



ORDINANCE NO. 5992

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) TITLE 8, BY THE CREATION OF CHAPTER 8.05 PROPERTY MAINTENANCE.

WHEREAS, the City of Albany is adding AMC Chapter 8.05, Property Maintenance, to allow individuals simplified access to the community livability codes; and

WHEREAS, community livability codes were found throughout multiple titles of the Albany Municipal Code; and

WHEREAS, reorganizing the code will allow for greater transparency.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. AMC 18.30, Property Maintenance, is hereby repealed.

Section 2. Amending AMC Title 18, Building Code Administration and Property Maintenance. AMC Title 18 is hereby amended by renaming it Building Code Administration.

Section 3. Amending AMC Title 8, Community Livability. AMC Title 8 is hereby amended to add Chapter 8.05 AMC titled Property Maintenance:

Sections:

Article I. Property Maintenance Code

- 8.05.005 Albany Property Maintenance Code.
- 8.05.010 Conflicting provisions.

Article II. Compliance and Enforcement

- 8.05.015 Order to vacate.
- 8.05.020 Recording notice of substandard or nonconforming condition(s).
- 8.05.025 Properties ordered vacated and posted.
- 8.05.030 Penalties.
- 8.05.035 Appeals.

Article I. Property Maintenance Code

8.05.005 Albany Property Maintenance Code.

- (1) The Albany Property Maintenance Code is based on the following:
 - (a) The 2021 Edition of the International Property Maintenance Code (IMPC), first printing;
 - (i) Chapters 1 through 8 except for Chapters 107 and 108;
 - (A) Section 101.1 shall read “[...] Property Maintenance Code of Albany [...]”;
 - (B) Section 302.4 shall read “[...] in excess of 10 inches.”
 - (b) Chapter 8.33 AMC, Boarding Up Structures;
 - (c) Chapter 8.37 AMC, City Abatement;
 - (d) AMC 17.28.010, Adopted; and
 - (e) AMC 18.04.060, Codes;
 - (2) Appendix A and Appendix B of the International Property Maintenance Code are not adopted as part of the Albany Property Maintenance Code.

8.05.010 Conflicting provisions.

Where there is a conflict between the requirements of this chapter and State Building Code, the State Building Code shall apply.

Article II. Compliance and Enforcement

8.05.015 Order to vacate.

(1) If the building, structure, or premises is in such condition as to make it immediately dangerous to the life, limb, property, or safety of its occupants or the public, it shall be ordered to be vacated.

(2) If the City Manager or their designee has determined that the building, structure, or premises must be vacated, the notice and order shall require that it be vacated within a time certain from the date of the order, as determined by the City Manager or their designee to be reasonable.

(3) Every notice to vacate shall, in addition to being served as provided in IPMC Section 111.4.2, be posted at or upon each exit of the building and shall be in substantially the following form:

CONDEMNED BUILDING

DO NOT OCCUPY

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

City of Albany

8.05.020 Recording notice of substandard or nonconforming condition(s).

In instances of continued noncompliance with any provisions of this title, and after notice has been given by the City Manager or their designee regarding deficient, substandard, noncomplying or nonconforming condition(s) relating to the property, premises, or structures, the City Manager or their designee may, in addition to other remedies, record upon the title of the property a notice of substandard or nonconforming condition(s). Any such notice shall include a detailed description of the substandard or nonconforming condition(s) and may only be removed once the substandard or nonconforming condition(s) is/are abated. Enforcement costs shall be paid prior to any removal of liens or notices resulting from enforcement action.

8.05.025 Properties ordered vacated and posted.

It is unlawful for any owner, authorized owner's agent, or any other individual to enter a vacated and posted structure, premises, or land without the consent of the code official. This consent shall be notated in the property's file and shared with agencies enforcing the matter.

8.05.030 Penalties.

Any person or business entity which violates any term or provision of this title shall be subject to any or all of the following penalties:

(1) Violation of any of the provisions of this chapter is a misdemeanor punishable as provided by AMC 1.04.010.

(2) Penalty for First-Time Violation.

(a) In the case of a violation of this title or the Albany development code, a civil penalty of \$500.00 per violation shall be assessed. If the violation has been corrected within 10 working days of the issuance of the citation, the civil penalty shall be reduced to \$250.00 per violation.

(3) Repeat Violations.

(a) In the case of subsequent violations of this title by the same person, business, or corporation within 12 consecutive months, the civil penalty for each subsequent violation shall be doubled.

(b) The doubled penalty amount shall remain due even if correction is achieved within 10 working days.

(4) The penalties provided herein are in addition to any other remedies available. The imposition of the penalties herein shall not preclude the City Manager or their designee from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the building, structure, or premises.

(5) Every day, or portion thereof, during which any violation of any provision of this title is committed, continued or permitted, may be a separate offense.

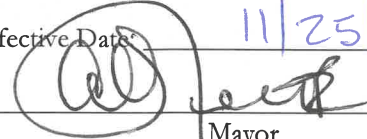
8.05.035 Appeals.

Appeals shall be filed and processed in accordance with AMC 8.37.030, Notice of violation and abatement.

Passed by the Council: 10/26/2022

Approved by the Mayor: 10/26/2022

Effective Date: 11/25/2022



Mayor

ATTEST:



City Clerk

