

## ORDINANCE No.

Clarify the required placarding and tenant notification requirements for unreinforced masonry buildings (Ordinance; amend Code Chapter 24.85)

The City of Portland Ordains:

Section 1. The Council finds:

1. On June 13, 2018, the City Council passed Resolution No. 37364 that, among other actions, directed City staff to develop a placarding and tenant notification ordinance applicable to all unreinforced masonry (URM) buildings that are not retrofitted to a level expected to prevent collapse in an earthquake.
2. On October 10, 2018, the City Council passed Ordinance No. 189201 that, among other actions, requires property owners of URM building to post a placard in a conspicuous place on the exterior of the main entrance and notify future tenants or lessors of the building that the unreinforced masonry building may be unsafe in the event of a major earthquake.
3. While Portland City Code 24.85 and legislative history would clearly demonstrate that the placarding and notice requirements apply to circumstances when an owner has not applied for a building permit, a third party questioned the application of this provision.
4. This ordinance removes the alleged ambiguity, so that the placarding and notification provisions in PCC 24.85.065.C-I clearly apply when an unreinforced masonry building has not been retrofitted to a level expected to prevent collapse in an earthquake, and that a building permit is not required to trigger these provisions.

NOW, THEREFORE, the Council directs:

- a. Portland City Code Chapter 24.85 is amended as set forth in Exhibit A.

Passed by the Council:

Mayor Ted Wheeler  
Prepared by: Tony García, CAO  
Date Prepared: November 30, 2018

**Mary Hull Caballero**  
Auditor of the City of Portland  
By

Deputy

**CHAPTER 24.85 - SEISMIC DESIGN  
REQUIREMENTS FOR EXISTING  
BUILDINGS**

a. Section 24.85.010, Scope, is amended as follows:

**24.85.010 Scope.**

- A.** The provisions of this chapter prescribe the seismic design requirements for existing buildings undergoing changes of occupancy, additions, alterations, catastrophic damage, fire, or earthquake repair, or mandatory or voluntary seismic strengthening. Except for the provisions ~~related to seismic strengthening of unreinforced masonry bearing wall buildings in Subsections 24.85.065C. through I.~~, the requirements of this chapter only apply to buildings for which a building permit has been applied for to change the occupancy classification, add square footage to the building, alter or repair the building.

### IMPACT STATEMENT

**Legislation title:** Amend the required placards and tenant notification clause for unreinforced masonry buildings (Ordinance; amend Code Chapter 24.85)

**Contact name:** Tony Garcia, Deputy City Attorney

**Contact phone:** (503) 823-4047

**Presenter name:** Tony García and Nancy Thorington

**Purpose of proposed legislation and background information:**

City Council adopted Ordinance 189201 adopting changes to Chapter 24.85, Seismic Design Requirements For Existing Buildings. This amendment seeks to clarify that PCC 24.85.065.A-B only apply when a building permit has been applied for to change the occupancy classification, add square footage to the building, alter or repair of the building and PCC 24.85.065.C-I apply as outlined in each section.

**Financial and budgetary impacts:**

This is a technical fix to remove any perceived ambiguity about the application of the placard and tenant notification requirements.

**Community impacts and community involvement:**

These changes do not change the requirements as they currently exist in code and as adopted by City Council in Ordinance 189201. The impacted community from that Ordinance includes URM building owners, their tenants, and users of URM buildings.

### Budgetary Impact Worksheet

**Does this action change appropriations?**

**YES:** Please complete the information below.

**NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount