

ORDINANCE No. 189399

Amend timeline for placard requirement and tenant notification for unreinforced masonry buildings and required documentation of compliance. (Ordinance; amend Code Section 24.85.065)

The City of Portland Ordains:

Section 1. The Council finds:

1. The Portland Bureau of Emergency Management implements City Council and Disaster Policy Council policy directives related to disaster preparedness and response, and enforces schedules and plans approved by them.
2. On October 10, 2018, the City Council passed Ordinance No. 189201 that, among other actions, requires property owners of unreinforced masonry buildings 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 masonry building may be unsafe in the event of a major earthquake.
3. This ordinance extends the timeline for certain buildings to comply with the placard and notification requirements in PCC 24.85.065.C-D.
4. This ordinance amends the requirement of PCC 24.85.065. E that the owner document compliance by recording an agreement with the county Recorder's Office.

NOW, THEREFORE, the Council directs:

- a. Portland City Code Subsections 24.85.065 is amended as set forth in Exhibit A.

Passed by the Council: FEB 27 2019
Commissioner Jo Ann Hardesty
Prepared by: Jonna Papaefthimiou, PBEM
Date Prepared: February 11, 2019

Mary Hull Caballero
Auditor of the City of Portland

By 
Deputy

158 182

Agenda No.
ORDINANCE NO. 189399
 Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Jo Ann Hardesty</p>	<p>CLERK USE: DATE FILED <u>FEB 12 2019</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Hardesty <i>[Signature]</i></p> <p>Position 4/Safety - Eudaly</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Portland Bureau of Emergency Management Courtney Patterson</p>	<p>ACTION TAKEN:</p> <p style="text-align: center;">FEB 20 2019 <u>PASSED TO SECOND READING</u> FEB 27 2019 9:30 A.M.</p>
<p>Prepared by: Jonna Papaefthimiou Date Prepared: February 11, 2019</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances <i>[Signature]</i></p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p> <p>Council Meeting Date: 2/20/2019</p>	

AGENDA

TIME CERTAIN
 Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: 30
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		✓
2. Fish	2. Fish	✓	
3. Hardesty	3. Hardesty	✓	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	_____	_____

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

- a. Section 24.85.065, Seismic Strengthening of Unreinforced Masonry Bearing Wall Buildings, is amended as follows:

[A. – B. No change]

C. Placard requirement for unreinforced masonry buildings.

On or before the dates set forth in the timetable below, all unreinforced masonry buildings that have not been retrofitted to the standard specified in Subsection 24.85.065 F. below must be posted with a placard in a conspicuous place on the exterior at the main entrance of the building. The criteria for the placard are as follows:

1. Font. The font must be at least 50-point bold type, legible sans serif.
2. Size. The placard must be at least 8 inches by 10 inches.
3. Material. The placard must be constructed of a durable material that can withstand the elements and must be maintained to ensure that it is not defaced, removed, damaged, or degraded to the point where the placard is no longer legible.
4. Content. The placard must contain the following language: "THIS IS AN UNREINFORCED MASONRY BUILDING. UNREINFORCED MASONRY BUILDINGS MAY BE UNSAFE IN THE EVENT OF A MAJOR EARTHQUAKE."
5. Duration. The placard must remain in place until the building is either: retrofitted and the Bureau of Development Services confirms that the retrofit specified in Subsection 24.85.065 F. has been completed and approved by BDS; or the building is demolished.
6. Timeline. Placards must be posted according to the following timeline:
 - a. Publicly-owned buildings. Publicly-owned URM buildings must post the required placard on or before January 1, 2019.
 - ~~b. Non-profit buildings. Non-profit URM buildings must post the required placard on or before November 1, 2020.~~
 - e. b. All other buildings. All other URM buildings that do not fall into a. ~~or b.~~ above must post the required placard on or before March November 1, 2020~~19~~.

D. Tenant notification for unreinforced masonry buildings.

~~1. Existing leases and rental agreements. The owner of a building subject to Subsection 24.85.065 C. must notify existing tenants that the building is an unreinforced masonry building, and unreinforced masonry buildings may be unsafe in the event of a major earthquake.~~

~~2. Applications for Leases and rental agreements entered into or renewed after the timeline for placarding. Every application for lease or rental supplied to a prospective tenant after June 1, 2019 agreement entered into or renewed on or after the relevant timeline for posting the required placards as outlined in Subsection 24.85.065 C.6., involving a building subject to the requirements of Subsection 24.85.065 C., must contain a statement that: the building is an unreinforced masonry building, and unreinforced masonry buildings may be unsafe in the event of a major earthquake.~~

E. Documentation of compliance to be recorded.

The owner of a building subject to Subsections 24.85.065 C. and D. must ~~execute and record an agreement not to remove the placard required in Subsection 24.85.065 C. and an acknowledgement of compliance with the~~ prospective tenant notification requirements outlined in Subsection 24.85.065 D. on a form provided by the Bureau of Development Services. This documentation of compliance must be submitted to the Bureau by November 1, 2020. ~~The building owner must provide a copy of the recorded document to the Bureau.~~

[F. – G. no change]

H. Appeals.

1. Appeals of determination that building is unreinforced masonry or whether the building has been retrofitted: if the building owner disagrees with the determination that the building is an unreinforced masonry building or that the building was retrofitted to the standards outlined in Subsection 24.85.065 F., the building owner may appeal that determination as provided in Section 24.85.095.

2. If a building owner appeals the determination that the building is an unreinforced masonry building or that it has been retrofitted to the standards outlined in Subsection 24.85.065 F., and the Director upholds the URM determination, then the building owner has until the relevant date set forth in the timetable in Subsection 24.85.065 C.6., or two months from the written determination, whichever is later, to install the placard in accordance with Subsection 24.85.065 C. and complete the prospective tenant notification outlined in Subsection 24.85.065 D.

3. Appeals related to BDS enforcement actions under Section 3.30.040 that do not fall under Subsection 24.85.065 H.1.-2. will follow the procedures laid out in that Chapter.

I. Future-discovered unreinforced masonry buildings.

If the Bureau of Development Services discovers that a building is an unreinforced masonry building that has not been retrofitted to the standards outlined in Subsection 24.85.065 F. after the relevant date set forth in the timetable in Subsection 24.85.065 C.6., the Bureau will provide written notice to the building owner that the building must comply with the provisions of Subsections 24.85.065 C., D., E, and F. The building owner will have three months from the Bureau's written determination and notice to property owner to either comply or file an appeal as described in Subsection 24.85.065 H.