

ORDINANCE NO. 405

AN ORDINANCE ADOPTING INTERNATIONAL AND SPECIALTY CODES, AS ADOPTED BY THE STATE OF OREGON, SUBSTANDARD BUILDING PROVISIONS, AND DANGEROUS BUILDING PROVISIONS; AND DEMOLITIONS SPECIFYING VIOLATIONS AND PROVIDING FEES AND PENALTIES THEREFORE; AND REPEALING ORDINANCE NO. 239; AS AMENDED BY ORDINANCE NOS. 200, 207, 212, 223, 242, 251, 264, 291, and 326.

The City of Coos Bay ordains as follows:

I. GENERAL PROVISIONS**Title; Emergency Clause; Definitions**

Section 1. Building Codes Program Established; Funding; Short Title. There is hereby established an International and Specialty Codes inspection program for the City of Coos Bay, which shall be comprised of the following building codes inspection programs:

- (a) 2007 Oregon Fire Code (International Fire Code);
- (b) 2007 Oregon Structural Specialty Code;
- (c) 2007 Oregon Mechanical Specialty Code;
- (d) 2008 Oregon Residential Specialty Code;
- (e) 2002 Oregon Manufactured Dwelling and Park Specialty Code 2002 Edition;
- (f) Substandard Building Code;
- (g) Dangerous Building Code;

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 ICC valuation tables and updated on a yearly basis to reflect changes in the ICC table.

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.

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.

Short Title. This ordinance shall be referred to as the International and Specialty Code of the City of Coos Bay.

[Section 2 reserved for expansion]

Section 3. Emergency Clause. Because prompt and continuous administration and enforcement of International 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 International and Specialty Code shall be effective upon its passage.

Section 4. Severability. All International and Specialty codes used by this jurisdiction will automatically update upon adoption by the State of Oregon. 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 Public Works and Development 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 Chief.

The City: The City of Coos Bay.

The Code: Ordinance No. 405 "The International and Oregon Specialty Codes 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 Public Works and Development Department of the City of Coos Bay or his or her duly authorized representative.

Fire Chief or Chief: City of Coos Bay Fire Chief or his/her representative in charge.

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

Fire Marshal: The Oregon State Fire Marshall, or other person appointed by the Fire Marshall to serve in that capacity.

Hearings Officer: The Hearings Officer will hear appeals taken from the administration of the City's Nuisance Ordinance, Land Development Ordinance, Building Codes Ordinance (including substandard and dangerous buildings), and any other City Ordinance. The Hearing Official shall receive written appeals from the City Recorder; schedule a hearing date and time with City Recorder; hold hearing, receive oral and written testimony from the City and appellant; provide recording of the proceeding; issue a written order within 10 days following hearing.

Inspecting Jurisdiction: The City of Coos Bay.

Investigation Fee: As defined in the International and Specialty codes used by this jurisdiction.

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 isobutene) and butylenes.

Owner: The holder of legal or equitable title to property, or any person or entity acting as the agent of record for the holder of legal or equitable title.

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

Work: Work is defined as a passing valid inspection, which proves progress has been made as defined by the Code, as inspected by the City of Coos Bay or their representative.

ADMINISTRATION AND ENFORCEMENT

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 International 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 to 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 International and Oregon Specialty 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 form 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. Failure to comply with any provision of this Code is a violation, and shall be subject to a penalty not to exceed \$750.00 per violation. Each day that a violation persists after notice of the violation is provided to the owner shall constitute a separate and distinct violation.

PERMIT EXTENSION, RENEWAL, SUSPENSION AND REVOCATION

Section 12. Permit Expiration. Every permit issued by the City of Coos Bay under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the issue date of the permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days or more.

Section 13. Permit Extension. Every permit issued by the City of Coos Bay will automatically extend the expiration date by a period of 180 days every time work as defined in this ordinance is progressed through an inspection. This will apply to all permits issued to the associated address. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each on any unexpired permit with justifiable cause stated.

Section 14. Permit Reinstatement. Any permit which has expired for 180 days or less may be reinstated upon request by the permittee for a fee equal to 50 percent of the original building permit, as long as no changes have been made to the original plans, specifications, or codes and subject to any conditions imposed in the original permit. Any permit which has expired for a period greater than 180 days will become null and void and a new permit application and all permit related fees paid in full. The permit must be issued prior to recommencing construction activity.

Section 15. Permit Suspension. 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.

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. 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.

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. 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. 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 City Council. Except as otherwise provided by this Code, all fees and penalties shall be collected by the City.

Section 18. 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.

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 permit and 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 based on the International Code Council Table.

Plan Review Fees.

- (a) When a plan or other data is required to be submitted, 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.
- (b) When required, there shall be an additional plan review fee (fire, life, and safety) equal to 40 percent of the building permit fee.
- (c) Plan review fees required by this section are separate fees from permit fees and shall be paid in addition to permit fees.
- (c) 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.

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.

Section 19. Fee Refunds. 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.

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.

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; Jurisdiction. There is created a Board of Appeals to hear and decide appeals of offers, decisions, or determinations made by the Building Official under Sections 30 - 89 of this Code.

The Board of Appeals shall consist of five (5) 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.

The Board of Appeals shall be appointed by the Council for terms of three (3) years each, and shall serve at the pleasure of the Council. Two of the initial appointees under this subsection shall be for two (2) years each, the remaining three (3) initial appointees shall be for three years (3) each

Section 21. Duties of the Board of Appeals. 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.

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.

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 Oregon Building Code Division.

Section 22. Appeals. Any person aggrieved by an order, decision, or determination of the Building Official under Sections 30 - 79 of this Code may appeal by filing a written Notice of Appeal at the office of the Building Official.

The Notice of Appeal shall be filed within thirty (30) days from the date of the decision, determination or service of the order by the Building Official. 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 subject to the order, decision or determination.

- (b) A brief statement in simple and concise language of the specific decision, determination or order 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, decision or determination of the Building Official should be reversed, modified or otherwise set aside.
- (d) The names of all parties designated as appellants and their official mailing addresses.
- (e) Verification by the appellant or appellants by declaration under penalty of perjury of the truth of the matters stated in the Notice of Appeal.

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, decision or determination of the Building Official, or any portion thereof.

Section 23. Hearing Schedule. 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 ten (10) days nor more than sixty (60) days from the date of the filing of the Notice of Appeal.

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 ten (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 made pursuant to ORS 455.690 to the appropriate advisory board within the Oregon Department of Consumer and Business Services.

[Sections 26-29 reserved for expansion]

II. 2007 OREGON FIRE CODE (INTERNATIONAL FIRE CODE)

Section 30. Short Title. Sections 30-39 shall be known as the "Fire Code" provisions of the International 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 Fire Code," 2007 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 Fire Code shall be kept on file in the office of the Public Works and Development Department 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 Public Works and Development Department, provided that the following Fire Code sections shall be jointly administered with the City of Coos Bay Fire Department: 102.7 Supplemental Rules and Regulations, 103.4 Liability, 104.1 General Authority and Responsibilities, 104.8 Alternate Materials and Methods/Modifications, 104.1-104.11.3 Authority at Fire and Other Emergency Scenes, 506.1 Key Boxes, 901.6, 901.7 Fire Protection Systems and Equipment Maintenance, Inspections, Testing, Sustem Out of Service, 307, 603.8 General Safety Precautions – Chapter 3 (2007) Incinerators, Open Burning, 3409, 5101.9.1 – 5101.9.4.

Section 33. Deletions. The following Sections and Subsections are deleted from the International Fire Code 2007 Edition:

- (1) Section 108.1 deleted Appeals.
- (2) Section 109.2 deleted.
- (3) Sections 105.1.1 permits required.
- (4) Section 105.1.1 permits required disposal of Waste Explosive Materials.
- (5) Sections 3301.1 through Subsection 3308.11 Fireworks and Pyrotechnic Special Effects Materials.

Section 34. Amendments. The following Sections and Subsections of the International Fire Code 2007 Edition are amended to read as follows:

- (1) 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.
- (2) 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 Public Works and Development Department. 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 105.6.14 of this Fire Code shall be made to and obtained from the Coos Bay Fire Department.
- (3) Section 105 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.

Permits	OAR 837-012-620 through 837-012-640
Use, storage and sales	OAR 837-012-0645 through 837-012-675
Seizure of fireworks	OAR 837-012-0675

- (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 Chapter 34 of this code.
- (4) Section 503 Fire Apparatus Access. Plans for fire apparatus access roads shall be submitted to the Public Works and Development Department and Fire Department for review and approval prior to construction of the access road.
- (5) Section 508.1 Required Water Supply. Plans and specifications for required water supply systems shall be submitted to the Public Works and Development Department, Coos Bay – North Bend Water Board, and the Fire Department for review and approval prior to construction of the water supply system.
- (6) 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.
- (7) Section 502 Fire Apparatus Access Road. 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 three (3) inches of rolled and compacted (60,000 lbs minimum) 1 ½ inch minus rock, which shall be satisfactory to the Public Works and Development Department.
- (8) Appendix D. Turning Radius. The turning radius of all fire apparatus access roads shall be approved by the Public Works and Development Department, 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.
- (a) The Fire Marshal and the Coos Bay Fire Department may approve a 20 ft. x 120 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 Coos Bay Fire Department.
- (9) D-103.4 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 minimum 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 120 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 Coos Bay Fire Department.
- (10) Section 902.2.2.6 Grade. The gradient for fire apparatus access roads shall not exceed 10 percent without prior approval of the Coos Bay Fire Department.

(11) Section 506 Key Boxes.

(a) A key box shall be installed on all structures of 4,000 square feet or larger, and on all structures deemed by the Fire Chief 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 Chief, 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 Coos Bay City 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 Coos Bay Fire Department with keys to the building's primary entrance for alarm/sprinkler devices and for any other keyed locks determined by the Coos Bay 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.

(12) Chapter 33. 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-H), as set forth in Oregon Fire Code;
 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. Transportation as allowed in compliance with Federal Department of Transportation rules and regulations.
- (13) Chapter 33 Permit. A permit issued by the Public Works and Development Department 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 and in accordance with OAR 837-012-620 through 837-012-240, Division 12.
- (14) Chapter 33 Use, Storage, and Sales. Use, storage and sales of Class C fireworks shall be made in accordance with OAR 837-012-645 through 837-012-675, Division 12.
- (15) Temporary Storage. Temporary storage of fireworks shall be made in accordance with the City of Coos Bay Building Code, Section 109.
- (16) Seizure of Fireworks. The Fire Chief 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 Chapter 33.
- (17) Section 8204.2 Establishment of Limits in Which Bulk Storage of Liquefied Petroleum Gases is to be Restricted. Bulk storage of liquefied petroleum gas is prohibited in all areas within the City of Coos Bay except those areas zoned G-1 (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 2006 Oregon Fire Code, Chapter 35. 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.
- (18) Appendix B 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 footprint 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 3,600 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 3,600 square feet.

(19) One and Two-Family Dwellings

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 3,600 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 B105.1, 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.

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 B105.3.1, 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.

(20) **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 3,600 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 3,600 feet.

(21) Appendix B 105.1:

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 2007 Oregon 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 1,000 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 Inspections

(1) 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.

(2) Regular fire code inspections shall be performed by duly authorized inspectors acting under the direction of the Fire Chief. 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 thirty (30) days of the date of inspection resulting in the Notice of Violation.

(3) Section 308 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) Establishment of Limits to Which Flammable or Combustible Liquids in Outside Aboveground Tanks Are to be Restricted. Except as otherwise provided in the 2007 Oregon Fire Code, bulk storage of Class I and Class II liquids in excess of 330 gallons in above-ground tanks outside of buildings is prohibited in all areas within the City of Coos Bay except in those areas zoned G-I (General Industrial). Existing facilities shall conform to all requirements of the City of Coos Bay Land Development Ordinance.

(a) Class I and Class II liquids may be stored in above-ground tanks with a capacity in excess of 330 gallons in those areas zoned C (Commercial) and QP (Quasi-public), if the tanks meet all the regulatory requirements for secondary containment, leak monitoring and spill and overfill protection in conformity with NFPA 30 and 30A Fire Safety Standards and the 2006 Oregon Fire Code, Chapter 35. 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.

(5) Corrections. Any person who has received a notice of non-compliance from the Building Official or Fire Marshal shall correct an improper installation within the time set in the notice, which in no case shall be more than thirty (30) days after date of receipt.

(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 with a five inch Storz fitting adapter.

III. 2007 OREGON STRUCTURAL SPECIALTY CODE

Section 40. Short Title. Sections 40-49 shall be known as the "Structural Specialty Code" provisions of the International 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 Oregon Specialty Code 2007 Edition, 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 2007 Oregon Specialty Code shall be kept on file in the office of the Public Works and Development Department and shall be made available for reference to any person subject to requirements of this Code.

Section 42. Section 102.6 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 Chapter 34 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 43. 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.

110.1.1 Exception. No Permit shall be required for the demolition of structures that did not require a permit to legally construct as regulated in this Code.

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.
- (c) 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.

(g) May be required to provide asbestos survey results and abatement plan.

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 and not less than 110% of the established cost. 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 ninety (90) days, 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 which shall not exceed ninety (90) days. Every demolition permit shall expire if the demolition work is not commenced within the time limit specified on 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 Building Official may declare the structure an unsafe, substandard building or dangerous building.
- 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. 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, 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 Public Works and Development Department 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 44-49 reserved for expansion]

IV. 2007 OREGON MECHANICAL SPECIALTY CODE

Section 50. Short Title. Sections 50-59 shall be known as the "Mechanical Specialty Code Provisions" of the International 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," 2007 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, 2007 Edition, shall be kept on file in the office of the Public Works and Development Department 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, 2007 Edition:

- (1) Table No. 1-A.

[Sections 53-59 Reserved for expansion]

V. 2008 OREGON RESIDENTIAL SPECIALTY CODE

Section 60. Short Title. Section 60-69 shall be known as the "Oregon Residential Specialty Code" of the International 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 Residential Specialty Code," 2008 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 Residential Specialty Code," 2008 Edition, shall be kept on file in the office of the Public Works and Development Department and shall be made available for reference to any person subject to requirements of this Code.

[Sections 62-69 Reserved for expansion]

VI. 2002 OREGON MANUFACTURED DWELLING AND PARK SPECIALTY CODE

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

Section 71. Manufactured Dwelling Standards. The 2002 Oregon Manufactured Dwelling and Park Specialty Code Standards are hereby adopted, as authorized by ORS 446.155.

[Sections 72-79 reserved for expansion]

VII. SUBSTANDARD BUILDING

Section 80. Substandard Buildings; Nuisances. Sections 80-89 shall be known as the "Substandard Building Provisions" of the International and Specialty Code of the City of Coos Bay.

Buildings or portions thereof which are determined to be substandard as defined by this Code are hereby declared to be public nuisances, and shall be abated by repair, rehabilitation, demolition or removal.

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

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.

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.

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(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 Public Works and Development Director, by filing an appeal with the Public Works and Development Director, in writing, within thirty (30) days from the date of service of the Notice and Order; and that failure to appeal will constitute a waiver of all right to hearing and determination of the matter. If the Notice and Order are appealed, the Hearings Officer may, after hearing upon the appeal, declare the building to be a nuisance, and issue an order of abatement.

(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 Notice and Order issued pursuant to this section shall require one or more of the following:

- (a) The building be repaired in accordance with current International and Specialty Code applicable to the substandard condition which is the subject of the Notice and Order; or
- (b) The building demolished at the option of the owner;
- (c) If the building is in such a condition that it may become dangerous to life, limb, property or safety of the public in the immediate future, the building may be ordered vacated within a time certain not to exceed thirty days from the date of the issuance of the Notice and Order.

[Sections 83. Reserved for expansion]

Section 84. Compliance. After any Notice and Order becomes final, the person to whom such order is directed shall not fail, neglect, or refuse to obey the order. If the person does so, the Building Official may issue a citation for violation of this Code and institute proceedings to abate the building as a nuisance pursuant to Sections 96-100 of this Code.

Section 85. Failure to Commence Work. Whenever required repair or demolition is not commenced within sixty (60) days after any Notice and Order of substandard building is issued, the Building Official may cause the building described in such Notice and Order to be vacated by posting at each entrance the notice set forth in this Code, and commence proceedings to declare the building a nuisance pursuant to Sections 96-100 of this Code.

Section 86. Extension of Time to Perform Work. At any time after the Notice and Order is issued and prior to the hearing upon abatement, upon receipt of an application by the owner of record of the building for an extension of time to comply with the Notice and Order, the Building Official may grant an extension of time within which to complete the repair, rehabilitation or demolition of the building.

[Sections 87 - 89. Reserved for expansion]

X. DANGEROUS BUILDING

Section 90. Dangerous Buildings. Sections 90-95 shall be known as the "Dangerous Building Provisions" of the International and Specialty Code of the City of Coos Bay.

Buildings or portions thereof which are determined to be dangerous as defined by this Code are

hereby declared to be public nuisances, and shall be abated by repair, rehabilitation, demolition or removal.

Section 91. Dangerous 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:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) Whenever, for any reason, a building or structure, or any portion thereof, is manifestly unsafe for the purpose to which it is being used.
- (j) 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.

(k) 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.

(l) 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.

(m) 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.

(n) 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.

(o) 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.

(p) 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.

(q) Whenever any portion of a building or structure remains on site after demolition or destruction of the building or structure of 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.

(r) 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.

(s) 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.

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

- (u) 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. A Structural Survey may be ordered by the Building Official at the expense of the building owner, the surveyor will be mutually acceptable to the Dept. of Public Works and Development Director and the building owner.

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, order the building or structure vacated and secured, and commence abatement proceedings under Section 96.

- (2) The Building Official shall issue a Notice of Dangerous 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.

- (3) 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.

- (4) The Notice and Order shall also contain a statement advising that any person holding record title or having legal interest in the building shall comply with the Notice and Order, that proceedings have been commenced to abate the building as a public nuisance.

- (5) 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.

- (6) Any Notice and Order issued pursuant to this section shall require the following:

- (a) The building be repaired in accordance with current International 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; and
 - (c) If the building is in such a condition that it is immediately dangerous to life, limb, property or safety of the public, the building shall be ordered vacated.

(7) 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
DO NOT ENTER
THIS BUILDING DEEMED UNSAFE
FOR HUMAN OCCUPANCY**

It is unlawful for any person to occupy or reside in this building
or to remove or deface this notice

(8) 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.

(9) 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.

(10) No person shall remove or deface any such Notice after it is posted until the required repairs, demolition, or removal have been completed, a final inspection performed, and the building approved for occupancy.

Section 94. Compliance. After any Notice to Vacate issued under Section 93 has been issued, any person to whom such order is directed shall not fail, neglect, or refuse to obey the order. If the person does so, the Building Official may issue a citation for violation of this Code.

Section 95: Extension of Time to Perform Work. At any time within fifteen (15) days after the Notice and Order to Vacate is issued, and upon receipt of an application by the owner of record for an extension of time to comply with the Notice and Order, the Building Official may grant an extension of time within which to complete the repair, rehabilitation or demolition of the building.

Section 96. Initiation of Abatement Proceedings. When the Building Official has issued a Notice and Order to Vacate in this Code, and any extensions of time have lapsed, the Building Official shall provide a report to the City Manager, which shall fix a time and place for a hearing to determine whether the building is a public nuisance and should be abated.

Section 97. Notice. 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 Hearings Officer 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. A copy of this notice shall be posted on the property. Ten (10) 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 98. Nuisance Determination. After hearing, and upon evidence presented, any building or structure or portion thereof determined by the City Hearings Officer to be a substandard or dangerous building shall be declared public nuisance which shall be abated.

Section 99. Order of Abatement. The City Hearings Officer shall issue an order of abatement or summary abatement, which shall be served on the owner within fifteen (15) days after 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 and 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 100. Costs of Abatement Performed by the City.

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 City Manager a report containing an itemized statement of all costs incurred by the City in making the building or structure safe or demolishing the building or structure, including administrative costs. Upon receipt of the report, the City Manager shall assess such costs 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.

Notice of Assessment. A copy of the Hearings Officer order of abatement or summary abatement and the City Manager's assessment of the cost of abatement shall be mailed to the property owner by registered or certified mail, return receipt requested.

Lien Docket; Interest. The City 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 Hearings Officer's order of abatement or summary abatement; 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 101. 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 City Hearings Officer at the earliest opportunity to determine whether summary abatement was proper. Notice of the post-abatement hearing shall be provided according to this Code. After hearing upon summary abatement, the City Hearings Officer shall issue a written order to determine whether abatement was proper or not, and, if proper, assess the costs of abatement as provided by City Code. As used in this section, Public Safety Officer means the Fire Chief, the Fire Marshall, the Building Official or the Police Chief.

[Sections 102 - 105 reserved for expansion]

Enacted by the City Council May 6, 2008.