

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMMENDING CHAPTER 150 STANDARD CODES ADOPTED BY REFERENCE

WHEREAS, the City of Seaside is charged with enforcing the Uniform Code for the Abatement of Dangerous Buildings within the Urban Growth Boundary; and

WHEREAS, the City Council previously adopted the *Seaside Code for the Abatement of Dangerous Buildings* which is not enforceable for properties outside the limits of the City of Seaside but within the Urban Growth Boundary,

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. Chapter 150, STANDARD CODES ADOPTED BY REFERENCE is hereby amended as follows

The following codes are hereby adopted by reference and made a part of this code, the same as if set forth in full herein:

- (A) The 1997 edition of the *Uniform Housing Code*, as published by the International Conference of Building Officials.
- (B) The current edition of the *State of Oregon Structural Specialty Code and Fire and Life Safety Regulations*, and the 1997 *Uniform Building Code*, Appendix 33.
- (C) The current editions of the *State of Oregon Mechanical Specialty Code*.
- (D) The current edition of the *Oregon State Plumbing Specialty Code*, its standards and administrative rules.
- (E) The current edition of the *Oregon Residential Specialty Code*.
- (F) The *State of Oregon Administrative Rules*, Chapter 814, Division 23, for the placement of mobile homes, and Chapter 814, Division 28, mobile home parks.
- (G) The 1997 *Uniform Code for the Abatement of Dangerous Buildings* as published by the International Conference of Building Officials for abatement of structures on properties outside the limits of the City of Seaside but within the Urban Growth Boundary.


ADOPTED by the City Council of the City of Seaside on this 13 day of February, 2023, by the following roll call vote:

YEAS:	MORRISEY, DILLARD, WRIGHT, MONTERO, POSALSKI, HORNING
NAYS:	NONE
ABSTAIN:	NONE
ABSENT:	FRANK

SUBMITTED to and **APPROVED** by the Mayor on this 14 day of February, 2023.


STEVE WRIGHT, MAYOR

ATTEST:


Spencer Kyle, City Manager

CITY OF SEASIDE

CODE FOR THE ABATEMENT OF

DANGEROUS BUILDINGS

Adopted by Ordinance No. 2002-01, February 25, 2002, and
Referenced in Chapter 159 of the Seaside
Code of Ordinances

COMPILED FROM THE
1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

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CITY OF SEASIDE

CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

COMPILED FROM THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

PREFACE

The provisions of this code were developed to afford the City of Seaside reasonable procedures for the classification and abatement of dangerous buildings.

This code is designed to be compatible with the *Uniform Building Code*. This *Code For The Abatement of Dangerous Buildings* is designed to apply to all types of buildings and structures. The notices, orders and appeals procedures specified have been found to be workable and are referenced by the *Uniform Building Code*.

If properly followed, the provisions of this code will provide the building official with the proper legal steps in abating dilapidated, defective buildings, which endanger life, health, property and public safety within concepts of fair plan and justice.

Chapter 1

TITLE AND SCOPE

SECTION 101 -- TITLE

These regulations shall be known as the *City of Seaside Code For the Abatement of Dangerous Buildings*, will be cited as such, and will be referred to herein as "this code."

SECTION 102 -- PURPOSE AND SCOPE

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

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

102.2 Scope. The provisions of this code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

SECTION 103 -- ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures, which are required to be repaired under the provisions of this code, shall be subject to the provisions the State Building Code.

Chapter 2

ENFORCEMENT

SECTION 201 -- GENERAL

201.1 Administration. The building official is hereby authorized to enforce the provisions of this code.

The building official shall have the power to render interpretation of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

201.2 Inspection. The building official and his "authorized personnel" are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

201.3 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official or the building official's authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises are unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

SECTION 202 -- ABATEMENT OF DANGEROUS BUILDINGS

All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this code.

SECTION 203 -- VIOLATIONS

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

SECTION 204 -- INSPECTION OF WORK

All buildings or structures within the scope of this code 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 code and Section 108 and 1701 of the Building Code.

SECTION 205 -- BUILDING BOARD OF APPEALS

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there shall be and is hereby created the same as the procedure in Chapter 150.69 of the Building Regulations, City of Seaside Code of Ordinances.

Chapter 3 DEFINITIONS

SECTION 301 -- GENERAL

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

1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

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

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of the code.

SECTION 302 -- DANGEROUS BUILDING

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be 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.

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 Building 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 Building Code for new building 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 the building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, 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 or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
12. Whenever the building structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants or criminals; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful acts.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations to this jurisdiction, as specified in the Building Code or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, 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 (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

Exception: Seismic strength requirements are to comply with the Federal Emergency Management Agency publication "FEMA-178", printed June 1992.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by the building official or the State of Oregon's 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 or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Chapter 4
NOTICES AND ORDERS OF BUILDING OFFICIAL

SECTION 401 -- GENERAL

401.1 Commencement of Proceedings. When the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.

401.2 Notice and Order. The building official shall issue a notice and order directed to the recorded owner of the building. The notice and order shall contain.

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.
3. A statement of the action required to be taken as determined by the building official.
 - 3.1 If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.
 - 3.2 If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.
 - 3.3 If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such a time as the building official shall determine is reasonable.
4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.
5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the building official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

401.3 Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the building official or disclosed from official public records:

the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

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

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

SECTION 402 -- RECORDATION OF NOTICE AND ORDER

If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

SECTION 403 -- REPAIR, VACATION AND DEMOLITION

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

1. Any building declared a dangerous building under this code shall be made to comply with one of the following:
 - 1.1 The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or
 - 1.2 The building shall be demolished at the option of the building owner; or
 - 1.3 If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.
2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or its occupants, it shall be ordered to be vacated.

SECTION 404 -- NOTICE TO VACATE

404.1 Posting. Every notice to vacate shall, in addition to being served as provided in Section 401.3, be posted at or upon each exit of the building and shall be in substantially the following form:

**DO NOT ENTER
UNSAFE TO OCCUPY**

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

Building Official
City of Seaside

404.2 Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Section 401.2, reciting the emergency and specifying the conditions, which necessitate the posting. No person shall remain in or enter any building, which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

Chapter 5 APPEAL PROCEDURE

SECTION 501 -- GENERAL

501.1 Form of Appeal. Any person entitled to service under Section 401.3 may appeal from any notice and order or any action of the building official under this code by filing at the office of the building official a written appeal containing:

1. A heading in the words: "Before the building board of appeals of the of"
2. A caption reading: "Appeal of," giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.

501.2 Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the building official shall present copies to the members of the building board of appeals.

501.3 Scheduling and Noticing Appeal for Hearing. As soon as practicable after the members have received a copy of the written appeal, the building department, shall fix a date, time and place for the hearing of the appeal by the building board of appeals. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

SECTION 502 -- EFFECT OF FAILURE TO APPEAL

Failure of any person to file an appeal in accordance with the provisions of Section 501 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

SECTION 503 -- SCOPE OF HEARING ON APPEAL

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

SECTION 504 -- STAYING OF ORDER UNDER APPEAL

Except for vacation orders made pursuant to Section 404, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

Chapter 6

PROCEDURES FOR CONDUCT OF HEARING APPEALS

SECTION 601 -- GENERAL

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

601.2 Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the building board of appeals.

601.3 Reporting. The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees shall be the responsibility of the appellant, but shall in no event be greater than the cost involved.

601.4 Continuances. The building board of appeals may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by the examiner for good cause shown so long as the matter remains before the examiner.

601.5 Oaths -- Certification. In any proceedings under this chapter, the building board of appeals, any board member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

601.6 Reasonable Dispatch. The building board of appeals and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

SECTION 602 -- FORM OF NOTICE OF HEARING

The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before (the building board of appeals or name of hearing examiner) at on the day of 20. . . , at the hour , upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with (building board of appeals or name of hearing examiner)."

SECTION 603 -- SUBPOENAS

603.1 Filing of Affidavit. The building board of appeals or examiner may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular.

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

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

SECTION 604 -- CONDUCT OF HEARING

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

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

604.3 Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

604.4 Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

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

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

1. To call and examine witnesses on any matter relevant to the issues of the hearing.
2. To introduce documentary and physical evidence.
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing.

4. To impeach any witness regardless of which party first called the witness to testify.
5. To rebut the evidence; and
6. To be represented by anyone who is lawfully permitted to do so.

604.7 Official Notice

604.7.1 What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact that may be judicially noticed by the courts of this state or of official records of the building board of appeals or departments and ordinances of the city or rules and regulations of the building board of appeals.

604.7.2 Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

604.7.3 Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the building board of appeals or hearing examiner.

604.7.4 Inspection of the premises. The building board of appeals or the hearing examiner may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the building board of appeals or the hearing examiner shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the board or hearing examiner.

SECTION 605 -- METHOD AND FORM OF DECISION

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

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

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

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

605.5 Disposition by the Building Board of Appeals. The building board of appeals may adopt or reject the proposed decision in its entirety, or may modify the proposed decision.

605.6 Proposed Decision Not Adopted. If the proposed decision is not adopted as provided in Section 605.5, the building board of appeals may decide the case upon the entire record before it, with or without taking additional evidence, or may refer the case to the same or another hearing examiner to take additional evidence. If the case is reassigned to a hearing examiner, the examiner shall prepare a report and proposed decision as provided in Section 605.2 hereof after any additional evidence is submitted. Consideration of such proposed decision by the building board of appeals shall comply with the provisions of this section.

605.7 Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested.

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

Chapter 7

ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE BUILDING BOARD OF APPEALS

SECTION 701 -- COMPLIANCE

701.1 General. After any order of the building official or the building board of appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

701.2 Failure to Obey Order. If, after any order of the building official or the building board of appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may (i) cause such person to be prosecuted under Section 701.1 or (ii) institute any appropriate action to abate such building as a public nuisance.

701.3 Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective.

1. The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING DO NOT OCCUPY

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

Building Official

City of Seaside

2. No person shall occupy any building, which has been posted or specified in this section. No person shall remove or deface any such notice so posted 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 Building Code.
3. 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 code. 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.

SECTION 702 -- EXTENSION OF TIME TO PERFORM WORK

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order

SECTION 703 -- INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchases is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

Chapter 8

PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

SECTION 801 -- GENERAL

801.1 Procedure. When any work of repair or demolition is to be done pursuant to Section 701.3, Item 3, of this code, the building official shall issue an order therefor and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of said building official. Plans and specifications therefor may be prepared by said director, or the director may employ such architectural and engineering assistance on a contract basis as deemed reasonable necessary. If any part of the work is be accomplished by private contract, standard public works contractual procedures shall be followed.

801.2 Costs. The cost of such work shall be paid from the repair and demolition account, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the city council of this jurisdiction shall determine is appropriate.

SECTION 802 -- REPAIR AND DEMOLITION ACCOUNT

802.1 General. The city council of this jurisdiction shall establish a special account to be designated as the repair and demolition account. Payments shall be made out of said account upon the demand of the building official to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

802.2 Maintenance of Account. The city council may at any time transfer to the repair and demolition account, out of any money in the community development fund of this jurisdiction, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the repair and demolition account and shall be repaid out of the proceeds of the collections hereinafter provided for. All accounts collected under the proceedings hereinafter provided for shall be paid to the treasurer of this jurisdiction who shall credit the same to the repair and demolition account.

Chapter 9

RECOVERY OF COST OF REPAIR OR DEMOLITION

SECTION 901 -- ACCOUNT OF EXPENSE, FILING OF REPORT

The building official shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 701.3, Item 3, of this code. Upon the completion of the work of repair or demolition, said official shall prepare and file with the clerk of this jurisdiction a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 401.3.

SECTION 902 -- NOTICE OF HEARING

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

SECTION 903 - PROTESTS AND OBJECTIONS

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

SECTION 904 -- HEARING OF PROTESTS

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

SECTION 905 -- PERSONAL OBLIGATION OR SPECIAL ASSESSMENT

905.1 General. The city council of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

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

905.3 Special Assessment. If the city council of this jurisdiction orders that the charge shall be assessed against the property, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

SECTION 906 -- CONTEST

The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after the entry of such judgment.

SECTION 907 -- AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST

The city council of this jurisdiction, in its discretion, may determine that assessments in amounts of \$500.00 or more shall be payable in not to exceed five equal annual installments. The city council'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.

SECTION 908 -- LIEN OF ASSESSMENT

908.1 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 parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

908.2 Interest. All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 7 percent per annum from and after said date.

SECTION 909 -- REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL

After confirmation of the report, certified copies of the assessment shall be given to the assessor and tax collector for this jurisdiction, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes

SECTION 910 -- FILING COPY OF REPORT WITH COUNTY AUDITOR

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

SECTION 911 -- 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.

SECTION 912 -- REPAYMENT OF REPAIR AND DEMOLITION ACCOUNT

All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of this jurisdiction, who shall credit the same to the repair and demolition account.

ORDINANCE NO. 2002-01

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, DELETING CHAPTER 150.74 OF THE SEASIDE CODE OF ORDINANCES AND ADOPTING CHAPTER 159 ABATEMENT OF DANGEROUS BUILDINGS

THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. A new Chapter 159. CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS IS HEREBY ADOPTED BY REFERENCE.

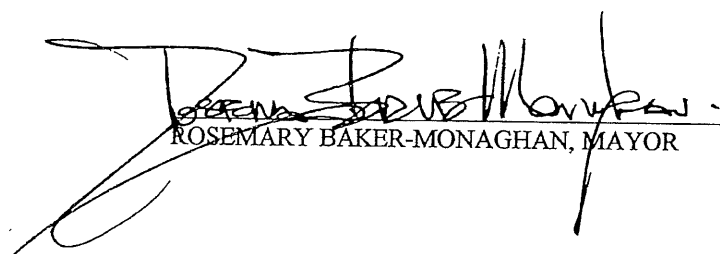
The document attached to Ordinance No. 2002-01 and entitled City of Seaside Code for the Abatement of Dangerous Buildings Ordinance No. 2002-01 is hereby incorporated by reference and made a part hereof the same as if set forth in full herein. Complete copies of the Code for the Abatement of Dangerous Buildings are on file at City Hall and are available for public inspection.

SECTION 2. Chapter 150.74 DANGEROUS BUILDINGS. is hereby deleted.

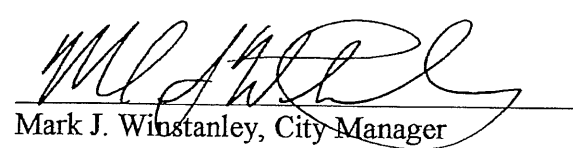
ADOPTED by the City Council of the City of Seaside on this 25th day of February, 2002, by the following roll call vote:

YEAS:	Larson, Schafer, Johnson, Haller, Wysong, Baker-Monaghan, Lyons
NAYS:	None
ABSTAIN:	None
ABSENT:	None

SUBMITTED to and **APPROVED** by the Mayor on this 26th day of February, 2002.


ROSEMARY BAKER-MONAGHAN, MAYOR

ATTEST:


Mark J. Winstanley, City Manager

ORDINANCE NO. 96-17

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING ORD. NO. 95-48, THE URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT AGREEMENT

WHEREAS, the Planning Commission conducted a public hearing on the Urban Growth Boundary Area Joint Management Agreement amendment, and recommends to the City Council that the amendment be approved; and

WHEREAS, the City Council conducted a public hearing on May 13, 1996, on the amendment and determined that the proposed amendment conforms to City Ordinances.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. Amend Section 5. (6) to read:

The City shall be responsible for the enforcement of the provisions of the Comprehensive Plan, Zoning Ordinance, Sign Code, Road systems Development Fee, Subdivision Ordinance, and Building Code Enforcement. The Uniform Code for the Abatement of Dangerous Buildings, Ordinances defining nuisances, providing for their abatement and providing penalties, Ordinances for the impounding and disposition of discarded vehicles, and Ordinances requiring the cutting and removal of noxious vegetation, tall grass, rubbish and debris.

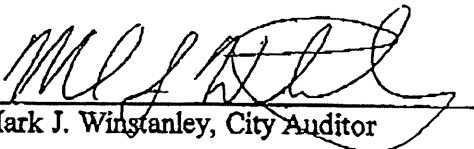
ADOPTED by the City Council of the City of Seaside on this 10th day of June, 1996, by the following roll call vote:

YEAS:	BAKER-MONAGHAN, VERNOR, BOUCHARD, HAYWARD, BATCHELDER, RAY, WYSONG
NAYS:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

SUBMITTED to and APPROVED by the Mayor on this 11th day of June, 1996.


OLIVER VERNOR, MAYOR

ATTEST:


Mark J. Winstanley, City Auditor

URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT AGREEMENT

CITY OF SEASIDE AND CLATSOP COUNTY

SECTION 1. INTRODUCTION

1. The parties to the Joint Management Agreement shall be the City of Seaside, Oregon, hereinafter referred to as "the City," and Clatsop County, Oregon, hereinafter referred to as "the County."
2. The terms of the Joint Management Agreement shall be applicable to the City's Urban Growth Boundary Area. For the purposes of this Agreement, the Urban Growth Boundary Area shall be defined as that area of land extending from the City's corporate limits to the City's Urban Growth Boundary as referenced and mapped in the City Comprehensive Plan, and hereby incorporated into and made a part of this document.

SECTION 2. DEFINITIONS

Words and phrases used in this joint agreement and not defined herein shall be construed in accordance with ORS Chapter 92, 197, 215 and 227, and applicable Oregon Statewide Planning Goals unless otherwise specified. In the event two or more definitions are provided for a single word or phrase, the most restrictive definition shall be utilized in construing this Agreement.

1. Development Permit: A permit issued for a type of use which is permitted in a particular zone if it is able to meet specified standards and criteria.
2. Land Use Actions: Land use actions consist of the discretionary approval of a proposed development of land as defined by ORS 197.015 (10).
3. Review Use: A use, and accessory uses, permitted when reviewed and approved by the Planning Commission.
4. Urban Area: Those lands which lie within the designated Urban Growth Boundary, either within or without the City.
5. Urban Growth Area: That portion of the Urban Area which is outside of the incorporated limits of the City.
6. Urban Growth Boundary: The line drawn around the Urban Area which separates rural from urbanizable land, as identified within the Comprehensive Plan for the City.
7. Urbanizable Land: Urbanizable lands are those lands within the Urban Growth Boundary which are identified and (1) determined to be necessary and suitable for future urban area; (2) can be served by public facilities and services; (3) are needed for the expansion of an urban area.

SECTION 3. INTENT OF AGREEMENT

1. The provisions of this agreement shall establish the procedure for review and action on Comprehensive Plan amendments, implementing Ordinance amendments, land use actions, land use enforcement actions and other related matters.
2. The City of Seaside Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance and Sign Ordinance shall provide the criteria for revising and acting on proposed land use actions in the urban growth area.

SECTION 4. APPLICABLE DOCUMENTS

1. *The City of Seaside Comprehensive Plan shall serve as the Comprehensive Plan for the urban growth area*
2. *The City of Seaside Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance and Sign Ordinance shall provide the criteria for revising and acting on proposed land use actions in the urban growth area.*

SECTION 5. LAND USE REGULATORY PROCEDURES

The City shall serve as the lead agency for all development requests within the urban growth area. The following procedures shall be followed:

1. *Land use actions shall be processed according to the following procedures:*
 - (a) *All applications shall be submitted to the City and shall be on forms provided by the City.*
 - (b) *Upon receipt of a complete application, the City shall notify the County Department of Planning and Development of the hearing date at which the matter will be considered.*
 - (c) *The application shall be reviewed by the City Planning Commission as provided for in the City Zoning Ordinance, City Subdivision Ordinance, and/or City Sign Ordinance.*
 - (d) *The City shall notify the County Department of Planning and Development of the decision of the City Planning Commission within five (5) working days of the decision.*
 - (e) *When notice is required to property owners, all property owners within the required distance will be notified without consideration as to whether or not they are in the City limits.*
 - (f) *The decision of the City Planning Commission, regarding land use actions, shall be final unless appealed by a party to the public hearing.*
 - (g) *An appeal of a decision in the Urban Growth Area of the City Planning Commission shall be to the County Board of Commissioners according to applicable procedures specified in the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinances or Sign Ordinance.*
2. *Amendments to the City of Seaside Comprehensive Plan, including the Urban Growth Boundary and Plan Map, City Zoning Ordinance map and text, and City Subdivision Ordinance and Sign Ordinance that concern the urban growth area shall be adopted by Ordinance by the City according to the following procedure:*
 - (a) *Application for amendment shall be submitted to the City on forms provided by the City.*
 - (b) *Upon receipt of a complete application, the City shall notify the County Department of Planning and Development of the hearing date at which time the matter will be considered before the City Planning Commission and City Council.*

- (c) *The application shall be reviewed by the City Planning Commission at a public hearing according to procedures specified in the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, or Sign Ordinance.*
 - (d) *The City shall notify the County of the recommendation of the City Planning Commission within five (5) working days of the recommendation.*
 - (e) *When notice is required to property owners, all property owners within the required distance will be notified without consideration as to whether or not they are in the City limit*
 - (f) *The City Council shall hold a public hearing on the application according to applicable procedures specified in the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, or Sign Ordinance*
 - (g) *The city shall notify the County of its final action within five (5) working days of adoption of an Ordinance or denial of the application.*
3. *Amendments to the City of Seaside Comprehensive Plan, including the Urban Growth Boundary and Plan Map, City Zoning Ordinance map and text, and City Subdivision Ordinance and Sign Ordinance that concern the urban growth area shall be adopted by Clatsop County subject to applicable review procedure. The review shall follow the public hearing procedures as listed in the Clatsop County Land and Water Development and Use Ordinance.*
 4. *The City and County shall notify all Urban Service providers of proposed amendments to the City of Seaside Comprehensive Plan, including the Urban Growth Boundary and Plan Map, City Zoning Ordinance map and text, City Subdivision Ordinance and Sign Ordinance that concern the urban growth area.*
 5. *Permitted and Review Uses shall be processed according to the following procedure:*
 - (a) *The City shall be responsible for issuing development permits in the Urban Growth Area except septic compatibility statements, electrical compatibility statements and water rights statements.*
 6. *The City shall be responsible for the enforcement of the provisions of the Comprehensive Plan, Zoning, Sign Code, Road Systems Development Fee, subdivision Ordinances, and Building Code Enforcement in the Urban Growth Area.*
 7. *Wetland delineations will be made on a project-by-project basis or as required by City Ordinance and will be the responsibility of the developers.*

SECTION 6. ANNEXATION

1. *Annexation within the City Urban Growth Boundary shall be in accordance with relevant annexation procedures under Oregon law, City Comprehensive Plan and other implementing ordinances.*

SECTION 7. ADMINISTRATION

1. *The City shall be responsible for issuing all land use permits including, but not limited to, development permits in the Urban Growth Area, except septic compatibility statements, electrical compatibility statements and water rights statements.*

2. The City shall be responsible for the enforcement of the provisions of the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, and Sign Ordinance in the Urban Growth Area including any costs associated therewith; provided however, that no formal proceedings to correct a violation may be initiated by the City in a court of law or before any Planning Commission or City Council, without first notifying the County.
3. The City shall issue addresses for all building within the Urban Growth Boundary.
4. The City shall maintain records of all land use permits it issues and actions it takes within the Urban Growth Boundary. This includes public notices, where appropriate, building permits, manufactured home placement permits, site design plans for parking, signs, addresses, etc.

SECTION 8. AMENDMENTS TO THE JOINT MANAGEMENT AGREEMENT

Amendments to this Agreement shall be adopted by a majority of both full City Council and the County Board of Commissioners, after recommendations have been received from the Planning Commissions of the City and County.

SECTION 9. SEVERABILITY

The provisions of this Joint Management Agreement are severable. If an article, sentence, clause, or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this agreement.

SECTION 10. TERMS OF AGREEMENT

This agreement becomes effective as of DECEMBER 28, 19 95.
This agreement shall be reviewed and may be amended at the time established for City's Periodic Review of the plan, or at any other time by mutual consent of both parties.

IN WITNESS WHEREOF, this Urban Growth Boundary Area Joint Management Agreement is signed and executed this 29th

day of NOVEMBER, 19 95

Olivier Vermeir
Mayor, City of Seaside

IN WITNESS WHEREOF, this Urban Growth Boundary Area Joint Management Agreement is signed and executed this 8 day of December, 19 95.

J. E. Bakken
Chairman, Board of County Commissions
for Clatsop County