

ORDINANCE BILL NO. 7 FOR 2008

ORDINANCE NO. 1204

AN ORDINANCE AMENDING SWEET HOME MUNICIPAL CODE CHAPTERS 15.01, 15.03, 15.06, 15.16, AND 15.20 AND DELETING CHAPTER 15.05, ALL RELATING TO BUILDING CODES AND RULES AND STATUTES RELATING TO BUILDING AND THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND HISTORIC RESOURCES AND REPEALING SWEET HOME ORDINANCE NUMBERS 480, 986, 1016, 1017, 1106, AND 1131, WITH AN EXPEDIENCY CLAUSE.

NOW, THEREFORE, THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. Sweet Home Municipal Code Chapter 15.01 is amended to read as follows:

Chapter 15.01

ADMINISTRATION AND ENFORCEMENT OF BUILDING CODES

Sections:

- 15.01.010 Title.
- 15.01.020 Purpose.
- 15.01.030 Scope of regulations.
- 15.01.040 Definition.
- 15.01.050 Authority to disconnect utilities in emergencies.
- 15.01.060 Authority to abate hazardous equipment.
- 15.01.070 Maintenance.
- 15.01.080 Occupancy violations.
- 15.01.090 Appeals.
- 15.01.100 Plan and Permits Issuance.
- 15.01.110 Validity of permit.
- 15.01.120 Permit expiration, extension and reinstatement.
- 15.01.130 Work without a permit.
- 15.01.140 Non-transferability.
- 15.01.150 Violation – Penalty

15.01.010 Title. These regulations shall be known as the *City of Sweet Home Building Code* and will be referred to in this Title as “*this Code*”.

15.01.020 Purpose. The purpose of this Code is to establish standards and procedures within the City of Sweet Home, Oregon. These regulations are necessary in order to:

- A. Protect the public health, safety and welfare of the residents, occupants, and users of structures in Sweet Home.
- B. Provide for the use of best methods practices for the construction of structures.
- C. Meet the standards and procedures for implementation of State Codes in

compliance with Oregon Revised Statutes (ORS).

15.01.030 Scope of regulations.

- D. The City shall administer the State Building Code as set forth in ORS Chapter 455 as now enacted or hereafter amended.
- E. This Code shall apply to the construction, alteration, moving, demolition, repair, maintenance and other work associated with any building or structure, except when located within a public right-of-way.
- F. Where there is conflict between a general requirement and a specific requirement in sections of this Code, the specific requirement shall be applicable.
- G. Where there is conflict between this Code and any ORS, the ORS shall govern.

15.01.040 Definition. For the purpose of this Title, "Building Official" shall mean the City of Sweet Home Building Official, or a designee authorized by the Building Official.

15.01.050 Authority to disconnect utilities in emergencies.

- A. The Building Official shall have the authority to disconnect utility services to a building, structure, premises, or equipment regulated by this Code when necessary to eliminate an immediate hazard to life or property.
 - 1. The Building Official shall, whenever possible, notify the serving utility, the owner and the occupant of the decision to disconnect prior to taking such action.
 - 2. The serving utility, owner and the occupant shall be notified in writing of such disconnection within a reasonable time thereafter.
- B. 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 until authorized by the Building Official.

15.01.060 Authority to abate hazardous equipment.

- A. When the Building Official determines that equipment 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.
- B. Notice shall be given in writing and must include a fixed time limit for compliance and a statement that the defective equipment shall not be used until compliance has been confirmed by the Building Official.
- C. When equipment is to be disconnected, written notice of the disconnection shall be given within twenty-four hours to the involved utility, the owner and occupant of the building, structure, or premises, and must include a statement of the causes for the disconnection.
- D. When equipment is maintained in violation as noted in the notice, the Building Official may take such action deemed necessary to prevent, restrain, correct, or abate the violation.

15.01.070 Maintenance. All buildings and structures, both existing and new, and all new parts thereof, shall be maintained in a safe and sanitary condition.

- A. All devices or safeguards, which are required by this Code, shall be maintained in conformance with the code edition under which it was originally installed.
- B. The owner, or the owner's designated agent, shall be responsible for the maintenance of buildings and structures.
- C. To determine compliance with this section, the Building Official may require a structure to be inspected.

15.01.080 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 portions thereof, vacated.

- A. The Building Official shall provide notice to the owner and occupants of the structure stating a fixed time for compliance.
- B. All persons using the structure, or portion thereof, shall discontinue use within the time prescribed by the notice and make the structure, or portion thereof, comply with the requirements of this Code, as required by the Building Official.

15.01.090 Appeals.

- C. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relating to the suitability of alternate materials and methods of construction or interpretation by the Building Official with regard to the Building Code, there shall be and is hereby created a Board of Appeals.
 1. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City of Sweet Home.
 2. The Building Official shall be an ex officio member of and shall act as secretary to the Board but shall have no vote on any matter before the Board.
 3. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure.
 4. The Board shall adopt rules of procedure for conducting its business, and render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.
 5. 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.
- D. Appeals may be filed by any of the following, if affected by a decision:
 1. The owner or authorized agent.
 2. Any resident or property owner within 150 feet of a parcel of land that is the subject of the decision.
 3. Any agency, officer, or department of the City, which has the responsibility for providing City facilities and/or services to the parcel of land.

- E. The time period for appeals from notices, orders, or action of the Building Official shall be 10 days.
- F. The Building Official shall schedule a meeting of the Board within 15 days of the filing of the appeal.
 - 1. The Board of Appeals shall grant a hearing or dismiss the appeal.
 - 2. The appeal shall be dismissed if not filed in compliance with Sweet Home Municipal Code 15.01.080 (B). If the appeal is dismissed, the Building Official's decision is final.
 - 3. The hearing shall be held not later than 30 days after filing the appeal.

15.01.100 Plan and Permits Issuance. The application, plans, specification, computation and other data filed by an applicant for a permit shall be reviewed by the Building Official and other City Departments to verify compliance with any applicable laws.

- A. When the Building Official finds the required submitted materials conform to the this Code and other applicable laws and all fees have been paid, the Building Official shall issue a permit to the applicant.
- B. Plans approved shall be endorsed by the Building Official.
- C. Approved plans and specifications shall not be changed, modified, or altered without review and approval of the Building Official.
- D. The Building Official may issue a permit for construction of a 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 person holding the permit shall proceed without assurance that the permit for the entire building or structure will be granted.

15.01.110 Validity of permit.

- A. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of the provisions of this Code or of any federal, state, or City 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 requiring the correction of errors in the plans, specifications, and other application materials.
- C. The issuance of a permit shall not prevent the Building Official from stopping building operations being carried out under the permit when there is a violation of this Code or any other ordinances of the City.

15.01.120 Permit expiration, extension and reinstatement.

- A. Permits shall become null and void if:
 - 1. The work authorized is not begun within 180 days from the date permit is issued.
 - 2. After the work is begun, the work is suspended or abandoned for a period of 180 days, as determined by the Building Official.
- B. A permit shall become null and void 24 months after the date of permit issuance.

1. If the work authorized by a permit has not received final inspection approval prior to the permit expiration date, all work shall stop.
 - a. The Building Official may make an exception to this requirement at the time of permit is issued when the permit holder can demonstrate that the complexity or size of the project makes completing the project within 24 months unreasonable.
 - b. The Building Official may approve a one time extension for up to six months if the permit holder can document sufficient progress that would indicate project completion can occur within six months.
 - c. A new permit must be obtained for the work remaining unfinished. The permit fees will be based on the value of unfinished work.
- C. A permit holder may submit a written request for an extension of an un-expired permit.
 1. The Building Official may approve an extension of a period not exceeding 180 days.
 2. No permit shall be extended more than once, except as allowed by (B-1-b) of this Section.
- D. An expired permit can be reinstated to allow the work authorized by the original permit when all of the following conditions can be met:
 1. The applicable laws and codes under which the original permit was issued have not been amended in a manner that affects the work authorized by the original permit.
 2. No changes have been made or will be made in the original plans and specifications approved by the original permit.
 3. The original permit expired less than one year from the request to reinstate.
- E. A reinstated permit shall expire on the expiration date of the original permit.
- F. The fee for a reinstated permit shall cost one-half the amount of a permit authorizing the same work at the current rate schedule.
- G. An expired permit that does not comply with the preceding criteria will not be reinstated and a new permit, at full permit and plan review fees shall be required.

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

- A. An investigation fee shall be collected whether or not a permit is subsequently issued.
- B. An investigation fee shall be collected in addition to required permit fees.
- C. Payment of a reinstatement fee shall not exempt any person from compliance with all other provisions of this Code, nor from any penalty prescribed by law.

15.01.140 Non-transferability. A permit issued to a person or firm is not transferable and shall not permit any other person or firm to perform any work authorized under a permit.

15.01.150 Violation--Penalty. Failure to comply with any of the provisions and requirements of

Sweet Home Municipal Code Title 15 shall constitute a violation and may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36. Abatement of a violation of this Title can be accomplished by any remedy open to the City, including using the procedures set out in Sweet Home Municipal Code Chapter 8.04 for the abatement of nuisances. Each day that a violation exists is a separate offense.

Section 2. Sweet Home Municipal Code Chapter 15.03 is amended to read as follows:

Chapter 15.03

VARIOUS CODES

Sections:

- 15.03.010 Adoption of codes.
- 15.03.020 Enforcement of Sweet Home Municipal Code.
- 15.03.030 Unsafe buildings.
- 15.03.040 Uniform Code for the Abatement of Dangerous Buildings.
- 15.03.050 Emergency.

15.03.010 Adoption of codes. The following codes, as amended from time to time, are adopted as follows:

- A. Oregon Structural Specialty Code,
- B. Oregon Structural Specialty Code Appendix “J” – Excavation, Grading and Erosion Control,
- C. Oregon Mechanical Specialty Code,
- D. Oregon Plumbing Specialty Code,
- E. Oregon Residential Specialty Code,
- F. Oregon Manufactured Dwelling and Park Specialty Code, and
- G. 1997 International Code Council Uniform Code for the Abatement of Dangerous Buildings, as amended by this Chapter,
- H. International Code Council Uniform Code for Building Conservation.

15.03.020 Enforcement of Sweet Home Municipal Code. The Building Official shall enforce Sweet Home Municipal Code Titles 15, 16 and 17.

15.03.030 Unsafe buildings.

- A. For the purpose of this section, the following definitions apply:
 - 1. All buildings or structures regulated by this Code which are structurally unsafe, not provided with adequate egress, which constitute a fire hazard, or are otherwise dangerous to human life, are deemed unsafe.

2. 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 an unsafe use.
 3. 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 unsafe buildings, structures, uses or appendages are hereby declared to be public nuisances.
- C. Unsafe buildings shall be repaired, rehabilitated, demolished or removed in accordance with the procedures set forth in the Uniform Code of Abatement of Dangerous Buildings and any other means available to the City.

15.03.040 Uniform Code for the Abatement of Dangerous Buildings. The 1997 ICC Uniform Code for the Abatement of Dangerous Buildings is adopted by reference with the following revisions and deletions:

- A. Section 205 is excepted, deleted and not adopted. The Appeals Board for this section will be as per Sweet Home Municipal Code 15.01.090.
- B. Chapter 5 is excepted, deleted and not adopted. Appeals for this section will be as per Sweet Home Municipal Code 15.01.090.
- C. Chapter 6 is excepted, deleted and not adopted.
- D. Section 701.1 shall read as follows: General. After any order of the Building Official or the Board of Appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a violation.
- E. Section 801 is excepted, deleted and not adopted. The recovery of the cost of repair or demolition of any substandard or dangerous building shall be handled in the same manner as recovery of costs incurred for abatement of public nuisances as set forth in Sweet Home Municipal Code Chapter 8.04.
- F. Section 802 is excepted, deleted and not adopted.
- G. Chapter 9 is excepted, deleted and not adopted.

15.03.050 Emergency. The procedures of this Chapter need not be followed where a building is unmistakably dangerous and imminently endangers human health, life or property. In such instance, the Building Official may proceed summarily to abate the building. The cost of abatement shall be handled in the same manner as recovery of costs incurred for abatement of public nuisances as set forth in Sweet Home Municipal Code Chapter 8.04.

Section 3. Sweet Home Municipal Code Chapter 15.05 is deleted.

Section 4. Sweet Home Municipal Code Chapter 15.06 is amended to read as follows:

Chapter 15.06
Fees

Sections:

- 15.06.010 Fees.
- 15.06.020 Value.
- 15.06.030 Review.

15.06.010 Fees. The Building Official may authorize the refunding of fees paid in accordance with the departmental refund policy in effect.

- A. Fees shall be established as necessary and reasonable to provide for the Administration and Enforcement of any specialty code or codes.
- B. Fees shall be used solely for the administration and enforcement of the Building Inspection Program.

15.06.020 Value. The determination of value or valuation under any provisions of this code shall be made by the Building Official.

- A. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

15.06.030 Review. Fees shall be reviewed annually, in accordance with ORS 455, and in such a time as to be recognized in the City of Sweet Home's annual budget.

Section 5. Sweet Home Municipal Code Chapter 15.16 is amended to read as follows:

Chapter 15.16
Moving Buildings

Sections:

- 15.16.010 General.
- 15.16.020 Performance Guarantee

15.16.010 General. Any owner of a building must comply with the following codes:

- A. Prior to moving a building, a building permit must be obtained for the property where the building will be re-sited.
- B. Buildings moved within the City must be moved by a company licensed and bonded to move buildings within Oregon.
- C. An Oregon Department of Motor Vehicles permit for moving the building must be obtained.

15.16.020 Performance Guarantee. A performance guarantee, in an amount to be determined by the Public Works Director or designee, for potential damage to the public infrastructure will be secured as follows:

- A. A surety bond shall be obtained in an amount fixed by the Public Works Director, executed by a surety company authorized to transact business in the State of Oregon in a form approved by the Finance Director and the City Attorney.
- B. At the discretion of the Public Works Director, in lieu of a surety bond, the applicant may provide a certification by a bank or other reputable lending institution that money or a promissory note, in an amount fixed by the Public Works Director, is being held in the applicant and City's name, to cover potential costs of damage to the public infrastructure. The money held by the bank may be released only upon authorization of the Public Works Director.
- C. The performance guarantee may be dissolved by the Public Works Director after the building has reached its final destination.

Section 6. Sweet Home Municipal Code Chapter 15.20 is amended to read as follows:

Chapter 15.20
Historic Resources

Sections:

15.20.010 Purpose.

15.20.020 Planning Commission Authority.

15.20.030 Historic Resources Designation.

15.20.010 Purpose. The purpose of this Chapter is to provide procedures for the identification, preservation, alteration, or demolition of significant historic resources located in the City.

15.20.020 Planning Commission Authority. For the purpose of this Chapter, the Planning Commission has the following authority:

- A. Decision making on requests for inclusion or removal from the List.
- B. Review for proposed alterations or demolitions of historic resources on the List.

15.20.030 Historic Resources Designation. The Historic Resources Inventory List, known as "*the List*", adopted by the 2005 Comprehensive Plan shall serve as the City's official list of Significant Historic Resources.

- A. Designation Procedures.
 - 1. An owner, Planning Commission, City Council, or the State Historic Preservation Office may request inclusion of a structure on the List.
 - 2. The Planning Commission shall hold a public hearing to review the request for inclusion on the List following the process set forth in Sweet Home Municipal Code 17.12.130.
 - a. Notice of the public hearing shall follow the procedures set forth in

Sweet Home Municipal Code 17.12.120, including notice to the Department of Land Conservation and Development.

- B. Designation Criteria. In order to be recommended for inclusion or to be maintained on the List, the Planning Commission must find that the historic resource is over fifty years of age or of extraordinary historic importance, and possesses sufficient historic integrity. In addition, the historic resource should be at least one of the following:
 - 1. Associated with events that have made a significant contribution to the broad patterns of local, state, or national history.
 - 2. Associated with the lives of persons, or groups of people, significant in local, state, or national history.
 - 3. Embodies the distinctive characteristics of an architectural type, style, period, or method of construction or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction.
 - 4. Has yielded or is likely to yield information that is important in local, state, or national history.
- C. Designation Decision. The Planning Commission shall either:
 - 1. Approve the request as submitted, or
 - 2. Approve the request with modifications, or
 - 3. Deny the request.
- D. Removal from the List.
 - 1. If a historic resource has been demolished or destroyed, the Planning Commission may remove the resource from the register without first holding a hearing.
 - 2. Requests for removal from the List for any other reason shall be reviewed according to the public hearing procedures of this Chapter.
 - 3. To remove the historic resource from the List, the Planning Commission must determine that the original findings for the inclusion on the List no longer apply.
- E. Appeals. An appeal of a Planning Commission decision can be made to the City Council as per Sweet Home Municipal Code 17.12.090.

15.20.040 Alteration and Demolition Review. The purpose of this section is to encourage the preservation of the City's historic resources through procedures to review requests for alteration or demolition of those resources. The process for a review under this section will be the same as in Sweet Home Municipal Code 15.20.030 (A).

- A. Alteration, for this section, means an addition, removal, or reconfiguration that significantly changes the character of a historic resource.
- B. Demolition, for this section, means the razing, destruction, or dismantling of a resource to the degree that its historic character is substantially obliterated.
- C. Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any architectural feature that does not involve a change in design, material, or external appearance of a historic resource.
- D. This section shall not be construed to prevent the alteration, demolition, or relocation of a historic resource when the Building Official determines that public

safety is affected due to an unsafe or dangerous condition.

E. Review Criteria. In order to approve an application for the alteration of a historic resource on the List, the Planning Commission must find that the proposal meets the following standards:

1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
3. A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding features or elements from other historic properties, shall not be undertaken.
4. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
7. Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
8. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

F. In order to approve an application for the relocation or demolition of a historic resource on the List, the Planning Commission must find that:

1. No prudent and feasible alternative exists, or
2. The designated property is deteriorated beyond repair, or

3. The value to the community of the proposed use of the property outweighs the value of retaining the historic resource.
- G. Demolition Conditions. In approving a request for the demolition of a historic resource on the List, the Planning Commission may impose the following conditions:
1. Photographic, video, or drawn record of the property to be demolished.
 2. Salvage and restoration of significant elements, and/or
 3. Other reasonable mitigation measures.

Section 6. Repeal: Sweet Home Ordinance Numbers 480, 986, 1016, 1017, 1106, and 1131 are hereby repealed. Any amendment or repeal of an ordinance shall have no effect on a case or violation occurring before said date.

Section 7. Expediency Clause. Whereas it is in the interest of the residents of the City to have the most current Building Codes implemented within the City and clear and objective standards for the processes used in implementation of the Codes, it is hereby adjudged and declared that existing conditions are such that this ordinance is needed to be immediately enforced upon its passage. Therefore, this ordinance shall take effect and be in full force and effect from and after its passage and approval of the Mayor.

PASSED by the City Council and approved by the Mayor this 28th day of October, 2008.


Mayor

ATTEST:



City Manager - Ex Officio City Recorder