff 5/1/85]

### **820.500 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, who shall add the amount of the assessment to the next regular tax bill levied against the parcel.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

### **820.510 Collection of assessment: penalties for foreclosure**

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.

If the Board 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.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

### **820.520 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 who shall credit the same to the Repair and Demolition Fund.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

### **820.900 Violations**

(A) No person to whom any notice and order to abate a dangerous building is directed shall fail, neglect, or refuse to comply the order.

(B) No person shall occupy any building which has been posted as specified in LCC 820.110.

(C) No person shall remove or deface any notice posted under this Chapter until the repairs, demolition or removal ordered by the Building Official have been completed and a certificate of occupancy issued pursuant to the provisions of the *Specialty Code*.

(D) No person shall maintain a building in violation of any of the requirements set forth in LCC 820.090.

(E) No person shall fail to comply with an order issued pursuant to LCC 820.110.

(F) No person shall fail to comply with an order issued pursuant to LCC 820.300.

(G) No person may enter or occupy a dangerous building unless such entry or occupation is allowed by this Chapter.

(H) No person shall remain in or enter any building which has been posted pursuant to LCC 820.110 ordering the vacation of the building, except that the owner or contractor thereof may enter the building to repair, demolish or remove such building under permit.

(I) No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a Certificate of Occupancy issued pursuant to the provisions of the *Specialty Code*.

(J) No person shall obstruct, impede or interfere with the repair, vacation, demolition, or removal of a dangerous building when that repair, vacation, demolition, or removal has been ordered pursuant to a plan approved by the Building Official. No person shall obstruct, impede or interfere with the performance of any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this Chapter.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

### **820.950 Penalties**

(A) Any person violating any provision of LCC 820.900 shall be guilty of a violation of County Code and may be prosecuted pursuant to the LCC Chapter 240 (Enforcement Code).

(B) A violation of any provision of LCC 820.900 is a class "A" infraction.

[Adopted 85-164 §1 eff 5/1/85; amd 99-058 §8 eff 3/3/99]

---

---

### **Statutory References and Other Authorities:**

ORS 203

### **Legislative History of Chapter 820 (formerly codified at Chapter 10.30):**

Adopted by 85-164 eff 5/1/85

Amendments to 85-164

#1 95-177 eff 5/10/95 (renumbering)

#2 97-495 eff 10/1/97

#3 99-058 eff 3/3/99

---

---

[This page is intentionally blank]