

ORDINANCE NO. 251

AN ORDINANCE AMENDING ORDINANCE NO. 239, ADOPTING UNIFORM AND SPECIALTY CODES, SUBSTANDARD BUILDING PROVISIONS, AND DANGEROUS BUILDING PROVISIONS; SPECIFYING VIOLATIONS AND PROVIDING PENALTIES THEREFOR.

The City of Coos Bay ordains as follows:

Section 1. Section 1 is amended to read as follows:

Section 1. Building Codes Program Established; Funding; Short Title.

(1) There is hereby established a Uniform and Specialty Codes inspection program for the City of Coos Bay, which shall be comprised of the following building codes inspection programs:

- (a) Uniform Fire Code;
- (b) Structural Specialty Code;
- (c) Mechanical Specialty Code;
- (d) Dwelling Code;
- (e) Manufactured Dwelling Standards;
- (f) Substandard Building Code;
- (g) Dangerous Building Code.

(2) **User Fees.** The City Council shall establish by resolution a fee schedule for each building code inspection category. The fees so established shall make the program self-sufficient, and shall be based on actual costs of the program, including, but not limited to, labor costs, administrative costs, overhead and capital replacement and improvement.

(3) **Annual Review.** The City Council, prior to adopting the City of Coos Bay budget, shall review each fee schedule annually and shall revise each schedule to ensure adequate revenues are generated from the collection of user fees to pay the costs of operating and maintaining the building codes inspection program.

(4) **Dedicated Fund.** All revenues collected by the building codes inspection program shall be dedicated to funding the program, and will be placed in a dedicated fund created for that purpose.

(5) **Short Title.** This ordinance shall be referred to as the Uniform and Specialty Code of the City of Coos Bay.

Section 2. Section 6 is amended to read as follows:

Section 6. Code Administration. The City of Coos Bay shall provide for administration of all plan check, permit, and inspection programs adopted under this code and 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 3. Section 20 is amended to read as follows:

Section 20. Board of Appeals; Jurisdiction

- (1) There is created a Board of Appeals to hear and decide appeals of orders, decisions, or determinations made by the Building Official under Sections 30 - 89 of 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 4. Section 21 is amended to read as follows:

Section 21. 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 5. Section 22 is amended to read as follows:

Section 22. Appeals

- (1) Any person aggrieved by a notice and order or any action of the Building Official under this Sections 30 - 89 of 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 6. Section 25 is amended to read as follows:

Section 25. Further Appeals. An appeal from a decision of the Board of Appeals shall be by writ of review under ORS 34.010-34.100.

Section 7. Section 93 is amended to read as follows:

Section 93. Notice to Vacate Dangerous Buildings.

(1) If the Building Official determines 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 8. Section 94 is amended to read as follows:

Section 94. Initiation of Abatement Proceedings. When the Building Official has issued an Order to Vacate under Section 93 of this Code, 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 the building is a public nuisance and should be abated.

Section 9. Section 95 is amended to read as follows:

Section 95. Notice

(1) The City Recorder shall provide written notice to the owner of the building or structure and, if different, the owner of the property on which the building or structure 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 10. Section 96 is amended to read as follows:

Section 96. Nuisance Determination. After hearing, and upon evidence presented, any building or structure or portion thereof determined by the City Council to be a dangerous building shall be declared public nuisance and shall be abated.

Section 11. Section 97 is amended to read as follows:

Section 97. Order of Abatement. The City Council shall issue an order of abatement, which shall be served on the owner within fifteen days after the date of the hearing. The order shall specify a time certain within which the owner shall either make the building or structure safe or have the building or structure demolished and shall state that if the owner fails to act within the specified time, the City may do so at the owner's expense and assess the costs against the property.

Section 12. Section 98 is amended to read as follows:

Section 98. Costs of Abatement Performed by the City

(1) Assessment of Costs of Abatement. If the owner fails to comply with the order of abatement or summary abatement is ordered pursuant to Section 99 of this Code, and the City makes the building or structure safe or has the building or structure demolished, the Building Official shall submit to the Council a report containing an itemized statement of costs. Upon receipt of the report, the Council shall, by resolution, assess the cost of abatement against the property. The assessment shall be a lien against the property, and may be enforced and collected as provided in ORS 223.505-223.650.

(2) Notice of Assessment. A copy of the resolution assessing the cost shall be mailed to the property owner by registered or certified mail, return receipt requested.

(3) Lien Docket; Interest. The Recorder shall enter into the City lien docket a statement of the amount assessed against the property; the name of the property owner; the date of the assessment resolution; and a statement that the lien is for the costs of abatement of a dangerous building or structure. The assessment shall become a lien upon the real property at the time of entry upon the lien docket. The lien shall bear interest at the statutory rate commencing on the date the lien is entered in the City lien docket.

Section 13. Section 99 is amended to read as follows:

Section 99. Summary Abatement. Notwithstanding any other provision in the Code, when Public Safety Officer finds a building or structure is unmistakably dangerous and imminently endangers human life or property, the Public Safety Officer may summarily declare the building or structure a nuisance and commence abatement. In event summary abatement occurs, the property owner shall be afforded a post-abatement hearing before the Council at the earliest opportunity to determine whether summary abatement was proper. Notice of the post-abatement hearing shall be provided according to Section 95 of this Code. After hearing upon summary abatement, the Council shall, by resolution, determine whether abatement was proper or not, and, if proper, assess the costs of abatement as provided by Section 98 of this Code. As used in this section, Public Safety Officer means the Fire Chief, the Fire Marshall, the Building Official or the Police Chief.

Section 14. Emergency Clause. Because prompt and continuous administration and enforcement of the 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 ordinance shall be effective upon its passage.

Section 15. 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.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 17th day of February, 1998, by the following vote:

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

No: None

Absent: None

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