

TITLE 9

BUILDING REGULATIONS

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CHAPTER 1

SPECIALTY CODES AND STANDARDS; BUILDING OFFICIAL/INSPECTION

SECTION:

- 9-1-1 Purpose; Authority
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- 9-1-3 Portions of Uniform Building Code Adopted
- 9-1-4 Building Official/Inspection Section; Dutes
- 9-1-5 Permits and Fees
- 9-1-6 Inspection
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9-1-1: **PURPOSE; AUTHORITY:** The purpose of this chapter is to establish within the city a building official/inspection section and to adopt by reference the appropriate building specialty codes which shall govern all aspects of structural construction and the installation of devices and related equipment therein, as resolved by city council electing on June 14, 1994, responsibility for permit issuance, inspection services and enforcement within the following building code programs:

- Plans
- Structural
- Mechanical
- Manufactured dwelling accessories and equipment
- Manufactured dwelling cabana
- Manufactured dwelling park/plan
- Recreational vehicle park/plan/construction
- Plumbing (subject to certified inspection)
- Electrical (subject to certified inspection)
- Manufactured dwelling

(Ord. 142, 10-8-2002)

9-1-2: **DEFINITIONS; SPECIALTY CODES ADOPTED:** For the purpose of this chapter, the following subsections include definitions which apply to this chapter, and the specific state specialty codes which shall be adopted by reference. Provisions of this section also identify requirements for permits.

- A. Building Official/Inspection Section: The city staff section responsible for establishing, administering, inspection and enforcement of the provisions of this chapter, and other related ordinances of the city under the direction of the city administrator; staffed by appropriately state certified inspectors within each specialty code; and further responsible for ensuring coordination with the state of Oregon building codes division in areas of inspections and permits for which the city personnel are not yet certified.
- B. City: The city of Irrigon, Oregon.
- C. City Building Code: The complete body of city of Irrigon building codes, including all of the adopted state of Oregon specialty codes and administrative rules thereunto pertaining, established by this chapter; also including the appropriate provisions of the zoning and subdivision ordinances; and public works standards directly applicable to structures within the corporate limits of the city.
- D. Manufactured Dwelling (Home), Cabana, Accessory Structures, And Heat Producing Appliances Standards: The most current edition of the Oregon rules establishing minimum safety standards for the design and construction of manufactured dwelling, cabana, accessory structures and heat producing appliances as adopted by OAR 918-division 505, 510 and 520 or hereafter amended.
- E. Mechanical Specialty Code: The most current edition of the Oregon rules establishing minimum safety standards for the design and construction of mechanical systems in buildings as adopted by OAR 918-440-0010 or hereafter amended.
- F. Mobile Home Park Standards: The most current edition of the Oregon rules establishing minimum safety standards for the design and construction of mobile home parks as adopted by OAR 918-division 600.
- G. Electrical Specialty Code: The most current edition of the Oregon rules establishing minimum safety standards for the design and construction of electrical systems in buildings as adopted by OAR 918-305-0100 or hereafter amended.
- H. One And Two Family Dwelling Specialty Code: The most current edition of the Oregon rules establishing minimum safety standards for the design and construction of one and two family dwellings as adopted by OAR 918-480-0005 or hereafter amended. Appendix chapters 7, 11, 12 (division I), 23, 26, 29, 32, 35, 38, 41, 49, 55 and 57 are hereby adopted.
- I. Plumbing Specialty Code: The most current edition of the Oregon rules establishing minimum safety standards for the design and construction of plumbing systems in buildings as adopted by OAR 918-750-0110 or hereafter amended.
- J. Recreational Parks And Organizational Camps Regulations: The most current edition of the Oregon rules establishing minimum safety standards for the design and construction of recreational parks and organizational camps as adopted by OAR 918-division 650.

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- K. Structural Specialty Code: The most current edition of the Oregon rules establishing minimum safety standards for the design and construction of structural systems in buildings as adopted by OAR 918-460-0010 or hereafter amended. (Ord. 142, 10-8-2002)

9-1-3: **PORTIONS OF UNIFORM BUILDING CODE ADOPTED:**

- A. Chapter 38: The following identified sections of chapter 38, "Fire Extinguishing Systems", of the 1991 uniform building code are adopted by reference: all of sections 3801 through 3808, including tables 38-A through 38-D.
- B. Chapter 41: The following identified sections of chapter 41, "Security Provisions", of the 1991 uniform building code are adopted by reference: all of sections 4101 through 4113. (Ord. 132, 12-27-1994)

9-1-4: **BUILDING OFFICIAL/INSPECTION SECTION; DUTIES:** The building official/inspection section of the city shall:

- A. Provide competent certified personnel to administer the Irrigon building code.
- B. Provide forms and instructions required for building permits and other applications for work to be performed within the requirements of the building code and other related zoning ordinance and subdivision ordinance provisions.
- C. Accept applications at offices in city hall for all permits required by city ordinance, resolution or administrative order, during normal business hours on workdays, and to receive from the applicant in each instance the appropriate fees.
- D. Review plans and specifications submitted with each application to ensure compliance with building code standards. Issue orders pursuant to building code compliance. Issue permits as appropriate in compliance with the building code. Issue other permits, including occupancy permits consistent with code upon completion of work in compliance with regulations.
- E. Inspect construction as it progresses under each permit to ascertain compliance. Maintain complete records in compliance with all public laws and requirements, and keep the city administrator informed regarding permit issuance, noncompliance/stop work orders, and any disputes, appeals or formal enforcement actions; assist the city administrator and/or city attorney in pursuing resolution of such actions. (Ord. 142, 10-8-2002)

9-1-5: **PERMITS AND FEES:**

- A. Permit Issuance; Format And Content: Permits shall be issued in compliance with this chapter, other applicable city ordinances, and Oregon Revised Statutes. Permit format and content shall be set by city resolution, and comply with state of Oregon building codes standards.
- B. Establishment And Collection Of Fees: Fees shall be charged for permits issued in compliance with this chapter, and shall be paid prior to issuance of the permit for which

the fee is charged, as shall be established by city resolution. The city council may, at any time, adopt fee schedules in compliance with Oregon Revised Statutes, and in consideration of the costs of providing administrative and/or inspection services. Council action may waive said fees, and may by administrative action defer and/or amortize said fees.

- C. Exception: A permit shall not be required for routine maintenance. (Ord. 142, 10-8-2002)

9-1-6: **INSPECTION:**

- A. Enforcement Official: The building official/inspector, as the direct representative of the city administrator, shall enforce this chapter and related city ordinances. Upon presentation of proper credentials, this official may enter at reasonable times the premises of buildings upon which construction is suspected for which no permit has been received, to carry out duties imposed upon the building official/inspection section by this chapter.
- B. Release From Liability: Neither the building official/inspector, city administrator, nor city shall be liable for any damages, costs or expenses for any failure to enforce the provisions of this chapter.
- C. Appeals: Appeals of any administrative ruling shall be first to the city administrator, and failing resolution sufficiently satisfactory to release the issue, thence to the city planning commission for issues related to matters within their jurisdiction, or directly to the city council, acting in the council's capacity as official city appeals board. Appeals to substantive building code issues shall refer to appropriate Oregon Revised Statutes for resolution; and further, direct appeal to the state building codes agency is at any time authorized. (Ord. 142, 10-8-2002)

9-1-7: **ENFORCEMENT OF RELATED REGULATIONS:**

- A. Dangerous Buildings; Moving Structures; Dust Control: The building official/inspection section shall be charged with the enforcement of city ordinances applicable to buildings deemed dangerous, as established by appropriate city ordinance; and shall administer the movement of structures as established by appropriate city ordinance; and shall enforce the dust control provisions of the city nuisance ordinance on behalf of the city administrator.
- B. Dust Control During Construction; Water Turnon Fee: The building official may require water hook on fee payment at time of permit issuance, to ensure appropriate dust control/prevention during construction periods.
- C. Improper Activities; Remedial Action By City: During routine scheduled or unscheduled inspections within the city or at any time during the pursuit of the provisions of this chapter, at observed occurrences of improper activity, the official/inspector may investigate further, contract such other city departments as public works, fire or police, notify the city administrator, or work in context with any or all of these to resolve improprieties. The official/inspector will assist the city administrator or city attorney in pursuing resolution of such actions. (Ord. 142, 10-8-2002)

9-1-8: **VIOLATIONS; PENALTIES:** No person shall construct, reconstruct, alter or move structures, or install electrical, plumbing, or mechanical devices or equipment therein which does not comply with the requirements of this chapter, or the standards established by adopted codes. Nothing within this chapter is intended to permit such action in violation of any other ordinances, or state or federal law. Violations of this chapter shall be subject to penalties provided by separate ordinance, which shall be referenced to this ordinance. In violations of Oregon Revised Statutes, the appropriate penalties and procedures set forth in Oregon Revised Statutes shall apply. (Ord. 142, 10-8-2002)

CHAPTER 1

SPECIALTY CODES AND STANDARDS; BUILDING OFFICIAL/INSPECTION

ARTICLE A. COMPLIANCE ENFORCEMENT POLICY

SECTION:

- 9-1A-1 Policy
- 9-1A-2 Procedures

9-1A-1: **POLICY:** The city will require uniform compliance with the building codes agency laws and rules, including codes, by:

- A. Taking enforcement action at appropriate times to achieve compliance.
- B. Using appropriate procedures to achieve compliance.
- C. Using the appropriate forum (judicial, administrative, direct or informal methods) to achieve compliance. (Ord. 131, 10-11-1994)

9-1A-2: **PROCEDURES:**

- A. Written Or Oral Warnings:
 - 1. Use warnings where the violation is technical with no significant safety problem, where it is obvious that the person did not know or was not in a position to know of the violation.
 - 2. When enforcement action is initiated, submit a written record of warnings so repeat violations can be treated with civil penalties or other remedies.
- B. Civil Penalties: Civil penalties are appropriate when:
 - 1. The violation is a direct, meaningful and clear safety feature or a process which provides safety.
 - 2. There are chronic violators and other remedies are not effective.
 - 3. To stop serious violations where safety and enforceability are primary concerns.
 - 4. There is no permit, or no license, or for failure to make corrections or where there is no insignia on manufactured structures or prefabricated structures. (Ord. 131, 10-11-1994)
- C. Stop Work Order:

1. Stop work orders may be issued under authority of Oregon Revised Statutes 455.020(4) if a hazard to health and safety is imminent. (Ord. 131, 10-11-1994; amd. 2008 Code)
 2. A stop work order may be issued by an inspector in the field in consultation and with the approval of their immediate supervisor or manager. In case of an immediate safety hazard, the inspector in the field may post the stop work order and immediately thereafter notify their supervisor or manager. A stop work order immediately halts any further work. Work is temporarily stopped until the safety violations are corrected and the stop work order removed. The stop work order shall describe the work being stopped. The order must be in writing. The order must be served on the person in charge or doing the work, or posted at the work site. When a stop work order is posted, all described work at the site shall stop until the order is removed by a person authorized by the city. A stop work order may be subject to a contested case hearing. Information must be prepared identifying why the order is posted.
- D. Red And Yellow Tag: Red tags apply only to elevators, boilers, prefabricated structures, manufactured dwellings, recreational vehicles and electrical equipment. Yellow tags may be used to require corrections to boilers but will not stop operations. A red tag is a notice issued by the agency and may be issued to immediately stop the operation, transportation, sale or use of a product or device when an inspector determines there is a safety issue or code violation requiring correction. The product or device cannot be used or sold until the red tag is removed by the inspector.
- E. Notice Of Proposed Assessment Of Civil Penalty (NPACP): NPACP may be issued only by a person authorized by the city based on violations personally observed, or attested by personal knowledge. The usage will expedite the enforcement process by documenting and notifying the respondent of the right to a hearing when an NPACP is issued. The NPACP must be in writing and name the responsible company or person. A copy must be served on the person in charge or doing the work. The original signed NPACP shall be filed with the city and with the building inspection department including a statement of how the notice is served (either by giving a copy to the named person or by certified mail). A statement of facts and evidence obtained shall be filed with the original NPACP. In the event the respondent requests a hearing, the person issuing the NPACP may be called as a witness. An NPACP issuance shall be limited to the following violations:
1. No valid permit.
 2. No license.
 3. Failure to make corrections to boilers, elevators, manufactured dwellings, prefabricated structures and components, recreational vehicles.
 4. Failure to make required corrections, prior to covering, for electrical, plumbing and structural code violations.
 5. No insignia or label on a manufactured dwelling, prefabricated structure or component, recreational vehicle.

F. Cease And Desist Orders:

1. Cease and desist orders may be issued by an inspector in the field in consultation and with the approval of their manager or supervisor. The order must be in writing and name the responsible company or person. A copy of the order must be served on the person in charge or doing the work. The original signed order shall be filed with the city and with the building inspection department including a statement of posting or how the order was served (either by giving a copy to the named person or by the person acknowledging service). Depending on the potential harm or risk to health and safety, it can be used to require an immediate stop to the work, or give notice for a hearing to determine if a cease and desist order should be issued. A cease and desist order will primarily be used to stop a violation from continuing or when there is a threat of violation that will result in immediate harm or risk to the public safety. A statement of facts shall be filed with the original order. In the event of a requested hearing, the person issuing the order can be called as a witness.

2. A cease and desist order may be used when:

- a. A significant number of violations is anticipated.
- b. There is a chronic violator with two (2) or more compliance orders in a twenty four (24) month period.
- c. Work is being performed without permit or label.
- d. Failure to call for inspections where required corrections may be covered.
- e. Other corrective actions have been unsuccessful.

G. Injunctions:

1. An injunction is a court order to "stop" a particular activity. An injunction may only be issued by a judge and requires a petition to the court. This will require the assistance of the district attorney to initiate proceedings. Enforcement is by contempt proceedings in court and may involve a jail sentence. The effect is similar to a cease and desist order, except more formal. It can be used to stop a threatened or continuing violation.

2. An injunction shall be used:

- a. For chronic violators where other remedies are not effective.
- b. To stop serious violations where safety and enforceability are primary concerns. (Ord. 131, 10-11-1994)

CHAPTER 2

DANGEROUS BUILDINGS

SECTION:

- 9-2-1 Definitions
- 9-2-2 Allowing Dangerous Building to Exist
- 9-2-3 Report to Council; Notice; Hearing; Abatement
- 9-2-4 Declaration of Nuisance
- 9-2-5 Abandoned Well, Basement or Excavation

9-2-1: **DEFINITIONS:** For the purpose of this chapter, the following terms have the meanings ascribed to them in this section:

DANGEROUS BUILDING: Shall mean and include any building or other structure which, for want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connections, defective heating apparatus, or for any other cause or reason, is especially liable to fire, and which building or structure is so situated or occupied as to endanger any other building or human life. Said term shall also mean and include any building or structure containing any combustible or explosive material, rubbish, rags, waste, oils, or gasoline or inflammable substance of any kind especially liable to cause fire or danger to the safety of such building, premises or to human life. Said term shall also mean and include any building or structure which shall be kept or maintained, or shall be in filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious disease or diseases. Said term shall also mean and include any building or structure in such weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property by reason of probability of partial or entire collapse thereof.

PERSON: Shall mean and include any person, firm or corporation. (Ord. 4, 12-2-1963)

9-2-2: **ALLOWING DANGEROUS BUILDING TO EXIST:** Any person who shall be the owner of, or shall be in possession of, or in responsible charge of any dangerous building within the city, and who shall knowingly suffer or permit any such building to be or remain dangerous for as long as ten (10) days after receipt of notice as herein provided, shall be

guilty of a violation of this chapter, and shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars (\$100.00) or be imprisoned not to exceed thirty (30) days, or both. (Ord. 4, 12-2-1963)

9-2-3: REPORT TO COUNCIL; NOTICE; HEARING; ABATEMENT:

A. Report To Council: Whenever the mayor, marshal, city attorney, street commissioner, fire chief, or any council member shall find or be of the opinion that there is a dangerous building in the city, it shall be the duty of such person to report the same to the council.

B. Notice And Conduct Of Hearing:

1. Following such report as described in subsection A of this section, the council shall, within a reasonable time, fix a time and place for a public hearing thereon.

2. The city recorder shall mail notice to the owner of record of the premises whereon said building is located, notifying said owner in general terms that a hearing will be held concerning said property, and the time and place thereof.

3. At said time and place or at such other time or place as the council may adjourn to, said hearing shall be held, and the council shall determine by resolution whether or not said building is dangerous.

4. The council may, as a part of said hearing, inspect said building, and the facts observed by the council at such inspection may be considered by it in determining whether or not said building is dangerous.

5. At said hearing, the owner or other person interested in said property or building shall have the right to be heard, if such owner or person requests the same.

C. Posting Notice Of Hearing: Ten (10) days' notice of such hearing shall be given by posting notices thereof in three (3) public places in the city, and if the notice be posted as herein required, no irregularity or failure to mail notices shall invalidate the proceedings.

D. Council Order Removal, Abatement:

1. At such hearing, the council shall have the power to order any building declared dangerous, removed and abated, if in its judgment such removal or abatement is necessary in order to remove said dangerous condition, or the council shall have the power to order said building made safe and to prescribe what acts or things must be done to render the same safe.

2. Five (5) days' notice of said findings or of any orders made by the council shall be given to the owner of said building, his agent or other person controlling the same, and if said orders be not obeyed and said building rendered safe within the time in said order specified, being not less than five (5) days, then the council shall have the power and duty to order said building removed or made safe at the expense of the property on which it may be situated. In that event, the council must specify with convenient certainty the

work to be done and shall file a statement thereof with the recorder, and shall advertise for bids for doing of the said work in the manner provided for advertising for bids for street improvement work, and thereafter said bids shall be previewed, opened, and contract let. The council shall ascertain and determine the probable cost of said work, and assess the same against the property, upon which the building is situated, said entered in the docket of the city liens, and shall thereupon be and become a lien against said property, the collection and enforcement of said cost shall all be done and performed in substantially the same manner as the case of the cost of street improvements, but irregularities of informalities in the procedure shall be disregarded. (Ord. 4, 12-2-1963)

9-2-4: **DECLARATION OF NUISANCE:** Every building or part thereof which shall hereafter be found by the city council to be a dangerous building is hereby declared to be a public nuisance, and the same shall be abated either summarily or the procedure hereinabove specified may be followed, or a suit for abatement thereof may be brought by the city in the circuit court of Morrow County, Oregon. (Ord. 4, 12-2-1963)

9-2-5: **ABANDONED WELL, BASEMENT OR EXCAVATION:** Every abandoned well, basement or excavation of any kind found by the city council to be dangerous is hereby declared to be a public nuisance, and the same shall be abated either summarily or the procedure hereinabove may be followed. (Ord. 4, 12-2-1963)

CHAPTER 3

STREET NAMING AND BUILDING NUMBERING SYSTEM

SECTION:

- 9-3-1 Uniform System
- 9-3-2 Baselines
- 9-3-3 Suffixes and Prefixes
- 9-3-4 Authority to Assign Numbers
- 9-3-5 Location and Type of Numbers
- 9-3-6 Scope of Change
- 9-3-7 Additional Street Name Changes
- 9-3-8 Penalty

9-3-1: **UNIFORM SYSTEM:** All streets shall be designated and all structures fronting on streets, except accessory structures, such as sheds and outbuildings, shall be numbered in accordance with this chapter and the maps and plans on file in the office of the city. (Ord. 140, 4-10-2001)

9-3-2: **BASELINES:** State Highway 730 shall be the north and south baseline and 1st Street shall be the east and west baseline for the establishment of quadrants, each of said baselines to be considered as extended to the city limits. (Ord. 140, 4-10-2001)

9-3-3: **SUFFIXES AND PREFIXES:**

- A. Suffixes: To indicate the general direction of a street and to indicate other physical features, each street shall bear a suffix as follows:
1. All streets running in a northerly and southerly direction shall be designated as "streets".
 2. Streets lying between through streets, which would normally be designated "streets", shall first be designated as "drives".
 3. All streets running in an easterly and westerly direction, with the exception of Columbia Lane and State Highway 730, shall be designated as "avenues".
 4. All streets lying between through avenues, which would normally be designated "avenues", shall first be designated as "places".
 5. All streets that form cul-de-sacs shall be designated as "courts".

6. All streets that connect with the same through road on each end shall be designated as "loops".

B. Prefixes: To indicate the general location of any street or any lot or structure fronting on such street, each street shall bear the prefix of the quadrant in which it wholly or partly appears, as follows:

1. All roads north of State Highway 730 and west of 1st Street shall bear the prefix "northwest" and be designated by the letters "N.W."

2. All roads north of State Highway 730 and east of 1st Street shall bear the prefix "northeast" and be designated by the letters "N.E."

3. All roads south of State Highway 730 and west of 1st Street shall bear the prefix "southwest" and be designated by the letters "S.W."

4. All roads south of State Highway 730 and east of 1st Street shall bear the prefix "southeast" and be designated by the letters "S.E."

5. State Highway 730 from the eastern city limit to 1st Street shall bear the prefix "east" and be designated by "E. HWY 730" and the western city limit to 1st Street shall bear the prefix "west" and be designated by "W. HWY 730".

6. 1st Street from the northern city limit to State Highway 730 shall bear the prefix "north" and be designated by "N. 1st Street" and the southern city limits to State Highway 730 shall bear the prefix "south" and shall be designated by "S. 1st Street". (Ord. 140, 4-10-2001)

9-3-4: **AUTHORITY TO ASSIGN NUMBERS:** In conformity with the provisions of this chapter, the city shall assign numbers to all lots or structures now or hereafter constructed. A person who obtains a permit for construction of a building shall, at the time of obtaining such permit, also obtain from the city the street number for the building. (Ord. 140, 4-10-2001)

9-3-5: **LOCATION AND TYPE OF NUMBERS:** Home or business address numbers must be at least three inches (3") tall and no less than one-half inch ($\frac{1}{2}$ ") wide with contrasting color from the background color of the home/business. Numbers will be highly visible, either lighted or made of some reflective material and legible. Placement will be in close proximity to the right or left of the front door or main business entrance and readily visible from the fronting street as well as not hidden by trees, shrubs, bushes or other obstructions.

A. Where the home or business does not have a front door visible from the fronting street, address numbers will be placed onto the home or business either to the left or to the right of the driveway using the same standards as stated above.

B. Where the home or business is set back from the fronting street more than fifty feet (50'), or is not visible from the fronting street, the address numbers will be placed either to the

right or left of the driveway entrance on a post or attached to a fence using the same standards as stated above. (Ord. 215-12, 4-17-2012)

9-3-6: **SCOPE OF CHANGE:** Unless otherwise changed by this chapter, all names, numbers, and designations shall remain unchanged. Future changes in this system may be made upon the recommendation of the Irrigon planning commission and by motion or resolution of the city council. (Ord. 140, 4-10-2001)

9-3-7: **ADDITIONAL STREET NAME CHANGES:**

- A. Southmain Avenue (Highway 730 - Columbia River Highway) will be renamed to E. and W. Highway 730 for the entire length of the highway within city limits.
- B. West Southmain Avenue will be renamed to Columbia Lane from the intersection of N.E. 3rd Street going west to city limits.
- C. E. Northmain Avenue will be renamed to N.E. Main Avenue. (N. 1st Street to eastern city limits).
- D. E. East Street will be renamed to S.E. Riverview Ave.
- E. S.E. Twelfth Loop will be renamed to S.E. Charity Loop. (Ord. 140, 4-10-2001)

9-3-8: **PENALTY:** A person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in an amount not exceeding two hundred fifty dollars (\$250.00). (Ord. 140, 4-10-2001)