



ORDINANCE NO. 5994

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) TITLE 8, BY THE CREATION OF CHAPTER 8.17 DERELICT STRUCTURES.

WHEREAS, the City of Albany is adding AMC Chapter 8.17, Derelict Structures, 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. Chapter 7.83 AMC, Derelict Structures, is hereby repealed.

Section 2. Amending AMC Title 8, Community Livability. AMC Title 8 is hereby amended to add Chapter 8.17 AMC, titled Derelict Structures:

Chapter 8.17 DERELICT STRUCTURES

Sections:

- [8.17.010](#) Derelict structures prohibited.
- [8.17.020](#) Definition.
- [8.17.030](#) Order to vacate building or structures.
- [8.17.040](#) Posted properties.
- [8.17.050](#) Removal of placard prohibited.
- [8.17.060](#) Temporary safeguards.
- [8.17.070](#) Derelict structure registration.
- [8.17.080](#) Abatement.

8.17.010 Derelict structures prohibited.

Derelict buildings or structures on any property are hereby declared to be unlawful.

8.17.020 Definition.

A derelict building or structure, as a result of disuse and neglect, exists if the building, structure, or property is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one of the following conditions. The City Manager, or their designee, shall determine a building or structure derelict based on the number and extent of the following factors:

- (1) Unoccupied and unsecured;
- (2) Partially constructed;
- (3) Abandoned structure or attractive nuisance;
- (4) Dilapidation (in a state of disrepair due to misuse or neglect);
- (5) Structural defects noted by the Building Official or their designee;
- (6) Identified as a danger per Chapter 8.05 AMC;
- (7) Defects increasing the hazard of fire, accident, or other calamity;
- (8) Infestation of pests; or
- (9) No utility service(s) to maintain sanitary conditions.

8.17.030 Order to vacate building or structures.

(1) If the City Manager or their designee finds a building or structure in violation of AMC [8.17.010](#), the City Manager or their designee shall start abatement proceedings as outlined in Chapter 8.37 AMC, order the

building, structure, or property vacated, and the owner or owner's agent to register the building, structure, or property as provided in AMC [8.17.070](#).

(2) The placard shall contain listed information:

- (a) Description of the premises sufficient for identification;
- (b) A statement of the reason or reasons why the location has been posted;
- (c) Correction order allowing 30 days for the repairs and improvements required to bring the premises into compliance with the provisions of this chapter. An alternate compliance schedule can be requested per AMC [8.17.070](#);
- (d) Notice that the City may abate the nuisance pursuant to Chapter 8.37 AMC and that the person(s) responsible shall be liable for the cost of such abatement.

8.17.040 Posted properties.

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

8.17.050 Removal of placard prohibited.

(1) The City Manager or their designee shall remove a placard whenever the conditions that resulted in the order to vacate the building, structure, or property have been eliminated.

(2) No person shall deface a placard, and a placard shall not be removed without the approval of the City Manager or their designee.

8.17.060 Temporary safeguards.

Notwithstanding any other provision of this chapter, as determined by the City Manager or their designee, a building, structure, or property poses an imminent hazard or incipient hazard which could cause serious or life-threatening injury or death at any time. The City Manager or their designee may order necessary work to be performed, including the boarding of openings, to render such building, structure, or property temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and shall cause such other action to be taken that the City Manager or their designee deems necessary to meet such condition. All work shall be done in accordance with applicable Federal, state, and local regulations and permit conditions.

8.17.070 Derelict structure registration.

If the City Manager or their designee determines that a building or structure is a derelict structure, the owner shall be required to register the building or structure within 10 days of the City Manager or their designee's issuance of an order to register. Registration shall be made on forms provided by the City Manager or their designee and shall include information relating to the location and ownership of the building or structure, the expected period of its vacancy, a plan for regular maintenance during the period of vacancy, and a plan for its re-occupancy and use, or its remediation or demolition. Any changes in the information required to be provided pursuant to this section shall be given to the City Manager or their designee not more than 30 days from the date of such change. When all conditions making the building or structure a derelict structure have been corrected, the owner shall contact the City Manager or their designee and request an inspection to determine compliance. Said inspections and determination of compliance are separate, and in addition to, those required to meet other regulatory requirements or to satisfy permit conditions.

As part of the registration process, the owner can submit a written request and supporting documentation for an extension of time to bring the derelict structure into compliance. The City Manager or their designee will review the submittal and make determination within 10 business days. Whether or not an extension will be granted, and for how long, is at the sole discretion of the City Manager or their designee.

8.17.080 Abatement.

The City Manager or their designee, upon making such a determination, may, in addition to commencing abatement proceedings as provided in Chapter 8.37 AMC, secure a building, structure, or property to protect the public health, safety, and welfare pending repair or demolition.

Passed by the Council: 10/26/2022

Approved by the Mayor: 10/26/2022

Effective Date: 11/25/2022



Mayor

ATTEST:



City Clerk

