

AN ORDINANCE RELATING TO HOUSING; ESTABLISHING MINIMUM STANDARDS GOVERNING ALL BUILDINGS OR PORTIONS THEREOF USED, DESIGNED, OR INTENDED TO BE USED FOR HUMAN HABITATION; PROVIDING FOR THE ENFORCEMENT THEREOF; AUTHORIZING THE INSPECTION OF BUILDINGS; FIXING PENALTIES FOR THE VIOLATION THEREOF; ESTABLISHING A HOUSING BOARD OF APPEALS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

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

## SECTION I TITLE AND SCOPE

### Section 1. 1 TITLE

This code shall be known as the "Albany Housing Code," may be cited as such, and will be referred to herein as "this code."

### Section 1. 2 PURPOSE

The purpose of this code is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of residential buildings.

### Section 1.3 SCOPE

(a) Application. The provisions of this Code shall apply to all buildings or portions thereof, used, or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued except such structures as are found to be substandard as defined in this Code. Every rooming house or lodging house shall comply with all the requirements of this Code for dwellings.

Where any building or portion thereof is used or intended to be used singly or in combination as an apartment house-hotel, the provisions of this Code shall apply to the separate portions as if they were separate buildings.

(b) Alteration. Existing buildings which are altered or enlarged shall be made to conform to this Code insofar as the new work is concerned and in accordance with all other applicable ordinances of the City of Albany.

## SECTION 2 - ENFORCEMENT

### Section 2.1 ENFORCEMENT BY BUILDING OFFICIAL

The Building Official is hereby authorized and directed to administer and enforce all provisions of this Code.

### Section 2.2 RIGHT OF WAY

Upon presentation of proper credentials, the Building Official, or his duly authorized representative, during normal business hours, or at any time if an emergency exists, or at any time mutually agreeable to the inspector and owner, shall request of the owner or occupant in lawful possession of any building, structure or premises in the City of Albany, permission to enter and inspect the same in order to perform any duty imposed by this Code upon him. Neither the Building Official, nor his duly authorized representative shall enter any building, structure or premises where an owner or occupant in possession shall object to such entry, except where said Building Official, or representative shall have first obtained an order for the purpose of entry after submitting evidence indicating efforts by the Building Official to obtain entry for inspection in support of his application therefor, which is adequate to justify such an order from the Municipal Court of the City of Albany in the event entry is denied or resisted. Provided however, that the Building Official, or his duly authorized representative, shall not be required to obtain the consent of the owner of any premises, building or structure in the City of Albany where the same has been or gives the appearance of having been abandoned by such owner and said building, structure or premises in a condition where entry thereto is generally accessible.

### Section 2.3 DUTIES OF BUILDING OFFICIAL

The Building Official shall cause:

1. The inspection of all buildings or portions thereof, subject to the application of this Code for the purpose of determining whether any conditions exist which render such places substandard buildings within the terms of Section 4. Such inspection may be on a neighborhood basis.

2. The holding of a hearing at a time and place specified in a notice in which all parties in interest shall be given the right to file an answer to the notice to appear in person or otherwise and/or to present evidence and, if after said hearing he shall determine that any building or portion thereof is in fact substandard, he shall reduce to writing his findings of fact in support of such determination, and with the approval of two or more members of the Housing Board of Appeals he shall issue and cause to be served upon the owner, or party in interest, in the manner provided herein for serving of the notice, an order which requires the owner of party in interest within the time specified in the order to repair, rehabilitate, alter or improve such dwelling, building or structure to render it fit for human habitation, or to vacate and close the dwelling, building or structure if such course of action is deemed proper, or require the owner or party in interest within the time specified in the order to remove or demolish such dwelling, building or structure, and if no appeal is filed in the manner hereinafter provided, he shall take whatever action he deems necessary as provided in this Code.

3. The presentation at all hearings conducted by the Housing Board of Appeals of evidence relevant to the condition of the building, or other evidence that may be considered relevant by the Housing Board of Appeals.

#### Section 2.4 NOTICE BY BUILDING OFFICIAL

The notice issued by the Building Official on any dwelling, building or structure found by the Building Official to be a substandard building within the standards set forth in Section 4 must be in writing and shall be sent either by registered mail or served personally upon all persons having an interest in and to said property, as shown by the records of the Linn County Assessor provided that, if the whereabouts of such persons are unknown and the same cannot be ascertained by the Building Official in the exercise of reasonable diligence, the Building Official shall make an affidavit to that effect and then said notice shall be served by posting in a conspicuous place on such property. Said notice shall contain among other things the following information:

1. The name of the owner or other persons interested, as provided hereinabove.
2. The street address and legal description of the property on which said building is located.
3. The notice shall state in what respects the building or portion thereof is substandard, as defined in Section 4, and a statement describing the effect thereof on the health, safety and welfare of the occupants and the general public.
4. A recommendation as to whether or not the building should be repaired, rehabilitated, vacated, demolished or removed.
5. A statement of notice that a hearing will be held before the Building Official, stating the time and place, which shall not be less than 30 days or more than 60 days after the serving of such notice, and that all parties and interests shall be given the opportunity to file an answer to the notice to appear in person or otherwise, and to give evidence at the time and place fixed for said hearing.

#### Section 2.5 ABATEMENT

If the owner or party in interest, or any responsible person, fails to comply with the order issued by the Housing Board of Appeals, or in the event no appeal is filed from any order by the Building Official, then and in that event, the City Council may initiate the "Procedure for Hearing and Abatement" in accordance with Section 5 of Ordinance No. 3252, of the City of Albany, Oregon, as amended.

#### Section 2.6 NOTICES AND ORDERS TO BE MADE AVAILABLE

A copy of any notice or order of either the Building Official or of the Housing Board of Appeals shall be furnished to any party in interest or person affected thereby upon demand.

#### Section 2.7 RESPONSIBLE PERSONS

The owner of a building shall be responsible for compliance with the orders of the Building Official or the Housing Board of Appeals. All other persons in possession of any building or portion thereof shall comply with any order of the Building Official or the Housing Board of Appeals, insofar as such order shall affect such possessors. The failure to comply with any order of the Building Official or the Housing Board of Appeals shall be a violation of this Code.

### Section 2.9 POSTED NOTICES & ORDERS

No person shall remove, deface or tamper with any complaint or order posted upon a building pursuant to this Code unless authorized by the Building Official. Any person removing, defacing or tampering with such complaint or order shall be in violation of this Code.

### Section 2.10 STANDARDS FOR REPAIR, REHABILITATION, VACATION OR DEMOLITION

The following standards shall be followed in substance by the Building Official and the Housing Board of Appeals in ordering repair, rehabilitation, vacation, demolition or removal of a substandard building.

1. If the substandard building can be reasonably repaired or rehabilitated so that it can comply with the requirements of this Code, it shall be ordered repaired or rehabilitated by the Building Official or the Housing Board of Appeals; provided that the failure to comply with a final order of the Building Official or Housing Board of Appeals shall authorize the Building Official to order the building vacated and closed.
2. If the substandard building is in such condition as to make it imminently dangerous to health, safety, or general welfare of its occupants or the public it shall be ordered to be vacated and closed by the Building Official and the Housing Board of Appeals and the "Procedure of Hearing and Abatement" in accordance with Section 5 of Ordinance No. 3252 of the City of Albany, as amended, may be initiated.
3. If the substandard building cannot be repaired or rehabilitated so it cannot be repaired or rehabilitated so it can comply with the requirements of this Code, it shall be demolished.

### Section 2.11 VIOLATIONS AND PENALTIES

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of an offense and each such person shall be deemed guilty for a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

## SECTION 3 - HOUSING BOARD OF APPEALS

### Section 3.1 CREATED

There is hereby established a Housing Board of Appeals to consist of five (5) members who are residents of the City of Albany and are qualified by training and experience to pass upon matters pertaining to housing and health, safety and welfare of the public. The Board shall have the authority to adjudge the reasonableness of this Code as it may affect the health, safety and welfare of an owner or occupant.

### Section 3.2 APPOINTMENT

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

### Section 3.3 PROCEDURES OF THE BOARD

All hearings shall be public, and the appellant, his representatives, the official of the municipality and any other person whose interests may be affected by the matter on appeal shall be given an opportunity to be heard. The Board shall affirm, modify, or reverse the decision of the Building Official by a concurring vote of three members. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant and may recommend to the City Council such new legislation as is consistent herewith.

### Section 3.4 APPEAL TO CITY COUNCIL

Persons aggrieved under the provisions of this section shall have the right of appeal to the Albany City Council from the decisions of the Board of Appeals. Request for an appeal shall be made within 10 days from the decision of the Board of Appeals.

Section 3.5 DUTIES OF THE HOUSING BOARD OF APPEALS

The Housing Board of Appeals Shall:

1. Upon receipt of notice of appeal from any decision and order of the Building Official filed by the owner or party in interest within thirty days (30) from the date of service of said decision or order, entertain such appeal, conduct a hearing thereon as provided in subsection 2 hereof, or upon receipt of a request in writing from the Building Official to review his decision, entertain such request and conduct a hearing as herein provided.
2. Hold a hearing to hear such evidence as may be presented by any official of the City of Albany or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building.
3. Resolve all matters submitted to them within sixty days from the date of filing therewith. In the event the Housing Board of Appeals fails to resolve all matters within sixty days as above provided, then the order and findings of the Building Official shall be deemed affirmed in full on the sixtieth day and the parties may appeal therefrom as provided by law.

SECTION 4 - SUBSTANDARD BUILDINGS

Section 4.1 SUBSTANDARD BUILDINGS DEFINED

Any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions which singly or combination endanger the health, property, safety and welfare of the general public, the owners, or the occupants shall be deemed and hereby is declared to be a substandard building:

1. INADEQUATE SANITATION, which shall include, but not limit to the following:
  - A. Lack of, or improper water closet, lavatory, bathtub, or shower in a dwelling unit.
  - B. Lack of, or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel.
  - C. Lack of, or improper kitchen sink.
  - D. Lack of hot and cold running water to appropriate plumbing fixtures.
  - E. Lack of adequate heating facilities.
  - F. Lack of required water heating facilities.
  - G. Lack of, or improper operation of required ventilating equipment.
  - H. Lack of minimum amounts of light and ventilation as required by this Code.
  - I. Room and space dimensions less than required by this Code.
  - J. Lack of required electrical lighting.
  - K. Dampness of habitable rooms.
  - L. Infestation by insects, vermin or rodents.
  - M. General dilapidation or improper maintenance.
  - N. Lack of connection to required sewage disposal system.
  - O. Lack of required garbage and rubbish storage and removal facilities.
2. STRUCTURAL HAZARDS, which shall include but not be limited to the following:
  - A. Deteriorated or inadequate foundations.
  - B. Defective or deteriorated flooring or floor supports.
  - C. Flooring or floor supports of insufficient size to carry imposed loads with safety.
  - D. Members of wall, partitions, or other vertical supports that split, lean, list, or buckle due to defective materials or deterioration.

- E. Members of walls, partitions or other vertical supports which are of insufficient size to carry imposed loads with safety.
  - F. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle; due to defective material or deterioration.
  - G. Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.
  - H. Fireplaces or chimneys which are not of a sufficient size or strength to carry imposed loads with safety.
3. NUISANCE: Any condition defined as a nuisance by this Code, the laws of the State of Oregon or by the Code of the City of Albany.
4. HAZARDOUS WIRING: All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and being used in a safe manner.
5. HAZARDOUS PLUMBING: All plumbing except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures.
6. HAZARDOUS MECHANICAL EQUIPMENT: All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation, and which has been maintained in good and safe condition.
7. FAULTY WEATHER PROTECTION, which shall include but not be limited to the following:
- A. Deteriorated or ineffective water-proofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
  - B. Broke, rotted, split or buckled exterior walls or wall coverings, roofs, or roof coverings.
8. FIRE HAZARD: Any building or portion thereof, device, apparatus, equipment combustible waste, or vegetation which, in the opinion of the Building Official or the Fire Marshal is in such a condition as to cause a fire or explosion, or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
9. FAULTY MATERIALS OF CONSTRUCTION: All materials of construction except those which conformed with all applicable laws in effect at the time of installation and which have been adequately maintained in good and safe condition.
10. HAZARDOUS OR INSANITARY PREMISES: Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions which constitute fire, health or safety hazards.
11. INADEQUATE MAINTENANCE: Any building structure or portion thereof which is determined to be a dangerous building in accordance with this Code or Ordinance Number 3252 of the City of Albany, as amended.
12. INADEQUATE EXITS: All buildings or portions thereof not provided with adequate exit facilities as required by this Code except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition or any change in occupancy. When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed.
13. INADEQUATE FIRE-PROTECTION OR FIRE-FIGHTING EQUIPMENT: All buildings or portions thereof which are not provided with the fire-resistive construction or fire extinguishing systems or equipment required by this Code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
14. IMPROPER OCCUPANCY: All buildings or portions thereof occupied for living, sleeping, cooking, or eating purposes which were not designed nor intended to be used for such occupancies unless such building is altered to comply with this Code.

## SECTION 5 -DEFINITIONS

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

1. **APARTMENT:** Apartment shall mean a dwelling unit as defined in this Code.
2. **APARTMENT HOUSE:** Apartment house is any building, or portion thereof which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home, or residence of three or more families living independently of each other in dwelling units as defined in this Code, and doing their own cooking in the said dwelling units.
3. **APPROVED.** Approved as to materials methods of construction and other requirements of this Code, refers to approval by the Building Official as the result of investigation and tests conducted by him, or by reason of accepted principles or tests by national authorities, technical or scientific organizations.
4. **BASEMENT.** Basement is that portion of a building between floor and ceiling, which is partly below and partly above grade (see "Grade, Ground Level") but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. (See "Story".)
5. **BOARDING HOUSE:** Boarding house is a lodging house in which meals are provided.
6. **BUILDING:** Building is any building or structure, or portion thereof which is used for human habitation, for living, sleeping, cooking or eating purposes or any combination thereof.
7. **BUILDING EXISTING:** Existing building is a building erected prior to the adoption of this Code, or one for which a legal building permit has been issued.
8. **BUILDING OFFICIAL:** Building Official is the officer charged with the administration and enforcement of this Code or his regulars authorized deputy.
9. **CEILING HEIGHT:** Ceiling height shall be the clear vertical distance from the finished floor to the finished ceiling. Where the ceiling is not finished, the vertical distance shall be from the finished floor to the bottom of structural members.
10. **CELLAR:** Cellar is that portion of a building between floor and ceiling which is wholly or partly below grade, as defined in this section and so located that the vertical distance from grade to the floor is equal to or greater than the vertical distance from grade to ceiling. (See "Story").
11. **COURT:** Court is a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.
12. **DORMITORY:** Dormitory is a space where group sleeping accommodations are provided for persons not members of the same family group in one room or in a series of closely associated rooms under joint occupancy and single management.
13. **DWELLING:** Dwelling is any building or any portion thereof, which is not an "Apartment House", a "Lodging House", or a "Hotel" as defined in this Code, which may contain not more than two "Dwelling Units" or "Guests Rooms", used, intended or designed to be used, or occupied for living purposes.
14. **DWELLING UNIT:** Dwelling unit is one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.
15. **EXIT:** An exit, as referred to in this Code, shall be a way of departure from the interior of a building or structure to the open air outside at the ground level. It may comprise vertical and horizontal means of travel such as doorways, stairways, escalators, ramps, corridors, passageways and fire escapes, including all elements necessary for the purpose of emergency escape from the building or structure. An exit begins at any doorway or other point of access to an exit from which occupants may proceed to the exterior of the building or structure and then to a (public) street.
16. **EXTERMINATION:** The control and elimination of insects rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.
17. **FAMILY:** Family is an individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit.

18. **FLOOR AREA:** Floor area shall mean the net floor area within the enclosing walls of the room in which the ceiling height is not less than five (5) feet excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures.

19. **GRADE (GROUND LEVEL):** Grade (Ground Level) is the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, alley or other public way, the above ground level shall be measured at the sidewalk, alley or public way.

20. **GUEST:** Guest is any person hiring and occupying a room for living or sleeping purposes, exclusive of any member of a family occupying a dwelling unit.

21. **GUEST ROOM:** Guest room is any room or rooms used, or intended to be used by a guest for sleeping purposes.

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

23. **HOT WATER:** Hot water shall be water at a temperature of not less than 120 degrees (120 F) Fahrenheit.

24. **HOTEL:** Hotel is any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home, or other institution in which human beings are housed and detained under legal restraint.

25. **INFESTATION:** The presence, within or contiguous to a dwelling unit, rooming house, rooming unit, or premises, of insects, rodents, vermin or other pests.

26. **KITCHEN:** Kitchen shall mean a room used, or designed to be used for the preparation of food.

27. **LODGING HOUSE:** Lodging house is any building or portion thereof, containing not more than five guest rooms, which are used by not more than five guests where rent is paid in money, goods, labor or otherwise.

28. **NUISANCE:** The following shall be defined as nuisances:

- a. Any Public Nuisance known at common law or in equity jurisprudence.
- b. Whatever is dangerous to human life or is detrimental to health.
- c. Any condition dangerous to health, safety or morals, as defined in the Code of the City of Albany.

29. **ORDER:** Any order of the Housing Board of Appeals, or any notice of the Building Official where an appeal is not taken within the time provided by this Code.

30. **OWNER:** Owner as herein used shall include the owner or owners of the freehold of the premises or any lesser estate therein, a mortgagee or vendee in possession, an assignee for rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building.

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

32. **ROOMING HOUSE:** See "Lodging House."

33. **SERVICE ROOM:** Service room shall mean any room used for storage, bath or utility purposes, and not included in the definition of habitable rooms.

34. **STORY:** Story is that portion of a building included between the upper surface of any floor, and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet (6) above grade, such basement or cellar shall be considered a story.

35. **STREET:** Street is any thoroughfare or public space not less than sixteen feet in width which has been dedicated or deeded to the public for public use.

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

37. **USED:** Used shall mean used or designed or intended to be used.

38. **VENT SHAFT:** Vent shaft is a court used only to ventilate or light a water closet, bath, toilet, or utility room or other service room.

39. **WINDOW:** Window shall mean a glazed opening including glazed doors, which open upon a yard, court, or recess from a court, or a vent shaft open and unobstructed to the sky.

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

## SECTION 6 - SPACE AND OCCUPANCY STANDARDS

### Section 6.1 ACCESS TO PUBLIC PROPERTY

All buildings shall be located with respect to the property lines and to other buildings so that each dwelling unit and each guest room in a dwelling or lodging house, shall have access to a passageway, not less than three feet (3) in width, leading to a public street or alley. Each apartment house or hotel shall have access to a public street by means of a passageway not less than five feet (5) in width.

### Section 6.2 ROOM DIMENSIONS

1. **CEILING HEIGHT:** Habitable rooms and service rooms in all occupancies shall have a ceiling height of not less than seven feet (7). In rooms with sloping ceilings the required ceiling height shall be provided in at least 50 percent (50%) of the room and no portion of any room having a ceiling height of less than five feet (5) shall be considered as contributing to the minimum areas required by subsection 2 of this section.

2. **FLOOR AREA:** Every dwelling unit shall contain at least 150 square feet of floor area for the first occupant thereof and at least 100 additional square feet of floor area for every additional occupant thereof. Every room in a dwelling unit used for sleeping purposes and every guest room shall have not less than eighty square feet (80 sq. ft.) of floor area. When more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of fifty square feet (50 sq. ft.) for each occupant in excess of two. Only persons over one year of age shall be considered occupants for the provisions of this section.

**EXCEPTION:** There shall be excepted from the provisions of this section dormitory rooms used exclusively for sleeping three or more persons in buildings which are a part of or related to educational institutions and which have institutional supervision and inspection such dormitory rooms being located within dormitories, fraternities, sororities, co-operative housing organizations, or boarding houses shall have the following minimum requirements:

a. Each sleeping room shall provide not less than 17 square feet of floor area and 135 cubic feet per occupant. Not less than three feet (3) separation of beds on one side and at aisles shall be provided.

b. Each sleeping room shall be provided with not less than three (3) square feet of natural ventilation per occupant and natural light as required in Section 6.4 of this Code.

c. When the minimum natural ventilation required by this section is not provided then the room shall be provided with mechanical means of ventilation adequate to provide a minimum of five air changes per hour or one cubic foot of outside air per minute per square foot of floor area.

d. All other applicable provisions of this Code shall apply.

3. No habitable room except kitchens shall be less than seven (7) feet in any horizontal dimension.

4. No water closet compartment shall be less than thirty inches (30) in width and there shall be not less than one foot, nine inches (1'9") clear space in front of each water closet.

### Section 6.3 ROOM ARRANGEMENT

1. **ROOM ACCESS:** No dwelling nor dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. Access to all parts of a dwelling unit shall be possible without passing through any area outside of the dwelling unit.



2. ROOM SEPARATIONS: No room used for the preparation of food shall house a water closet and no room housing a water closet shall open directly into a room used for the preparation of food unless there is a door equipped with a self closing device between such rooms.

3. ADJOINING ROOMS: If more than fifty percent (50%) but not less than twenty-five (25) square feet of the area of a wall between adjoining habitable rooms is permanently open the rooms may be considered as one room for light, ventilation and area requirements of this section.

#### Section 6.4 LIGHT AND VENTILATION

1. NATURAL LIGHT. Every habitable room and every service room except storage closets shall be provided with windows or exterior doors as a means of providing natural light and when so used, the aggregate glass area shall be not less than ten percent (10%) of the floor area of such room except as provided hereafter.

2. ARTIFICIAL LIGHT. When the minimum natural light required by Subsection 1 above is not provided, the room shall be provided with artificial light adequate to provide an average illumination of six (6) foot-candles over the area of the room at a height of thirty inches (30") above the floor level.

3. EXIT LIGHTING. Every exit shall be lighted at all times so as to provide at least one (1) foot-candle of illumination at all points. Exits in dwellings may be supplied with conveniently located light switches, controlling the lighting system which may be turned or when needed, instead of full-time lighting except as provided hereafter.

4. NATURAL VENTILATION: Every habitable room and every service room except storage closets shall be provided with windows, doors or other exterior wall openings as a means of providing natural ventilation with an unobstructed aggregate opening area of not less than four (4%) percent of the floor area of such room.

5. MECHANICAL VENTILATION: When the minimum natural ventilation required by subsection 4 above is not provided then the room shall be provided with mechanical means of ventilation adequate to provide a minimum of two air changes per hour or one half cubic foot of outside air per minute per square foot of floor area, except that toilet compartments shall be provided with a minimum of five air changes per hour or one cubic foot of outside air per minute per square foot of floor area.

### SECTION 7 - SANITATION

#### Section 7.1 DWELLING UNITS

1. WATER CLOSET AND LAVATORY: Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a water closet and a lavatory in good working condition.

2. BATHTUB OR SHOWER: Every dwelling unit shall contain within a room which affords privacy to a person within said room, a bathtub or shower in good working condition.

3. KITCHEN. Every dwelling unit shall be provided with a kitchen which contains a sink with counter work space and adequate space for installing an approved cooking appliance and refrigeration equipment.

#### Section 7.2 GUEST ROOMS

Where private water closets, lavatories, and baths are not provided for guest rooms, there shall be provided on each floor for each sex at least one water closet and lavatory and one bath accessible from a public hallway. Additional water closets, lavatories and baths shall be provided on each floor for each sex at the rate of one for every additional ten (10) guests, or fractional number thereof, in excess of ten (10). Urinals may be substituted for one half of the required water closets for male guests. Such facilities shall be clearly marked for "MEN" or "WOMEN."

#### Section 7.3 WATER CLOSET COMPARTMENTS

Walls and floors of bathrooms and water closet compartments shall be finished with approved non-absorbent materials.

#### Section 7.4 PLUMBING FIXTURES

All plumbing fixtures shall be connected to a sanitary sewer or an approved private sewage disposal system. All required plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water, except that water closets may be provided with cold water only. All plumbing fixtures shall be of non-absorbent material.

### Section 7.5 RUBBISH AND GARBAGE

Every dwelling, apartment house, lodging house and hotel shall be supplied with adequate rubbish and garbage disposal facilities or storage containers as required by Ordinance No. 3376, City of Albany Oregon, as amended.

### Section 7.6 INSTALLATION AND MAINTENANCE

All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with all applicable ordinances.

## SECTION 8 - STRUCTURAL REQUIREMENTS

### Section 8.1 GENERAL

Buildings or structures may be of any type of construction which conformed with all applicable laws at the time of their construction and have been adequately maintained. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces to which they are subjected or may be anticipated due to natural causes. All structural elements shall be proportioned and jointed in accordance with approved stress limitations and minimum design criteria.

### Section 8.2 SHELTER

Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness. Every foundation, floor, wall, ceiling and roof shall be reasonably weather-tight, water-tight, and rodent-proof shall be capable of affording privacy; and shall be kept in reasonable repair. Every basement or cellar window used for ventilation, and every other opening to a basement or cellar which might provide an entry for rodents, shall be supplied with rodent-proofing which will effectively prevent the entrance of rodents.

### Section 8.3 PROTECTION OF MATERIALS

Buildings or structures having elements in contact with the ground which are deteriorated due to corrosion, decay or insect damage shall have such elements removed or replaced with materials which will resist such corrosion, decay or insect damage.

## SECTION 9 -MECHANICAL REQUIREMENTS

### Section 9.1 HEATING

Every dwelling unit, and guest room shall be provided with heating facilities capable of maintaining a room temperature of 70 degrees Fahrenheit at a point three (3) feet above the floor under ordinary minimum winter conditions. Such facilities shall be installed and maintained in a safe condition. No unvented, open flame heater shall be permitted. All heating devices, appliances, and fuel storage facilities shall be of an approved type.

### Section 9.2 WATER HEATING FACILITIES

Every dwelling or dwelling unit, shall have supplied water-heating facilities which are properly installed, and are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of this Code, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory, bathtub, or shower at a temperature of not less than one hundred twenty degrees Fahrenheit (120°). Such supplied water-heating facilities shall be capable of meeting the requirements of this section when the dwelling heating facilities are not in operation.

### Section 9.3 ELECTRICAL EQUIPMENT

All electrical equipment, wiring, or appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment and materials shall be of an approved type which complied with applicable laws at the time of installation.

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

### Section 9.4 VENTILATION

Ventilation for rooms and area and for fuel-burning appliances shall be provided. Ventilating equipment shall be of approved types, installed and maintained in a safe manner. Where mechanical ventilation is provided in lieu of the natural ventilation required by Section 6.4 of this Code, such mechanical ventilating system shall be maintained in useable condition.

## SECTION 10 - EXITS

### Section 10.1 REQUIRED EXITS

Every dwelling unit or guest room shall have safe, approved unobstructed means of exit with access directly to the outside at ground level or to a public corridor. All buildings or portions thereof shall be provided with exist maintained in a safe and useable condition. (See Section 6.1)

### Section 10.2 MINIMUM STANDARDS

Every exist shall have a minimum headroom of six feet-six inches (6'6") and a minimum width of thirty inches (30"). Every stairway shall be provided with safe and adequate handrails. The Fire Marshal of the City of Albany may require additional exits or changes in existing exits where an unsafe condition exists through lack of adequate exits.

## SECTION 11 - FIRE PROTECTION

### Section 11.1 FIRE RESISTIVE CONSTRUCTION

All buildings or portions thereof shall be provided with approved fire-resistive construction and protection which conforms with all applicable laws at the time of their construction and their fire-resistive integrity have been adequately maintained and consistent with Ordinance No. 2740 of the City of Albany, as amended.

### Section 11.2 FIRE EXTINGUISHING

All buildings or portions thereof shall be provided with the appropriate fire extinguishing systems or equipment as required by the Fire Prevention Code of the City of Albany, Ordinance No. 2740, as amended.

## SECTION 12 - RESPONSIBILITIES OF OWNERS & OCCUPANTS

### Section 12.1 PUBLIC AREAS

Every owner of an apartment house, lodging house, or hotel shall be responsible for maintaining in a sanitary condition the shared or public areas of the building and premises thereof.

### Section 12.2 SANITATION

Every occupant of a dwelling unit shall keep in a sanitary condition the part of the dwelling unit and premises thereof which he occupies and controls. Every occupant of a dwelling unit shall keep all plumbing fixtures therein a sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof. The owner of every lodging house, hotel, or dormitory shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and for the maintenance of a sanitary condition and in every other part thereof; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure of building is under his control.

### Section 12.3 RUBBISH AND GARBAGE

Every occupant of a dwelling unit shall dispose of all his rubbish, garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner by placing it in the disposal facilities or containers required by Section 7.5 of this Code. It shall be the responsibility of the owner to supply or cause to be supplied garbage-rubbish disposal facilities or containers for all apartment houses, lodging houses and hotels. In all other cases, it shall be the responsibility of the occupant to furnish such containers.

### Section 12.4 EXTERMINATION

Every occupant of a building containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises. Notwithstanding the foregoing provision of this section, whenever infestation is caused by a failure of the owner to maintain a building in a ratproof or reasonably insect proof condition extermination shall be the responsibility of the owner or operator. Whenever infestation exists in two or more of the dwelling units in an apartment house, extermination thereof shall be the responsibility of the owner.

### Section 12.5 STORAGE HAZARDS

No owner nor occupant shall place or store on the premises any material which may endanger the health or safety of any occupant of such building.

Section 12.6 MAINTENANCE OF BUILDING AND PREMISES

Every owner of a building, either occupied or vacant, shall be responsible for maintaining the building in good repair and free of refuse, debris and rubbish. Every occupant of a dwelling unit shall keep the yard space thereof reasonably neat and clean and free of weeds, uncut grass, vines bushes and debris. Every owner of a vacant lot or building shall keep the premises reasonably neat and clean and free of weeds, uncut grass, vines and bushes and debris.

Section 12.7 BED LINEN AND TOWELS

The owner of every lodging house, hotel, or dormitory shall change supplied bed linen and towels therein at least once each week, and prior to letting any room to any occupant. The owner shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner. In all shared facilities, no towel shall be kept or maintained for common use in any water closet compartment or bathroom.

SECTION 13 - REPEAL AND SEVERABILITY

Section 13.1 REPEAL

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 13.2 SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a distinct and independent provision, and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 14 - EFFECTIVE DATE

Whereas, the specific standards included in the foregoing Housing Code are in the public interest and welfare and whereas, it is deemed essential to apply said standards to buildings at the earliest possible date, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided however, notwithstanding Section 13.1 herein, this ordinance shall not apply to any buildings or portions thereof which conform with applicable ordinances in effect at the time such building was constructed.

Passed by the Council: July 23, 1969

Approved by the Mayor: July 23, 1969

*Russell W. Smith*  
Mayor

Effective Date: July 23, 1969

ATTEST:

*Ernest W. Lehman*  
City Recorder