

## ORDINANCE NO. 99-536-O

AN ORDINANCE ADOPTING THE STATE BUILDING CODES;  
PROVIDING PENALTIES; REPEALING ORDINANCE NO. 344; AND  
DECLARING AN EMERGENCY.

The City of Columbia City ordains as follows:

Section 1. Title. These regulations shall be known as the "City of Columbia City Building Code," may be cited as such and will be referred to herein as "this code."

Section 2. Purpose. The purpose of this code is to establish uniform performance standards providing reasonable safeguards for health, safety, welfare, comfort and security of the residents of this jurisdiction who are occupants and users of buildings and for the use of modern methods, devices, materials, techniques and practicable maximum energy conservation.

Section 3. Scope.

1) This code shall apply to the construction, alteration, moving demolition, repair, maintenance and work associated with any building or structure except those located in a public way.

2) Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement, the specific requirement shall be applicable.

3) Where, in any specific case, there is a conflict between this code and Oregon Revised Statute, the statute shall govern.

4) These procedures apply to all codes contained in this title. If, in a specific case, there is a conflict between this chapter and a given code, the procedures within that code shall govern. If, in a specific case, a given code is silent on a matter within this code, this code shall govern.

Section 4. Definitions. For the purpose of this code, the following definition shall apply:

Building Official - shall mean the Building Official of the City of Columbia City.

Section 5. Alternate materials and methods.

1) The provisions of this code are not intended to prevent the use of any alternate material, design or method of construction not specifically proscribed by this code, provided such alternate has been approved and its use authorized by the building official.

2) The building official may approve any such alternate material, design or method, provided the building official finds that the proposed material, design or method complies with the provisions of this code and that it is, for the purpose

intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

3) The building official shall require that evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any approval of any alternate material, design or method shall be recorded and entered in the files of the agency.

Section 6. Modifications. When there are practical difficulties in carrying out the provisions of this code, the building official may grant modifications, provided the building official finds that the modification is in conformance with the intent and purpose of this code and that the modification does not lessen any fire protection requirements not the structural integrity of the building involved. Any action granting modification shall be recorded in the files of the code enforcement agency.

Section 7. Tests.

1) Whenever there is insufficient evidence of compliance with the provisions of this code or that any material, method or design does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at any expense to this jurisdiction.

2) Test methods shall be specified by this code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

3) All tests shall be made by an approved testing agency. Reports of such tests shall be retained by the building official for the period for the retention of public records.

Section 8. Powers and duties of building official.

1) General.

a) There is hereby established a code enforcement agency which shall be under the administrative and operational control of the building official.

b) The building official is authorized to enforce all the provisions of this code.

c) The building official shall have the power to render written and oral interpretations of this code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of this code.

2) Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint technical officers and inspectors and other employees to carry out the functions of the code enforcement agency.

3) Right of entry. When it may be necessary to inspect to enforce the provisions of this code, or the building official had reasonable cause to believe

that there exists in a building or upon a premises a condition which is contrary to, in violation of this code or which otherwise makes the building or premises unsafe, dangerous or hazardous, the building official, in accordance with administrative policy, 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 be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person 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 ORS to secure entry.

4) Stop work orders. Whenever any work is being done contrary to the provisions of this code (or other pertinent laws or ordinances implemented through its enforcement), the building official may order the work stopped by notice in writing served on any person(s) engaged in the doing of causing of such work to be done. Such person(s) shall stop such work until specifically authorized by the building official to proceed thereafter.

5) Authority to disconnect utilities in emergencies. The building official or the building official's authorized representative shall have the authority to disconnect fuel - gas utility service, and/or other energy supplies to a building, structure, premises or equipment regulated by this code when necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection within a reasonable time thereafter.

6) Authority to abate hazardous equipment.

a) When the building official ascertains that equipment, or portion thereof, regulated by this code has become hazardous to life, health or property, the building official shall order the equipment either removed from its location or restored to a safe and/or sanitary condition, as appropriate. The notice shall be in writing and contain a fixed time limit for compliance. Persons shall not use the defective equipment after receiving the notice.

b) When the equipment or an installation is to be disconnected, written notice of the disconnection (and cause therefor) shall be given within 24 hours to the involved utility, the owner and/or occupant of the building, structure or premises. When equipment is maintained in violation of this code and in violation of a notice issued pursuant to the provisions of this section, the building official may institute such action as he/she deems necessary to prevent, restrain, correct or abate the violation.

7) Connection after order to disconnect. No person shall make a connection to or from an energy, fuel or power supply to any equipment

regulated by this code which has been disconnected or ordered disconnected or discontinued by the building official specifically authorizes the reconnection and/or use of such equipment.

8) Maintenance. All buildings and structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this section, the building official may cause a structure to be reinspected.

9) Occupancy violations. Whenever any building structure or equipment therein regulated by this code is used contrary to the provisions of this code, the building official may order such use discontinued and the structure (or portion thereof) vacated. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the building official in his notice and make the structure, or portion thereof, comply with the requirements of this code.

### Section 9. Appeals.

#### 1) Board of appeals.

a) In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be ex officio member of and board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

b) The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

2) Appeal procedure. Any decision relating to the suitability of alternate materials and methods of construction or interpretation by the building official with regard to the Building Code may be appealed to the board of appeals in conformance with procedures provided herein.

#### 3) Filing Parties.

a) Appeals may only be filed by the following parties affected by a decision:

- i) The owner or authorized agent;
- ii) Any resident or property owner within 150 feet of a parcel of land that is the subject of the decision;

iii) Any agency, officer, or department of the City which has the responsibility for providing City facilities and/or services to the parcel of land; or

iv) Ten adult residents of the City.

4) Board meeting. The building official shall schedule a meeting of the board within 30 days of the filing of the appeal. The board of appeals shall grant a hearing or dismiss the appeal. The appeal shall be dismissed if the board finds that the appeal does not meet the criteria in subsection 9.01.090.020. If the appeal is dismissed, the building official's decision is final. The hearing shall be held not later than 30 days after filing the appeal.

#### Section 10. Plans and permits.

##### 1) Issuance.

a) The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the building official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees have been paid, the building official shall issue a permit therefor to the applicant.

b) When the building official issues the permit where plans are required, the building approved plans and specifications shall not be changed, modified and altered without authorizations from the building official, and all work regulated by this code shall be done in accordance with the approved plans.

c) The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.

2) Retention of plans. One set of approved plans, specifications and computations shall be retained by the building official for a period specified by Oregon Administrative Rules; and one set of approved plans and specifications shall be returned to the applicant, and the set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

##### 3) Validity of permit.

a) The issuance or granting of a permit or approval of plans, specifications and computation shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of

any other ordinance of the jurisdiction or any other federal, state, or local law, statute, rule, regulation, or ordinance.

b) The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in the plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this code or of any other ordinances of this jurisdiction.

4) Expiration of plan reviews. Applications for which no permit is issued within 180 days following the date of the application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

5) Permit expiration, extension, and reinstatement.

a) Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized is not commenced within the time limitations set forth in this section.

b) Every permit issued by the building official shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The work shall not be considered suspended or abandoned where the permittee has pursued activities deemed by the building official to indicate the intent to start and complete the project. The building official may require the permittee to document these activities.

c) Every permit issued by the building official shall expire by limitation and become null and void 24 months after the date of permit issuance. If the building or work authorized by such permit has not received final inspection approval prior to the permit expiration date, all work shall stop until a new permit is obtained for the value of the work remaining unfinished.

EXCEPTION: At the time of permit issuance the building official may approve a period exceeding 24 months for completion of work when the permittee can demonstrate that the complexity or size of the project makes completing the project within 24 months unreasonable.

d) Any permittee holding an unexpired permit may apply for an extension of the time within which work is to be completed under that permit when the permittee is unable to complete work within the time required by this section for good and satisfactory reasons. The building

official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented work from being completed. No permit shall be extended more than once.

e) Where a permit has expired, the permit can be reinstated and the work authorized by the original permit can be recommenced, provided the following are met:

i) The Building Code under which the original permit was issued and other laws which are enforced by the code enforcement agency have not been amended in any manner which affects the work authorized by the original permit;

ii) No changes have been made or will be made in the original plans and specifications for such work;

iii) The original permit expired less than one year from the request to reinstate.

The fee for a reinstated permit shall be one-half the amount required for a new permit. Where the request for reinstatement does not comply with the preceding criteria, a new permit, at full permit fees, shall be required.

6) Work without a permit/investigation fees.

a) Whenever any work for which a permit is required by this code has been commenced without first obtaining the permit, a special investigation shall be made before a permit may be issued for such work.

b) An investigation fee, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

7) Not transferable. A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

8) Suspension/revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error on the basis of incorrect information supplied, or if its issuance (or activity thereunder) is in violation of any ordinance or regulation of any other provisions of the City code.

9) Inspections.

a) It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner, provide access to the site, and to provide all equipment as may be deemed necessary or appropriate by the building official. The permit holder shall not proceed with construction activity until authorized to do so by the building official. It shall be the duty of the permit holder to

cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or his agent.

b) Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

#### Section 11. Structural Code.

1) Enforcement of State code. The Oregon Structural Specialty Code and fees as adopted by OAR 918-460-0010 through 918-460-0015, except as modified in this section, are adopted as part of this code. [Amended by Ordinance No. 00-559-O 6/1/00.]

2) Special Construction - Flood Resistant Construction. Appendix Chapter 31, Division I and II of the Uniform Building Code, 1997 Edition, is adopted as a part of this code.

3) Adoption of additional NFPA standards.

a) National Fire Protection Association (NFPA) standard 20, Centrifugal Fire Pumps (1996 Edition), is adopted as part of this code.

b) National Fire Protection Association (NFPA) standard 24, Private Fire Service Mains and Their Appurtenances (1995 Edition), is adopted as part of this code.

4) Excavation and grading/erosion control. Appendix Chapter 33 of the International Building Code, 2000 Edition, published by the ICBO, except Tables 33-A and 33-B, is adopted as part of this code. [Amended by Ordinance No. 00-559-O 6/1/00.]

#### Section 12. Mechanical Code.

1) Enforcement of State code. The Oregon 1999 Edition Mechanical Specialty Code and fees as authorized by ORS 455.010 through 455.895 are adopted as part of this code. [Amended by Ordinance No. 00-554-O 1/20/00 and Ordinance No. 00-559-O 6/1/00.]

#### Section 13. Plumbing Code.

1) Enforcement of State code. The Oregon Plumbing Specialty Code, as adopted by OAR 918-750-0110, except as modified in this Section, is adopted as part of this code.

Section 14. Electrical Code.

1) Enforcement of State code. The Oregon Electrical Specialty Code, as adopted by OAR 918-305-0100, except as modified by this Section, is adopted as part of this code.

Section 15. One and Two Family Dwelling Code.

1) Enforcement of State code. The Oregon 2000 Edition One and Two Family Dwelling Specialty Code and fees as authorized by ORS 455.310-350, 455.450, 455.610-690 and 455.895, except as modified in this Section, are adopted as part of this code. [Amended by Ordinance No. 00-559-O 6/1/00.]

Section 16. Manufactured Dwelling Code.

1) Parks.

a) Enforcement of State rules. The manufactured dwelling park and mobile home park rules adopted by OAR 918-600-0005 through 918-600-0095, except as modified in this Section, are adopted as part of this code.

2) Manufactured home installations.

a) Enforcement of State rules. The manufactured dwelling rules adopted by OAR 918-500-0020, except as modified in this Section, are adopted as part of this code.

Section 17. Dangerous Buildings Code.

1) Unsafe buildings.

a) All buildings or structures regulated by this code which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in this code are hereby designated as unsafe building appendages.

b) All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the International Code for the Abatement of Dangerous Buildings or such alternate procedures as may have been or as may be adopted by this jurisdiction. As an alternative, the building official, or another employee or official of this jurisdiction as designated by the governing body, may institute any other appropriate action to prevent, restrain,

- correct or abate the violation. [As amended by Ordinance No. 00-559-O 6/1/00.]
- 2) Adoption of International Code for the Abatement of Dangerous Buildings. The 2000 Edition International Code for the Abatement of Dangerous Buildings is adopted as part of this code, except as modified in this Section. [As amended by Ordinance No. 00-559-O 6/1/00.]
- 3) Supplementary definitions.
- a) Board of Appeals - Board of Appeals established by the Boards and Commission Section.
  - b) Clerk - The City Administrator/Recorder of the City.
  - c) Director of Public Works - The Superintendent of Public Works of the City.
- 4) Deleted provisions. The following sections and chapters of the International Code for the Abatement of Dangerous Buildings as adopted by this Section are hereby deleted: Sections 205, 802, 906, 908, 909, 910, 911 and 912 and Chapters 5 and 6. [As amended by Ordinance No. 00-559-O 6/11/00.]
- 5) Time period for appeal. Notwithstanding Section 401.2.5 of the International Code for the Abatement of Dangerous Buildings as adopted by this Section, the time period for appeals from notices, orders, or actions of the building official shall be 10 days. [As amended by Ordinance No. 00-559-O 6/11/00.]
- 6) Lien. Any assessment imposed pursuant to Chapter 9 of the International Code for the Abatement of Dangerous Buildings as adopted by this Section shall be deemed to be complete immediately upon its being placed on the assessment roll, and the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. 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 10 percent per annum from and after that date. The lien shall be enforced in the manner provided in ORS Chapter 223 and shall have priority over all such other liens and encumbrances of any character. Pursuant to Chapter 9 of the International Code for the Abatement of Dangerous Buildings as adopted by this Section, the City Council, as the legislative body of the City, elects to treat costs associated with the abatement of dangerous buildings as a routine obligation of property owners. Therefore, any municipal costs incurred in the abatement of any dangerous building shall be an assessment against the property where the building is located. [Amended by Ordinance No. 00-559-O 6/11/00.]

[Section 18. Repeal.]

[Section 19. Severability.]

[Section 20. Emergency.]

7-4.20

7-4.20

Passed by the council September 2, 1999 and approved by the mayor  
September 3, 1999.