

ORDINANCE NO. 2205

AN ORDINANCE AMENDING BEND CODE TITLE 9 BUILDING AND TITLE 13 NUISANCES TO FACILITATE ENFORCEMENT

Findings:

- A. As the City applies code provisions to different situations, it sometimes becomes apparent that amendments are needed to clarify the provisions.
- B. Some code provisions need to provide flexibility to adapt to changing situations. Bend Code 13.30.010 currently contains a list of prohibited noxious weeds. Given the frequent introduction or identification of additional noxious weeds, it is advisable to delegate to the City Manager the authority to develop and maintain a noxious weeds list.
- C. The City building official has authority under applicable building codes to withdraw certificates of occupancy and take other actions to assure ongoing compliance with building codes and to assure that occupancy of buildings is appropriate for the type of building. Buildings that are constructed as commercial buildings may not meet standards for residential occupancy, and residential buildings may not meet commercial standards.
- D. The City's code is more accessible to the public than the state building codes. It is therefore appropriate to re-state in the Bend Code that the building official has authority to order that non-compliant uses of buildings be discontinued.

Based on these findings, the City of Bend ordains as follows:

Section 1. Bend City Code Section 13.30.010 is amended to read as follows:

- A. No person shall allow the growth of noxious vegetation on the property they own within the Bend city limits.
- B. The City Manager shall prepare and may revise a list of plants that are considered "noxious vegetation" under subsection A. The City Manager may incorporate all or part of any existing list developed by any state or county entity as all or part of the list.
- C. Property owners are responsible for removal of noxious vegetation on public rights of way adjacent to their property, excluding medians and roundabouts.
- D. Violation. A violation of this Section is a Class A civil infraction.

Section 2. The introductory language in Bend Code Section 13.45.005 Nuisances Affecting the Public Health, is amended to read:

No person shall cause, or permit on property owned or controlled by him or her, a nuisance affecting the public health. Nuisances affecting the public health include but are not limited to:

(Sections A through H remain unchanged)

Section 3. Bend Code Chapter 9.10 is amended by adding a new section 9.10.025 to read as follows:

9.10.025 Occupancy Violations

When any structure regulated under this Chapter is used contrary to the provisions of the codes adopted by this Chapter, the building official may order the use discontinued and the structure (or a portion of the structure) vacated. The use of the structure (or portion of the structure) must be discontinued within the time prescribed by the building official in the notice and may not be resumed until the use and structure are brought into compliance as determined in writing by the building official.

Section 4. All other provisions of the Bend Code remain unchanged and in full effect.

First Reading Date: August 7, 2013
Second Reading Date: August 21, 2013
Adopted by roll call vote on August 21, 2013.

YES: Mayor Clinton
Councilor Jodie Barram
Councilor Mark Capell
Councilor Victor Chudowsky
Councilor Scott Ramsay
Councilor Sally Russell

NO: none



Jim Clinton, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



City Attorney's Office