

CITY OF COOS BAY CITY COUNCIL
Agenda Staff Report

MEETING DATE July 15, 2014	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Councilors

FROM: Eric Day, Community Development Department
Through: Rodger Craddock, City Manager

ISSUE: **Building and Fire Code Board of Appeals** (Ordinance #239)

BACKGROUND:

As the City has had a difficult time finding interested parties to serve on the Building and Fire Code Board of Appeals for several years, staff is recommending to replace the Board with a Hearings Officer. There have been very few appeals of this type ever filed in the City and staff does not anticipate an increase in these types of appeals in the future.

Replacing the Board with a Hearings Officer would require modifications to the attached ordinance (#239). Those modifications would include the following:

1. Replacing "Building and Fire Code Board of Appeals" with "Hearings Officer" throughout the document,
2. Replacing "Community Services Department" with "Community Development Department".

ADVANTAGES:

The City will now have a process for appeals to be filed relating to the building and fire codes.

DISADVANTAGES:

None

BUDGET IMPLICATIONS:

None

RELATED CITY GOAL:

This matter is in keeping with the Council's 2014 Goals related to the reviewing and evaluating the City's ordinances to provide for the current and future needs of the citizens.

ACTION REQUESTED:

Staff is seeking Council direction on if this is the proper course to effectively rectify the problem of not being able to fill the Building and Fire Code Board of Appeals.

Attachment A – Proposed Ordinance #239

ORDINANCE NO. 239

AN ORDINANCE ADOPTING UNIFORM AND SPECIALTY CODES, SUBSTANDARD BUILDING PROVISIONS, AND DANGEROUS BUILDING PROVISIONS; SPECIFYING VIOLATIONS AND PROVIDING PENALTIES THEREFORE; AND REPEALING ORDINANCE NO. 200, AS AMENDED.

The City of Coos Bay ordains as follows:

I. GENERAL PROVISIONS

Title; Emergency Clause; Definitions

Section 1. Short Title. This ordinance shall be referred to as the "Uniform and Specialty Code" for the City of Coos Bay.

Section 2. Repealing Ordinances. Ordinance No. 200, enacted November 2, 1993, as amended by Ordinance Nos. 207, 212 and 223, is hereby repealed.

Section 3. Emergency Clause. Because prompt and continuous administration and enforcement of uniform and specialty codes is necessary for the peace, health, and safety of the people of the City of Coos Bay, an emergency is declared to exist, and this Uniform and Specialty Code shall be effective upon its passage.

Section 4. Severability. The Sections and Subsections of this Code are severable. The invalidity of any one section or subsection shall not affect the remaining Sections and Subsections.

Section 5. Definitions. Except where the context otherwise clearly requires, as used in this Code, the following mean:

Building official: The Director of the Community Services Department of the City of Coos Bay or his or her duly authorized representative.

Chief of the Bureau of Fire Prevention: Except as required under Section 32, the Fire Marshal.

The City: The City of Coos Bay.

The Code: Ordinance No. 239 "The Uniform and Specialty Code of the City of Coos Bay," and any amendments hereafter adopted.

Corporation Counsel: The City Attorney for the City of Coos Bay.

Director: The Director of the Community Services Department of the City of Coos Bay or his or her duly authorized representative.

Fire Chief or Chief: Except as required by Section 32, the Fire Marshal.

Fire Department, Bureau of Fire Prevention, or Fire Prevention Division: Except as required by Section 32, the Codes Division of Community Services Department.

Fire Marshal: The Director of the Community Services Department for the City of Coos Bay.

Inspecting Jurisdiction. The City of Coos Bay.

Jurisdiction: The City of Coos Bay.

LPG, LP Gas or Liquefied Petroleum Gas: Any liquid composed predominately of any of the following hydrocarbons or mixtures of the same: propane, propylene, butane (normal or isobutane) and butylenes.

NEPA: The 1987 edition of the National Fire Codes published by the National Fire Protection Association, unless otherwise specifically referenced.

Person: Every natural person, firm, partnership, association or corporation, or other entity in law or fact.

Administration and Enforcement

Section 6. Code Administration. The City of Coos Bay shall provide for administration of all plan check, permit, and inspection programs applicable to buildings and/or structures in the City of Coos Bay. Except as otherwise provided in this Code, Sections 1 through 29 shall be the administrative and enforcement provisions for all uniform and specialty codes adopted by the City of Coos Bay.

Section 7. Powers and Duties of Building Official. The Building Official shall enforce all the provisions of this Code and shall have for such purposes the powers of a law enforcement officer. The Building Official shall have the authority to render interpretations of this Code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions, provided that such interpretations, rules, and regulations shall conform with the intent and purpose of this Code.

Section 8. Authority and Corrective Action. In addition to any authority and power granted to the Building Official under the specific uniform codes adopted by this Code, and except where inconsistent with other provisions of law, the Building Official may enforce the provisions of this Code against any person regardless of whether a permit, certificate, license, or other indicia of authorization has been issued. The Building Official may investigate, order corrective action, and issue orders to stop any or all work not in compliance with any applicable provisions of this Code.

Section 9. Notice of Non-Compliance. The Building Official shall have authority to file notices of non-compliance in the Records of Coos County stating that a particular property is not in compliance with or in violation of this Code.

Section 10. Violations. Any violation of this Code constitutes a public nuisance. In addition to any other remedies provided for enforcement, the City may bring civil suit to enjoin the violation of any provision of this Code.

Section 11. Penalties. Violation of or failure to comply with any provision of this Code is punishable upon conviction by a fine not to exceed \$500.00; each day that such violation shall continue and persist after due notice of the violation shall constitute a separate and distinct violation.

Permit Extension, Renewal, Suspension and Revocation

Section 12. Permit Issuance. An applicant for a permit shall provide complete and accurate information on the application. No permit shall be issued upon an incomplete application or to any person who does not meet the requirements of this Code for the type of permit issued, including, in the appropriate case, possession of a professional license or certificate.

Section 13. Permit Extension. A permittee may request a one-time six month extension of any valid unexpired permit. No additional fee shall be charged for an extension under this section.

Section 14. Permit Renewal. Any permit which has expired for six months or less may be renewed upon request by the permittee for a single additional term, provided no changes have been made to the original plans, specifications, or codes, and subject to any conditions imposed in the original permit. An additional fee shall be charged for a renewal equal to one-half the amount charged upon original application. No permit renewal shall be issued for any permit which has expired for period greater than six months.

Section 15. Permit Suspension.

- (1) The Building Official may suspend any permit upon finding any of the following:
 - (a) The permittee's activity presents a serious danger to public health or safety;
 - (b) The permittee has refused, prevented, interfered with, or otherwise obstructed any inspection required by this Code;
 - (c) The permittee made inaccurate or misleading representations on the permit application;
 - (d) The permittee is failing to use required licensed contractors;
 - (e) The permittee is intentionally or negligently failing to comply with the requirements of this Code or other City ordinance;
 - (f) For any other good cause shown.
- (2) Notice and Order of Suspension shall be provided by the Building Official, in writing, to the permittee, and shall state the specific reasons for suspension, along with a statement of the permittee's right to appeal the Building Official's action. Service may be by personal delivery or by certified or registered mail.

Section 16. Permit Revocation.

- (1) The Building Official shall revoke any permit upon finding the permittee made fraudulent or intentional misrepresentations on the permit application, lacks sufficient funds to cover the costs of the permit, or has engaged in any other actions which provide good cause for revocation.
- (2) The Building Official shall serve written Notice of Intent to Revoke and an Order of Revocation on the permittee. Service may be by personal delivery or by certified or registered mail.

(3) The Notice of Intent to revoke shall include a short and plain statement of facts sufficient to apprise the permittee of the basis of the Building Official's action. The Notice of Intent to Revoke shall contain a statement advising the permittee of a right to appeal the Building Official's action as provided by this Code.

Fees

Section 17. Fees. Except as otherwise provided by this Code, when a plan or other data is submitted for review, a field review is requested, or a permit is requested to perform work, a plan review fee, or permit fee, or both, shall be paid at the time of submission, request, or application.

Section 18. Establishment of Fees and Collection of Fees and Penalties. Except as otherwise provided by this Code, fees for plan review, permits, labels and other services required by this Code shall be established by resolution of the Council. Except as otherwise provided by this Code, all fees and penalties shall be collected by the City.

Section 19. Fee Refunds.

- (1) A fee shall be refunded in full in the following circumstances:
 - (a) When dual payment has been received for one permit or plan review;
 - (b) When the City has no jurisdiction to inspect the work for which the permit was issued;
 - (c) When an applicant submits plans for review which do not show the required architect's or engineer's stamp, or a licensed supervising electrician's stamp for electrical plans, provided, also, that the plans shall be returned.
- (2) The Building Official shall not authorize any refunds except on written application by the original permittee filed not later than 180 days after the date of payment of the fee.
- (3) Fee refunds shall not be allowed under the following circumstances:
 - (a) An applicant obtains a permit but is unable or unwilling to proceed with the project;
 - (b) An applicant submits plans for review but is unable or unwilling to proceed with the project.

Appeals

Section 20. Board of Appeals.

- (1) There is created a Board of Appeals to hear and decide appeals of offers, decisions, or determinations made by the Building Official under this Code.
- (2) The Board of Appeals shall consist of five members, who shall be qualified by experience and training to deliberate on matters pertaining to building construction. Except as provided herein, no member of the Board of Appeals may be an employee of the City. The Building Official shall

serve ex officio and act as secretary to the Board of Appeals. The Fire Chief may serve ex officio whenever appeals involve application or interpretation of the Fire Code.

(3) The Board of Appeals shall be appointed by the Council for terms of three years each, and shall serve at the pleasure of the Council.

Section 21. Powers and Duties of the Board of Appeals.

(1) The Board of Appeals shall adopt written rules of procedure for conducting business. Copies of all rules shall be made freely accessible to the public by the Building Official.

(2) The Board of Appeals shall render all decisions and findings in writing. Copies shall be provided to the appellant and a duplicate copy shall be provided to the Building Official.

(3) The Board of Appeals shall enforce the Code according to its terms and to rules, supplemental regulations and interpretations of the Building Official. The Board of Appeals shall not waive any requirement of this Code. If a provision of the Code is ambiguous, the Board of Appeals shall obtain an interpretation of the provision from the Building Official.

Section 22. Appeals.

(1) Any person aggrieved by a notice and order or any action of the Building Official under this Code may appeal by filing a written Notice of Appeal at the office of the Building Official.

(2) The Notice of Appeal shall be filed within 30 days from the date of the service of the notice and order by the Building Official.

(3) The Notice of Appeal shall contain the following:

(a) A brief statement setting forth the legal interest of each of the appellant in the building or the land involved in the notice and order.

(b) A brief statement in simple and concise language of the specific order or action being appealed, together with material facts claimed to support the contentions of the appellant.

(c) A brief statement in simple and concise language of the relief sought and the reasons why it is claimed the order or action should be reversed, modified or otherwise set aside.

(d) The names of all parties designated as appellants and their official mailing addresses.

(e) Verification of at least one appellant by declaration under penalty of perjury of the truth of the matters stated in the Notice of Appeal.

(4) Failure of any person to file a Notice of Appeal in accordance with the provisions of this Code shall constitute a waiver of the right to administrative hearing and adjudication of any notice, order or any portion thereof.

Section 23. Hearing Schedule.

- (1) As soon as practical after receiving a Notice of Appeal, the Building Official shall fix a date, time, and place for hearing, which shall be not less than 10 days nor more than 60 days from the date of the filing of the Notice of Appeal.
- (2) Written notice of the time and place for hearing shall be given to each person identified as an appellant in the Notice of Appeal a least 10 days prior to the date of the hearing, either by personal delivery of a copy of the notice to each appellant or by mailing a copy of the notice first class mail, postage prepaid, to the address of each appellant as set forth on the Notice of Appeal.

Section 24. Scope of Hearing on Appeal. Only those matters or issues specifically raised by the appellant in the Notice of Appeal shall be considered in the hearing on the appeal.

Section 25. Further Appeals. An appeal from a decision of the Board of Appeals shall be as provided under state law.

Section 25-29. Reserved for expansion.

II. UNIFORM FIRE CODE

Section 30. Short Title. Sections 30-39 shall be known as the "Fire Code" provisions of the Uniform and Specialty Code of the City of Coos Bay.

Section 31. Adoption of the Code. As authorized by ORS 476.030, the City of Coos Bay hereby adopts the "State of Oregon Uniform Fire Code," 1996 Edition, as the Fire Code of the City of Coos Bay, which by this reference is made a part of this Code as if each and every part was specifically set forth, provided such adoption is subject to specific deletions, amendments and additions as set forth herein. A copy of the State of Oregon Uniform Fire Code shall be kept on file in the office of the Department of Community Services and shall be made available for reference to any person subject to requirements of this Code.

Section 32. Duties of the Fire Prevention Division. The Fire Code shall be administered by the Codes Division of the Department of Community Services, provided that the following Fire Code sections shall be jointly administered with the City of Coos Bay Fire Department: 101.4, 101.5, 103.2.1.1 - (1), (2), (3) & (8), 103.1.2., 104.1-104.3.2, 902.4, 1001.5.2, 1102.1-1102.5.2.3, 3409, 5109, 7704.2 and 8001.3.3.

Section 33. Deletions. The following Sections and Subsections are deleted from "The State of Oregon Uniform Fire Code," 1996 Edition:

- (1) Section 103.1.4.
- (2) Section 103.4.1.1.1 through Section 103.4.6.
- (3) Sections 901.2 through Subsection 901.2.1.
- (4) Section 1101.3.

- (5) Section 7704.9 through Subsection 7704.9.4.
- (6) Sections 7801 through Subsection 7801.3.2.
- (7) Subsection Section 7802.5 through 7803.9.

Section 34. Amendments. The following Sections and Subsections of "The State of Oregon Uniform Fire Code" 1996 Edition are amended to read as follows:

- (1) Section 101.8.1 Appendices Specifically Adopted.

The provisions of the following appendices are adopted as part of this Code: I-C, I-D, II-F, III-A, III-B, III-C, IV-A, V-A, VI-A, VI-B, VI-D and VI-F.

- (2) Section 102.1 Existing Conditions. The provisions of this Code shall apply to conditions not in conformity with law at the time of the adoption of this Code, and to any other conditions which, in the opinion of the Fire Marshal, constitute a distinct hazard to life or property, of "high life hazard" pursuant to OAR 837 Division 41. No structural changes shall be required for any buildings built, occupied and maintained in conformity with state building code regulations applicable at the time of construction.

- (3) Section 105.1 Scope. Except as otherwise provided in this Code, it shall be unlawful for any person, firm or corporation to use a building or other premises or to engage in any use or activity for which a permit is required by this Code without first obtaining a permit for such use or activity.

- (4) Section 105.3 Application for Permit. Except as otherwise provided in this section, all applications for permits required by this Fire Code shall be made to the Department of Community Services. Applications for permits shall be in such form and detail and accompanied by such plans as may be required by the Fire Marshal. Application for a permit for any activity under Section 105.8(f) of this Fire Code shall be made to and obtained from the Coos Bay Fire Department.

- (5) Section 105.8 Permit Required. In addition to any permit required by other applicable law, regulation or ordinance, a permit shall be obtained prior to engaging in the following activities, operations, practices or functions:

- (a) Existing Buildings. Any building, except private residences erected after May 28, 1925, as coming within the provisions of ORS 479.020 to 479.120 which does not conform to the requirements of ORS Chapter 479 (this includes fire escapes, stationary ladders, standpipes, public garages, auto exhibitions, tents, school fire regulations, public building exit doors, unsafe conditions).

- (b) Fireworks. Sale of fireworks to the general public. See Section 7802.1.

- (c) Flammable/Combustible Liquids. Installation of tanks for above-ground storage of flammable or combustible liquids in individual or aggregate quantities greater than 1,000 gallons, as specified in Section 7901.3 of this code.

- (d) LPG Tank Installation. Installation of LP-gas containers or receptacles. See Section 8202.1.

- (e) LPG Plans. Installation of single containers with a capacity greater than or equal to 2,000 gallons of water, and multiple containers with an aggregate capacity greater than or equal to 4,000 gallons of water. See Section 8202.1.
- (f) Incinerators and Open Burning. Open burning or use of any form of incinerator, including a burn barrel.
- (6) Section 901.2.2.1 Fire Department Access. Plans for fire apparatus access roads shall be submitted to the Department of Community Services for review and approval prior to construction of the access road.
- (7) Section 901.2.2.2 Fire Hydrant Systems. Plans and specifications for fire hydrant systems shall be submitted to the Department of Community Services for review and approval prior to construction of the fire hydrant system.
- (8) Section 901.4.4 Premises Identification. All new and existing buildings shall be numbered and otherwise identified as required by Coos Bay City Ordinance No. 125.
- (9) Section 902.2.2 Surface. Fire apparatus access roads shall be designed and maintained to support loads imposed by all regularly used fire apparatus. Any such access road shall have a minimum of 3 inches of rolled and compacted 1 ½ inch minus rock, which shall be satisfactory to the Department of Community Services.
- (10) Section 902.2.3. Turning Radius. The turning radius of all fire apparatus access roads shall be approved by the Department of Community Services, provided that any proposed access road with a turning radius of less than 45 feet radius shall also be subject to approval by the Coos Bay Fire Department.
- (11) Section 902.2.4 Dead Ends. Any dead-end fire apparatus access roads greater than 150 feet in length shall be provided with a circular turn-around with a radius of 45 feet, subject to the following exceptions:
- (a) The Fire Marshal and the Coos Bay Fire Department may approve a 20 ft. x 30 ft. hammer-head turn-around, upon a showing by the applicant that terrain, lot configuration, or pre-existing development makes a circular turn-around impractical.
 - (b) An automatic fire sprinkler system may be provided in lieu of a turn-around, subject to prior approval by the Fire Marshal and the Coos Bay Fire Department.
- (12) Section 902.2.2.6 Grade. The gradient for fire apparatus access roads shall not exceed 14 percent without prior approval of the Coos Bay Fire Department.
- (13) Section 902.4 Key Boxes.
- (a) A "Knox Rapid Entry System" key box shall be installed on all structures of 4000 square feet or larger, and on all structures deemed by the Fire Marshal to pose difficult problems of entry, including, but not limited to, barred windows on concrete structures; provided that structures without secured access, such as apartment buildings with all common areas open

to the public, shall be exempt from this requirement. All key boxes shall be approved by and purchased through the Fire Department.

(b) Unless otherwise approved by the Fire Marshal, key boxes shall be located to the left of the primary entrance to the building which shall bear the address or other identification required by Ordinance No. 125. The key box shall be located not less than a minimum of six (6) feet and not greater than a maximum of eight (8) feet above grade and shall be secured in an approved manner to the building.

(c) The building owner or occupant shall provide the Fire Department with keys to the building's primary entrance for alarm/sprinkler devices and for any other keyed locks determined by the Fire Department to be necessary for fire protection or to ensure the safety of human life. The keys shall be placed in the key box by the Fire Department within 24 hours of any changes to keys for any such locks.

(14) The first sentence of Section 1102.2.2 is amended to read:

Free standing incinerators shall be constructed of concrete, masonry or other approved fire-resistant material and shall have a completely enclosed combustion chamber.

(15) Section 7701.1 Scope. Except as provided herein, manufacture, possession, disposal, storage, sale, transportation and use of explosive materials are prohibited within city limits of the City, subject to the following exceptions:

1. Explosives used by the Armed Forces of the United States, the United States Coast Guard or the Oregon National Guard;
2. Explosives in forms prescribed by the official United States Pharmacopoeia;
3. Sale, possession or use of Class C common fireworks;
4. Possession, transportation, storage and use of small arms ammunition when packaged in accordance with DOT packaging requirements;
5. Possession, storage, transportation and use of not more than 5 pounds (2.27 kg.) of commercially manufactured sporting black powder, 20 pounds (9.07 kg.) of smokeless powder and 10,000 small arms primers for hand-loading small arms ammunition for personal sporting use;
6. The transportation and use of explosive materials by the United States Bureau of Mines, and federal, state and local law enforcement and fire agencies acting in their official capacities;
7. Special industrial explosive devices which contain in the aggregate less than 50 pounds (22.7 kg.) of explosive materials;
8. The possession, transportation, storage and use of blank industrial power load cartridges when packaged in accordance with DOT packaging regulations;

9. The use of any explosives preempted by federal regulation;
10. The use and handling of Class B fireworks (Explosives, Division 1.2 or 1.3 - see Appendix VI-E), as set forth in Article 78;
11. Temporary storage of explosives for use in approved blasting operations. For the purposes of this exception, temporary storage is defined as storage for a total amount of time in continuous or aggregate intervals less than or equal to 72 hours;
12. Retail sales of explosives subject to 7702.2 through 7702.3.10.

(16) Section 7802.1 Permit. A permit issued by the Department of Community Services is required for storage of retail sales of "Class C" fireworks. This permit shall be in addition to any permit required by the Oregon State Fire Marshal.

(17) Section 7802.2 Use, Storage, and Sales. Use, storage and sales of Class C fireworks shall be made in accordance with ORS 480.110-480.165 and OAR 837, Division 12.

(18) Section 7802.3 Temporary Storage. Temporary storage of fireworks shall be made in accordance with the City of Coos Bay Building Code, Section 307.

(19) Section 7802.4 Seizure of Fireworks. The Fire Marshal is authorized to seize, take, remove or cause to be removed, at the sole expense of the owner, all stocks of fireworks offered for sale, exposed for sale, stored or held in violation of Article 78.

(20) Section 8202.1 Permits and Plans.

1. Except as provided herein, permits to store, use, handle or dispense LP-gas, or to install or maintain an LP-gas container shall be obtained as provided by Section 105 of this Code, subject to the following exceptions:

A permit is not required to install or maintain portable containers with an aggregate capacity of less than 125-gallons or water (473.2 L).

2. Distributors shall not fill an LP-gas container for which a permit is required unless a permit for installation has been issued for that location by the Fire Marshal, and all installations, including all LP-gas appliances and gas piping, have been inspected and approved.

3. Installation of tanks for above-ground storage of flammable or combustible liquids in individual or aggregate quantities greater than 1,000 gallons of water and installation of LP-gas single containers with a capacity greater than or equal to 2,000 gallons of water, and multiple LP-gas containers with an aggregate capacity greater than or equal to 4,000 gallons of water shall first be subject to plan review by the Department of Community Services.

(21) Section 8202.2 Installation Inspection.

- (a) If the Fire Marshal determines a new installation does not comply with the requirements of this Code or other applicable law or regulation, the Fire Marshal shall inform the installer

of the corrections necessary to bring the installation into compliance. The installer shall make the corrections within the time set by the Fire Marshal, and shall notify the Fire Marshal upon completion of the required corrections. In no case shall such correction and notification occur more than thirty (30) days after receipt of instructions from the Fire Marshal.

(b) An additional fee shall be collected from the person making the connection in an amount equal to the fee required for a new installation. The installer shall not be responsible for the additional fee if the basis of the additional fee is the result of actions of the user; in such case the additional fee shall be paid by the user.

(c) Liquid petroleum gas containers may be re-inspected as needed after initial inspection. The Fire Marshal shall be notified upon alteration of any installation, in the same manner as required for new installations. The method of inspection, requirements for corrections, satisfaction of requirements and collection of fees shall be identical to the provisions in this Code for new installations.

(22) Section 8204.2 Establishment of Limits in Which Bulk Storage of Liquefied Petroleum Gases is to be Restricted. Except as otherwise provided by this Section, bulk storage of liquefied petroleum gas is prohibited in all areas within the City of Coos Bay except those areas zoned G-I (General Industrial).

(a) Class 1 and Class 2 liquids may be stored in above-ground tanks with a capacity in excess of 330 gallons in those areas zoned commercial and quasi-public, if the tanks meet all the regulator requirements for secondary containment, leak monitoring and spill and overfill protection in conformity with NFPA 30 and 30A Fire Safety Standards and the 1994 Uniform Fire Code Appendix II-F and UFC Standard 79-7. In addition, tanks shall be of double-wall construction and shall be encased in not less than six inches of rebar-reinforced concrete providing sufficient strength to satisfy the requirements for bridge construction as provided in the Federal Highway Code for protection against vehicle incursions. The installation, including the tank, shall be screened from view at ground level from neighboring properties or public ways by a fence constructed of non-flammable materials.

(23) Appendix III-A Section 1 includes the following exceptions:

Exceptions: The following are exempt from the fire flow requirements:

1. Any remodeling of an existing residence where the building foot print remains unchanged.
2. Any rebuilding of an existing single family or two family dwelling, excluding an attached garage, with a floor area of less than 3600 square feet and which has been damaged or destroyed as a result of manmade demolition or natural disaster; provided such rebuilding is commenced within one year of damage or destruction.
3. Any addition to an existing single family or two family dwelling, so long as the total floor area of the structure, excluding an attached garage, does not exceed 3600 square feet.

(24) Appendix III-A Section 2 includes the following definitions:

Water Main: Piping used to deliver water to any fire hydrant or to one or more individual service connections.

Detached Building/Structure: Any building that meets the separation, openings, and structural fire protection requirements identified in the Structural Specialty Code.

(25) Appendix III-A Section 5.1 One- and Two-Family Dwellings

Section 5.1.1 One- and Two-Family Dwellings on In-Fill Lots. The minimum fire flow and flow duration requirements for dwellings constructed on lots in existence prior to the adoption of this Code shall be 1,000 gallons per minute for dwellings having a fire area less than 3600 square feet. For dwellings having a fire area greater than 3600 square feet, the fire flow shall not be less than that specified in table A-III-A-I, subject to the following exceptions:

1. For residential lots in existence prior to the adoption of this Code the minimum fire flow shall be at least 300 gallons per minute at 20 psi when an approved fire sprinkler system is installed in accordance with NFPA 13D and the structure is no larger than 3,600 square feet.
2. For residential lots in existence prior to the adoption of this Code the fire flow may be reduced with the following building separations:

<u>Building Separation</u>	<u>G.P.M.</u> (2 hour duration)
Over 100 feet	500
31 to 100 feet	750
Less than 31 feet	1000

When accessory detached buildings are less than 300 square feet, the above separations shall be measured from the dwelling. In no case shall the fire flow be less than 500 gallons per minute at a minimum of 20 psi residual pressure, except as permitted by subsection 5.1.1.1 of this section.

Section 5.1.2 One- and Two-Family Dwellings or Lots Created After the Adoption of this Code. The minimum flow and flow duration requirements for one- and two-family dwellings or lots created after the adoption of this Code and having an area which does not exceed 3,600 square feet (344.5 sq.m.) shall be 1,000 gallons per minute (3785.4 L/min.); minimum flow and flow duration requirements for dwellings having an area in excess of 3,600 square feet (344.5 sq.m) shall not be less than those specified in table A-III-A-1, provided that a reduction in required fire flow of 50 percent may be approved by the Fire Chief when the building is equipped with an approved automatic sprinkler system.

(26) Appendix III-B Section 1 includes the following exceptions:

Exceptions: The following are exempt from the fire hydrant requirements:

1. Any remodeling of an existing residence where the building footprint remains unchanged.
2. Any rebuilding of an existing single- or two-family dwelling with a floor area, excluding attached garage, of less than 3600 square feet which has been damaged or destroyed as a result of demolition or natural disaster; provided, however, that such rebuilding is commenced within one year of damage or destruction.
3. Any addition to an existing single- or two-family dwelling, so long as the total floor area of the structure after the addition, excluding attached garage, does not exceed 3600 feet.

(27) Appendix III-B Section 5 Exceptions:

Exceptions:

1. Except for single- or two-family residential developments, the Fire Chief may accept a deficiency of up to 10 percent.
2. For single- or two-family residential dwelling construction, hydrant spacing shall be a maximum of 800 feet on center, with no protected property being greater than 400 feet from a hydrant. Such distances shall be measured on the path of vehicular access.
3. For all single- or two-family residential dwelling construction, and when not required by the Structural Specialty Code or used as an offset for fire flow requirements, an approved fire sprinkler system meeting NFPA 13D requirement shall allow hydrants to be spaced a maximum of 1000 feet on center with the property being protected no greater than 500 feet from a fire hydrant as measured on the path of vehicle access.
4. For residential lots in existence prior to the adoption of this Code the maximum distance from the hydrant to the protected property shall be 600 feet, when an approved fire sprinkler system is installed in accordance with NFPA 13D and the structure is no larger than 3,600 square feet.

Section 35. New Sections. The following Sections and Subsections are created:

- (1) Section 103.4.2 Inspections. All regulated buildings shall be inspected as often as deemed necessary to provide a reasonable level of safety and protection from fire and for life. All institutional, primary and secondary educational occupancies shall be inspected not less than once every twelve (12) months.

Regular fire code inspections shall be performed by duly authorized inspectors acting under the direction of the Fire Marshal. If at the time of inspection it is determined a building is in violation of the provisions of this Code, a written Notice of Violation will be issued. The Notice of Violation shall specify the nature of the violation, and require the violation be remedied. The occupant, owner or manager shall be notified of a date on which a reinspection will be conducted. The date of the reinspection shall be within 30 days of the date of inspection resulting in the Notice of Violation.

- (2) Section 105.9 Permit Fees. The Fire Department shall collect all fees charged or penalties assessed under Section 105.8(f) and Section 1102.5.2.4. All other fees and penalties shall be collected by the Department of Community Services.

(3) 1102.5.2.4 **Responsibility.** When any fire is burning in violation of this Code or escapes control of persons responsible for the fire, the person responsible for the fire shall be liable for any damage done to the property of another. The cost of controlling or extinguishing such fire may be recovered by the City from the person responsible for the fire according to a fee schedule adopted by resolution of the City Council.

(4) Section 7901.1.3 **Establishment of Limits of Districts in Which Flammable or Combustible Liquids in Outside Aboveground Tanks is to be Prohibited.** Class I and Class II liquids in excess of 330 gallons in above-ground tanks outside of buildings are prohibited in all areas within the City limits, except in those areas zoned General Industrial (G-I). Existing facilities shall conform to all requirements of the City of Coos Bay Land Development Ordinance.

(5) Section 8202.3 **Corrections.** Any person who has received a notice of non-compliance from the Community Services Director shall correct an improper installation within the time set in the notice, which in no case shall be more than thirty (3) days after date of receipt.

(6) Appendix III-B (6). **Type of Hydrants.** The type, location, and placement of fire hydrants shall be jointly approved by the Coos Bay-North Bend Water Board and the City of Coos Bay. The hydrant shall be provided with two 2 ½ inch outlets and one 4 ½ inch outlet. Connections to all three outlets shall have national standard thread. The hydrant shall have a five inch barrel and valve. Hydrants shall be supplied with a minimum six inch lead.

Section 35-39. Reserved for expansion.

III. STRUCTURAL SPECIALTY CODE

Section 40. Short Title. Sections 40-49 shall be known as the "Structural Specialty Code" provisions of the Uniform and Specialty Code of the City of Coos Bay.

Section 41. Adoption of the Code. As authorized by ORS 455.010-455.990, the City of Coos Bay hereby adopts the "State of Oregon Specialty Code," 1996 Edition, Volumes 1, 2 and 3, as the Building Code of the City of Coos Bay, which by this reference is made a part of this Code as if each and every part was specifically set forth, provided such adoption is subject to specific deletions, amendments, and additions set forth herein. A copy of the State of Oregon Specialty Code, 1996 Edition, shall be kept on file in the office of the Department of Community Services and shall be made available for reference to any person subject to requirements of this Code.

Section 42. Deletions. The following Sections and Subsections are deleted from "The State of Oregon Specialty Code," 1996 Edition, Volumes 1, 2 and 3:

- (1) Section 102.
- (2) Section 103.2.
- (3) Section 105.
- (4) Section 107.7.

(5) Table I-A and accompanying notes.

Section 43. Amendments. The following Sections and Subsections of "The State of Oregon Specialty Code," 1996 Edition, Volumes 1, 2, and 3 are amended to read as follows:

(1) Section 101.3, last sentence:

Appendix Chapter 3 (Division I & II); 4 (Division III); 9, 10, 15, 16, 18, 19, 29, 31, and 33 are adopted.

(2) Section 103.1 Violations. No person shall:

1. Violate or procure, or aid or abet in the violation of or procurement of, any final order concerning the application of a provision of the state building code in a particular case made by the administrator, an advisory board a state administrative officer or any local appeals board building official or inspector.

2. Engage in or procure or aid or abet any other person to engage in any conduct or activity for which a permit, certificate, label or other formal authorization is required by any specialty code or other regulation without first having obtained such permit, certificate, label or other formal authorization.

(3) Section 107.2 Permit Fees. The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finished work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing system and any other permanent equipment.

(4) Section 107.3 Plan Review Fees.

(1) When a plan or other data is required to be submitted under Subsection 106.3.3.1, a plan review fee shall be paid at the time the plans and specifications are submitted for review. The plan review fee shall be equal to 65 percent of the building permit fee.

(2) When required under Section 106.3.3.2, there shall be an additional plan review fee equal to 40 percent of the building permit fee.

(3) Plan review fees required by this section are separate fees from permit fees required by Section 107.2 and shall be paid in addition to permit fees required by Section 107.2.

(4) When the applicant has submitted incomplete plans or has changed or amended the plans to such an extent that additional plan review is required, an additional plan review fee shall be charged.

(5) Section 107.5.2 Investigation Fees. In addition to the permit fee, an investigation fee shall be collected, regardless of whether permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee which would be required by this Code if a permit were issued. Payment of the investigation fee shall not exempt a person from compliance with any other provision of this Code or from any penalty prescribed by law.

- (6) **Section 3401 General.** Buildings in existence on the date this Code becomes effective may have their existing and uninterrupted use or occupancy continued, if such use or occupancy was legal at the time of the adoption of this Code, provided such continued use does not pose a danger to life.

At the time of any change in the use or occupancy of any existing building or structure, that building or structure shall be brought into compliance with Sections 109 and 3405 of this Code.

Any building or portion thereof which has a change of occupancy may be inspected and shall be subject to fire and safety requirements.

Section 44. Creation of New Sections. A new section 110 is created:

Section 110. Demolition of Buildings.

110.1 Permits Required. No person, firm, or corporation shall demolish, or cause to be demolished, any building or structure in the City without first obtaining a separate demolition permit for each building or structure.

110.2 Application. To obtain a demolition permit, an application in writing shall be filed with the Building Official on a form furnished for that purpose. Every application shall:

- (a) Describe the land on which the proposed demolition is to be done by lot, block or tract and house and street address or similar description which will readily and definitely identify the location of the proposed demolition.
- (b) Identify the applicant's legal interest in the property to be demolished.
- (c) Identify and describe the demolition work (number of floors, basement, and cellar) to be done under the permit for which the application is filed.
- (d) Specify the use or occupancy of all parts of the building to be demolished; in the case of residential buildings or structures, the number of dwelling units shall be included.
- (e) Be signed by the permittee or his or her authorized agent, who may be required to submit evidence to establish such authority.
- (f) Give such other information as may be reasonably required and establish valuation of the demolition work to be done.

110.3 Plans. The Building Official may require each application for a demolition permit to be accompanied by a drawing showing the outside dimensions of the building to be demolished, the location of the building within property lines, and the overall height and type of construction of the building. The location of buildings adjacent to the demolition site shall also be indicated on the drawing.

110.4 Bond Required.

110.4.1 A demolition permit shall not be issued unless the permittee first posts a bond, executed by the owner and a corporate surety authorized to do business in the State of Oregon as a surety, in an amount sufficient to cover the cost of the demolition work, provided, however, that a bond will not be required for a demolition permit for small detached accessory buildings. In lieu of a surety bond, the applicant may file a cash bond or other acceptable security in an amount equal to that required as a surety bond.

110.4.2 Every bond shall include the following conditions be placed on the permittee:

(i) The permittee will comply with all of the provisions of the Code, and all other applicable laws, regulations and ordinances;

(ii) The permittee shall comply with all the terms and conditions of the permit for demolition; and

(iii) The permittee shall complete all work contemplated under the permit within the time limit specified in the permit.

110.4.3 The term of each bond shall begin upon the date of filing and shall remain in effect until the completion of the demolition work. Should a permittee fail to complete all work within the time limit specified in the permit, and if the Building Official should extend the time to complete the work, any such extension shall not in any way act to release the surety upon the bond.

110.5 Failure to Complete Work. If the permittee fails to complete the demolition work or fails to comply with any terms and conditions of the permit, the Building Official may order the work completed to the Building Official's satisfaction. The surety on the bond or the permittee under his or her cash bond or other acceptable security shall be firmly bound under a continuing obligation for payment of all necessary costs and expenses which that may be incurred by the City in causing any and all such required work to be done.

110.6 Issuance. The application and drawings filed by an applicant for a demolition permit shall be reviewed by the Building Official and may be reviewed by other departments of the City. If the application for the demolition permit conforms to the requirements of this Code and other laws and ordinances, and if the fee specified has been paid, then a demolition permit shall be issued.

110.7 Term and Expiration. Every demolition permit issued under the provisions of this Code shall contain a definite time limit during which the demolition work must be performed. Every demolition permit shall expire if the demolition work is not commenced within the time limit specified in the permit. An extension of time may be granted by the Building Official if it is apparent that the permittee has made every effort to comply within the time specified, but has been unable to do so because of unusual or difficult conditions.

110.8 Failure to Complete Work. If the permittee fails to complete the demolition within the time limit specified by the demolition permit because of failure to perform the work, the City Council may declare the building an unsafe or substandard building and may order demolition of the building to be completed.

110.9 Suspension or Revocation. A demolition permit may be suspended or revoked whenever the permit is issued in error, on the basis of incorrect or misleading information, or in violation of any provision of this Code or any other ordinance or regulation.

110.10 Demolition Permit Fees. A fee for each demolition permit shall be paid at the time the permit is issued, except that a permit fee will not be required for small detached accessory buildings exempt from bond requirements under Section 110.4.1. The value or valuation to be used in computing the permit fee shall be the total value of all work for which the permit is issued.

110.11 Protection of Public Utilities. Street lights, parking meters, fire or police alarm boxes, hydrants, catch basins, manholes and other public facilities shall be protected as required otherwise by this Code.

110.12 Protection for Pedestrians. Walkways, railings, fences and canopies shall be provided for the protection of pedestrians as otherwise required by this Code.

110.13 Protection of Public Sidewalks. Public sidewalks shall be protected from damage by the installation of a pad of solid planking not less than two (2) inches thick or other similar method or materials. Any sidewalk or street which is damaged during demolition work shall be immediately replaced or repaired, as directed by the Building Official.

110.14 Notification of Utilities. All utility companies shall be notified prior to the commencement of demolition to disconnect all services from main lines to the building.

110.15 Basement and Cellar Walls.

110.15.1 If the building or structure to be demolished has a basement or cellar, basement or cellar walls shall be maintained in a structurally sound condition after demolition in all areas adjacent to public sidewalks, so that any such sidewalks will be adequately supported. The City may require an engineer's analysis. If a basement or cellar wall adjacent to a public sidewalk is not structurally sound so that support for adjacent sidewalks will not be adequate or the owner desires to remove the wall, an engineered solution shall be submitted for review.

110.15.2 A temporary fence shall be maintained along the inside edge of a public sidewalk during demolition work to protect pedestrians from basements and cellars. As soon as demolition work is completed, a permanent fence or other approved protection shall be erected or installed according to specifications provided by the Building Official. Any permanent fence shall be maintained in a neat and attractive manner at all times.

110.16 Clean-up. All debris, stumps, broken concrete, brick and other irreducible materials with a maximum dimension exceeding 12 inches shall be completely removed from the premises after demolition. All ground surfaces shall be raked clean and evenly graded.

110.17 Sewer Laterals. To prevent the entry of ground water into the sewer system, each and every sewer lateral serving the subject property shall be tightly plugged. The plug shall be an appropriately sized mechanical plug and shall be installed in the building's sewer lateral at the sewer trunk line serving the property. The Department of Community Services shall

be notified when the sewer lateral is ready to be plugged and shall be given an opportunity to inspect the plug and, if necessary, to obtain necessary data to relocate the lateral.

Sections 45-49. Reserved for expansion.

IV. MECHANICAL SPECIALTY CODE

Section 50. Short Title. Sections 50-59 shall be known as the "Mechanical Specialty Code Provisions" of the Uniform and Specialty Code of the City of Coos Bay.

Section 51. Adoption of Code. As authorized by ORS 455.010-455.990, the City of Coos Bay hereby adopts the "State of Oregon Mechanical Specialty Code," 1996 Edition, as the Mechanical Code of the City of Coos Bay, which by this reference is made a part of this Code as if each and every part was specifically set forth, provided such adoption is subject to specific deletions, amendments and additions as set forth herein. A copy of the State of Oregon Mechanical Specialty Code, 1996 Edition, shall be kept on file in the office of the Department of Community Services and shall be made available for reference to any person subject to requirements of this Code.

Section 52. Deletions. The following Sections and Subsections are deleted from The State of Oregon Mechanical Code, 1996 Edition:

- (1) Section 115.2.
- (2) Section 115.6.
- (3) Table No. 1-A.

Section 53. Amendments. The following Sections and Subsections of "The State of Oregon Mechanical Specialty Code," 1996 Edition, are amended to read as follows:

- (1) Section 109 Unsafe Equipment. Unsafe equipment shall be subject to substandard building proceedings under Sections 96- 100 of this Code.
- (2) Section 115.3 Plan Review Fees. When a plan or other data are required to be submitted by Section 113.2, a plan review fee shall be paid. The plan review fees for mechanical work shall be equal to 25 percent of the total mechanical permit fee.
- (3) Section 115.4 Incomplete or Changed Plans. When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged.
- (4) Section 115.5 Investigation Fees: Work Without a Permit. When any person commences work for which a permit is required by this Code without first obtaining the required permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee shall be paid by the person seeking the permit prior to the time the investigation commences.

The investigation fee shall be collected whether or not a permit is issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this Code for the work. The payment of an investigation fee shall not exempt a person from compliance with all other

provisions of this Code, including payment of the permit fee, nor from any penalty prescribed by law.

(5) Section 116.6.3 Reinspection. When a second reinspection is requested for the same work, a reinspection fee shall be charged and collected. When reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

Sections 54-59. Reserved for expansion.

V. DWELLING CODE

Section 60. Short Title. Section 60-69 shall be known as the "Dwelling Code Provisions" of the Uniform and Specialty Code of the City of Coos Bay.

Section 61. Adoption of the Code. As authorized by ORS 455.310-455.350, 455.450, 455.610-455.690 and 455.895, the City of Coos Bay hereby adopts the "State of Oregon One- and Two-Family Dwelling Specialty Code," 1996 Edition, as the dwelling code of the City of Coos Bay, which by this reference is made a part of this Code as if each and every part was specifically set forth, provided such adoption is subject to specific deletions, amendments and additions set forth herein. A copy of the "State of Oregon One- and Two-Family Dwelling Specialty Code," 1996 Edition, shall be kept on file in the office of the Department of Community Services and shall be made available for reference to any person subject to requirements of this Code.

Section 62. Deletions. The following Sections and Subsections are deleted from "The State of Oregon One- and Two-Family Dwelling Specialty Code," 1996 Edition:

- (1) Sections 106.1-106.4.
- (2) Section 107.1.
- (3) Section 118.1.

Section 63. Amendments. The following Sections and Subsections of "The State of Oregon One- and Two-Family Dwelling Specialty Code," 1996 Edition, are amended to read as follows:

- (1) Section 106.1 Violations. Any violation of this Dwelling Code constitutes a public nuisance. In addition to any other remedies provided for enforcement, the City may bring civil suit to enjoin the violation of any provision of this Code.

Section 64. Creation of New Section. The following new section is hereby created:

- (1) Section 111.2.3 Minor Plumbing Labels. Minor plumbing labels may be purchased and used pursuant to OAR 918- 780-130 through 918-780-170, and OAR 918-780-190. Minor plumbing label fees shall be set by resolution of the City Council.

Sections 65-69. Reserved for expansion.

VI. MANUFACTURED DWELLING STANDARDS

Section 70. Short Title. Sections 70-79 shall be known as the "Manufactured Dwelling Standards" of the Uniform and Specialty Code of the City of Coos Bay.

Section 71. Manufactured Dwelling Standards. The 1997 Oregon Manufactured Dwelling Standards are hereby adopted, as authorized by ORS 446.155.

Section 72. Mobile Home Parks. The Oregon Mobile Home Park Standards, OAR 918 Division 600, January 1996, are hereby adopted.

Section 73. Recreational Vehicle Parks. The Oregon Recreational Vehicle Park Standards, OAR 918 Division 650, July 1993, are hereby adopted.

Sections 74-79. Reserved for expansion.

VII. SUBSTANDARD BUILDING

Section 80. Short Title. Sections 80-89 shall be known as the "Substandard Building Provisions" of the Uniform and Specialty Code of the City of Coos Bay.

Section 81. Substandard Building. Any building or structure or portion thereof in which there exists any of the following conditions is a substandard building:

- (1) Inadequate Sanitation, including, but not limited to:
 - (a) Lack of, or improper toilet, lavatory, bathtub or shower in a dwelling unit or lodging house.
 - (b) Lack of, or improper toilet, lavatories and bathtubs or shower per number of guests in a hotel.
 - (c) Lack of, or improper kitchen sink in a dwelling unit.
 - (d) Lack of hot and cold running water to plumbing fixtures in a hotel.
 - (e) Lack of hot and cold running water the plumbing fixtures in a dwelling unit of lodging house.
 - (f) Lack of adequate heating facilities.
 - (g) Lack of, or improper operation of, required ventilation equipment.
 - (h) Lack of minimum amounts of natural light and ventilation required under City specialty codes.
 - (i) Room and space dimensions less than required under City structural codes.

- (j) Lack of required electric lighting.
 - (k) Dampness in habitable rooms.
 - (l) Infestation by insects, vermin or rodents as determined by health officer or Building Officer.
 - (m) General dilapidation or improper maintenance.
 - (n) Lack of connection to sewage disposal system.
 - (o) Lack of garbage and rubbish storage and removal facilities as determined by the Building Official.
- (2) Structural Hazards, including, but not limited to:
- (a) Deteriorated or inadequate foundations.
 - (b) Defective or deteriorated flooring or floor supports.
 - (c) Flooring or floor supports of insufficient size to carry imposed loads with safety.
 - (d) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
 - (e) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
 - (f) Members of ceilings, roofs, ceiling and roof support or other horizontal members which sag, split or buckle due to defective material or deterioration.
 - (g) Members of ceilings, roofs, supports for ceilings and roofs or other horizontal members that are of insufficient size to carry imposed loads with safety.
 - (h) Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.
 - (i) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- (3) Hazardous Electrical Wiring. Electrical wiring which was installed in violation of code requirements in effect at the time of installation, which was not installed according to generally accepted construction practices in locations where no codes were in effect at the time of installation, which has not been maintained in good condition, or which is not being used in a safe manner.
- (4) Hazardous Plumbing. Plumbing which was installed in violation of code requirements in effect at the time of installation, which was not installed according to generally accepted construction practices in locations where no codes were in effect, which has not been maintained

in good condition, or which is not free of cross-connections or siphonage between fixtures.

(5) Hazardous Mechanical Equipment. Mechanical equipment which was installed in violation of code requirements in effect at the time of installation, which was not installed according to generally accepted construction practices in locations where no codes were in effect at the time of installation, or which has not been maintained in good and safe condition.

(6) Faulty Weather Protection, including, but not limited to:

(a) Deteriorated, crumbling or loose plaster.

(b) Deteriorated or ineffective waterproofing of exterior walls, roof, foundation or floors, including broken windows or doors.

(c) Lack or defective weather protection of exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

(d) Broken, rotted, split or buckled exterior wall coverings or roof coverings.

(7) Fire Hazard. Any building or portion thereof, or any device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Fire Chief or the Building Official, is in such condition as to cause threat of fire or explosion or provide ready fuel to augment the spread or intensity of fire or explosion arising from any cause.

(8) Faulty Materials of Construction. Any construction material other than those which are specifically allowed or approved by this Code, and any specifically allowed or approved construction materials which have not been adequately maintained in good and safe condition.

(9) Hazardous or Unsanitary Premises. Premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harbors, stagnant water, combustible materials and similar materials or conditions constitute a fire, health or safety hazard.

(10) Inadequate Exits:

(a) Buildings or portions thereof whose exits were installed in violation of code requirements in effect at time of construction, or whose exits have not been increased in number or size in relation to any increases in occupancy subsequent to the time of construction.

(b) Notwithstanding compliance with code requirements in effect at time of construction, exits in buildings or portions thereof which the Building Official finds are unsafe because of improper location, a lack of adequate number or width, or other conditions which are dangerous to human life.

(11) Inadequate Fire-protection or Fire-fighting Equipment. Any building or portions thereof which is not provided with fire-resistant construction, fire-extinguishing systems or equipment required by this Code, except those buildings or portions thereof which conformed with all applicable laws at time of construction and whose fire-resistant integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, or any alteration, addition or change in occupancy.

(12) Improper Occupancy. Any building or portion thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such purposes.

Section 82. Initiation of Enforcement Proceedings.

(1) Whenever the Building Official has inspected any building and has determined the building is a substandard building, the Building Official shall commence proceedings to cause the repair, rehabilitation, or vacation of the building.

(2) The Building Official shall issue a Notice of Substandard Building and Order directed to the owner of record of the building, stating action to be taken:

(a) If the Building Official has determined the building or structure must be repaired, the Order shall require that all required permits be obtained and the work commenced and completed within such time as the Building Official determines reasonable under all of the circumstances.

(b) If the Building Official has determined the building or structure must be vacated, the Order shall require such vacation within a time certain as determined by the Building Official to be reasonable.

(3) The Notice and Order shall also contain a statement advising that any person holding record title or having legal interest in the building may appeal the action of the Building Official to the Board of Appeals, as provided in Section 22, by filing an appeal with the Building Official, in writing within 30 days from the date of service of such notice and order; and that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

(4) The Notice and Order shall be posted on the property and served, by personal service or certified mail, on the owner of record and each of the following, if known: the holder of a mortgage or deed of trust; the holder of a lien or other encumbrance of record; the holder of any lease of record; and the holder of any other estate or legal interest of record in the building or real property on which the building is located. The failure of the Building Officer to serve any person shall not invalidate any proceedings hereunder or relieve any such person from any duty or obligation imposed by the provisions of this section.

(5) Any Order issued pursuant to this section shall require either of the following:

(a) The building be repaired in accordance with current uniform and specialty code applicable to the substandard condition which is the subject of the Order; or

(b) The building be demolished, at the option of the owner.

Sections 83 - 89. Reserved for expansion.

X. DANGEROUS BUILDING

Section 90. Short Title. Sections 90-105 shall be known as the "Dangerous Building Code Provisions" of the Uniform and Specialty Code of the City of Coos Bay.

Section 91. Conditions or Defects. A building or structure which has any or all of the following defects or conditions is deemed a dangerous building, to the extent such conditions or defects endanger the life, health, property or safety of its occupants or the public:

- (1) Whenever any door, aisle, passageway, stairway or other means of exit is of insufficient size or width or is not arranged so as to provide safe and adequate means of exit in case of fire or panic.
- (2) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise rendered safe as not to provide safe and adequate means of exit in case of fire or panic.
- (3) Whenever stress from any load on any material, member or portion thereof is more than one and one-half times the working stress or stresses allowed under the building code for new buildings of similar structure, purpose or location.
- (4) Whenever any building or portion thereof has been damaged by fire, earthquake, wind, flood or any other cause, such that the structural strength or stability thereof is materially less than it was before such cause and is less than the minimum requirements under the building code for new buildings of similar structure, purpose or location.
- (5) Whenever any portion or member of a structure, or appurtenance thereof is likely to fail, become detached or dislodged, or collapse and thereby injure persons or damage property.
- (6) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting wind pressure of one-half that specified under the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted under the building code for such buildings.
- (7) Whenever any portion of a building has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to wind or earthquake than is required for similar new construction.
- (8) Whenever partial or total collapse of a building or structure or any portion thereof, is likely because of dilapidation, deterioration, decay, faulty construction, or the removal, movement or instability of any portion of the ground necessary for support of such building, or deterioration, decay or inadequacy of the foundation, or any other cause.
- (9) Whenever, for any reason, a building or structure, or any portion thereof, is manifestly unsafe for the purpose to which it is being used.
- (10) Whenever the exterior walls or other vertical structural members of a building list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- (11) Whenever a building or structure, exclusive of the foundation, shows damage or deterioration to thirty-three percent of its supporting members, or damage or deterioration to fifty percent of its non-supporting members, enclosing or outside walls or coverings.

(12) Whenever a building or structure has been so damaged by fire wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children, a harbor for vagrants or criminals, or a place for the commission of unlawful or immoral acts.

(13) Whenever any building or structure has been constructed, maintained or exists in violation of any specific requirement or prohibition applicable to the building or structure under the building regulations of the City, or any law or ordinance of this state or the City relating to condition, location or structure of buildings.

(14) Whenever any building or structure, whether or not erected in compliance with all applicable laws and ordinances, has, in any non-supporting part, member or portion, less than fifty percent, or in any supporting part, member or portion less than sixty-six percent, of the strength, fire-resistant qualities or characteristics, or weather-resistant qualities or characteristics required by law in the case of newly constructed buildings of like area, height and occupancy in the same location.

(15) Whenever a building or structure, used or intended to be used for dwelling purposes, is determined by the Building Official to be unsanitary, unfit for human habitation or likely to cause sickness or disease because of inadequate maintenance, dilapidation, decay, damage, faulty construction, insufficient light or air or inadequate sanitation facilities, or other cause.

(16) Whenever any building or structure is determined by the Fire Chief or Building Official to be a fire hazard because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistant construction, faulty electric wiring, gas connections or heating apparatus, or other cause.

(17) Whenever any portion of a building or structure remains on site after demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months and constitutes an attractive nuisance or hazard to the public.

(18) A structure which is liable to cause fire because of lack of proper repairs, age and dilapidated condition, substandard electrical wiring or equipment, defective chimney, gas connection, or heating apparatus, or any other reason and is situated in such a manner that endangers other property or human life.

(19) A structure containing combustible or explosive materials or inflammable substances which are liable to cause fire or endangers the safety of the building, premises or human life.

(20) A structure in such a filthy or unsanitary condition that there is the probability of the spread of contagious or infectious diseases.

(21) A structure in such weak, dilapidated or deteriorated condition that the probability of partial or total collapse endangers persons or property.

Section 92. Structural Survey. For the purpose of this Code, any building or structure may be deemed to be a dangerous building based on a Structural and Condition Survey.

Section 93. Notice to Vacate Dangerous Buildings.

(1) If, in the opinion of the Building Official, a building or structure is in such condition as to make it dangerous to the life, limb, property or safety of its occupants or the public, the Building Official shall issue a Notice to Vacate and order the building or structure vacated and secured.

(2) Posting of Notice to Vacate.

(a) Every Notice to Vacate shall be posted at or upon each exit of the building and shall be in substantially the following form:

**DANGER
THIS BUILDING DEEMED UNSAFE
FOR HUMAN OCCUPANCY
IT IS UNLAWFUL FOR ANY PERSON TO
OCCUPY OR RESIDE IN THIS BUILDING**

(b) Whenever such Notice is posted, the Building Official shall also provide written notice to the owner and occupant of the building or structure, reciting the emergency and specifying the conditions which necessitate the posting.

(c) No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit.

(d) No person shall remove or deface any such Notice after it is posted until the required repairs, demolition, or removal have been completed and a Certificate of Occupancy issued pursuant to the Structural Specialty Code Provisions of this Code.

Section 94. Initiation of Council Action. When the Building Official determines a structure may be a dangerous building, the Building Official shall provide a report to the City Council, who shall then fix a time and place for a hearing to determine whether a structure is a dangerous building, and if so, determine the method of abatement.

Section 95. Notice.

(1) The City Recorder shall provide written notice to the owner of the building and, if different, the owner of the property on which the building is situated, that a hearing on abatement will be held before the City Council concerning the property. The notice shall specify the time and place for the hearing and the violations which will be the subject of the hearing.

(2) A copy of this notice shall be posted on the property.

(3) Ten days prior to the hearing, notice of the hearing shall be published in a newspaper of general circulation in the city or shall be posted in three public places in the city.

Section 96. Nuisance Determination. Any building or structure or portion determined by the City Council to be a dangerous building shall be declared public nuisance and shall be abated.

Section 97. Order of Abatement. The City Council shall issue an order of abatement, which shall be given to the owner within fifteen days of the date of the hearing. The order shall specify a time certain

within which the owner shall either make the building safe or have the building demolished. The order shall state that if the owner fails to act within the specified time, the City may, at the owner's expense, make the building safe or have the building demolished.

Section 98. Costs of Abatement. If the owner fails to comply with the order of abatement, and the Building Official orders abatement by the City, the costs of such work shall become a lien against the property, and entered into the city's lien docket.

Section 99. Summary Abatement. When a building is unmistakably dangerous and imminently endangers human life or property, the Fire Chief, the Fire Marshal, the Building Official, or the Police Chief may summarily order the building demolished. In event summary abatement occurs, the costs of abatement shall be assessed as provided by Section 98.

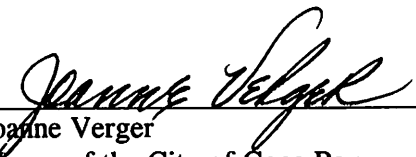
Sections 100 - 105. Reserved for expansion.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 18th day of March, 1997, by the following vote:

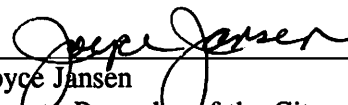
YES: Mayor Joanne Verger, Councilors Joe Benetti, Jeff McKeown, Don Spangler, Kevin Stufflebean, and Judy Weeks

NO: None

ABSENT: Councilor Cindi Miller



Joanne Verger
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST: 

Joyce Jansen
Deputy Recorder of the City of Coos Bay
Coos County, Oregon

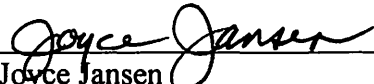
STATE OF OREGON)
COUNTY OF COOS) ss
CITY OF COOS BAY)

I, Joyce Jansen, do hereby swear that I am the duly appointed, qualified and acting Deputy Recorder of the City of Coos Bay, Coos County, Oregon, and say: that I did have placed a copy of the foregoing Ordinance No. 239 in a sealed wrapper with first class United States of America postage fully prepaid thereon and addressed to the following City Council members:

Joe Benetti	260 South Broadway
Jeff McKeown	834 South 12th
Cindi Miller	1076 South 4th
Don Spangler	496 Newmark
Kevin Stufflebean	350 North Wasson
Joanne Verger	2285 North 13th Court
Judy Weeks	1320 Oregon Avenue

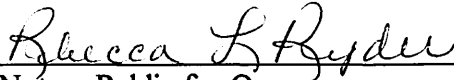
and did have the same mailed in the U.S. Post Office at Coos Bay, Oregon all at least one week prior to the council meeting at which the ordinance was enacted.

I further swear that three (3) copies of the aforesaid ordinance would be available for public inspection in the office of the Deputy Recorder as of one week before the council meeting at which the ordinance was enacted.


Joyce Jansen

Subscribed and sworn to before me this 19th day of March, 1997




Notary Public for Oregon
My Commission expires 6/30/2000

STATE OF OREGON)
COUNTY OF COOS) ss
CITY OF COOS BAY)

I, Joyce Jansen, do hereby certify that I am the duly appointed, qualified and acting Deputy Recorder of the City of Coos Bay, Oregon, and say: that any section in which terms differed from those as mailed was read in full.

Signed this 19th day of March, 1997


Joyce Jansen