

Title 15 BUILDINGS AND CONSTRUCTION

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15.04.010 Definitions.

As used in this title:

"Corporation counsel," as used in any of the codes prescribing regulations to govern conditions hazardous to life and property, means the attorney for the city of Estacada, Oregon.

"Fire district," as used in any of the codes prescribing regulations to govern conditions hazardous to life and property, means the Estacada Rural Fire Protection District No. 69.

"Jurisdiction," as used in any of the codes prescribing regulations to govern conditions hazardous to life and property, means the city of Estacada, Oregon.

(Prior code § 9.081)

(Ord. No. 2008-008, § 4, 10-27-2008)

15.04.020 Fire zone.

In accordance with the provisions of the State Building Code, and in particular, Section 1601 of the Structural Specialty Code, the entire city is declared to be in Fire Zone No. 3.

(Prior code § 9.011)

15.04.030 Adoption of codes.

There is adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property those certain codes as follows, save and except such portions as are hereinafter modified or amended, and the same are adopted and incorporated as full as if set out at length herein; and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the city.

- A. Adoption of the Oregon Fire Code. It is adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Oregon Fire Code, with Oregon amendments, as now enacted or hereinafter amended as if set out at length in this section; and the provision thereof shall be controlling within the corporate limits of the city.
- B. Abatement of Dangerous Buildings. There is adopted by the city for the purpose of prescribing regulations governing dangerous buildings that certain code known as the Uniform Code for the Abatement of Dangerous Buildings, promulgated by the International Conference of Building Officials as now enacted or hereinafter amended.
- C. Excavation and Grading. The city adopts by reference Chapter 33 of the Uniform Building Code adopted by the International Conference of Building Officials, 1994 Edition, and as amended.
- D. The city adopts the following Oregon Specialty Codes:
 - 1. Dwelling code is the "Oregon One and Two Family Dwelling Specialty Code";
 - 2. Manufactured home installation code is the "Oregon Manufactured Home Installation Specialty Code";
 - 3. Manufactured home park code is the "Oregon Manufactured Home Park Construction Specialty Code";
 - 4. Mechanical code is the "Oregon Mechanical Specialty Code";
 - 5. Plumbing code is the "Oregon Plumbing Specialty Code";
 - 6. Recreational vehicle park code is the "Oregon Recreational Vehicle Park Construction Specialty Code."

(Ord. 2005-3 § 1; prior code § 9.080)

(Ord. No. 2008-008, § 5, 10-27-2008)

15.04.040 Title, purpose and scope.

- A. Title. These regulations shall be known as the "building administrative code" may be cited as such and will be referred to in this title as "this code."
- B. Purpose. The purpose of this code is to provide for the administration and enforcement of the Oregon Specialty Codes, set forth in Section 15.04.030.

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- C. Scope. The provisions of this code shall serve as the administrative, organizational and enforcement rules and regulations for the Specialty Codes which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within this jurisdiction.

Where, in any specific case, there is a conflict between this code and Oregon Revised Statute, the statute shall govern.

(Prior code § 9.101)

15.04.050 Application to existing buildings and building service equipment.

- A. General. Buildings, structures and their building service equipment to which additions, alterations or repairs are made shall comply with all the requirements of the Specialty Codes for new facilities, except as specifically provided in this section.
- B. Additions, Alterations or Repairs. Additions, alterations or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of the Specialty Codes, provided the addition, alteration or repair conforms to that required for a new building or building service equipment.

Additions or alterations shall not be made to an existing building or building service equipment which will cause the existing building or building service equipment to be in violation of the provisions of the Specialty Codes nor all such additions or alterations cause the existing building or building service equipment to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the building code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed their rated capacities; will create a health hazard or will otherwise create conditions dangerous to human life. A building so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted by the building code for new buildings. A building plus new additions shall not exceed the height, number of stories and area specified by the building code for new buildings.

Additions or alterations shall not be made to an existing building or structure when the existing building or structure is not in full compliance with the provisions of the building code except when the addition or alteration will result in the existing building or structure being no more hazardous based on life safety, fire safety and sanitation, than before such additions or alterations are undertaken.

Exception: Alterations of existing structural elements, or additions of new structural elements, which are not required by subsection C of this section and which are initiated for the purpose of increasing the lateral-force-resisting structure need not be designed for forces conforming to these regulations; provided, that an engineering analysis is submitted to show that:

1. The capacity of existing structural elements required to resist forces is not reduced;
2. The lateral loading to required existing structural elements is not increased beyond their capacity;
3. New structural elements are detailed and connected to the existing structural elements as required by these regulations;
4. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by these regulations; and
5. An unsafe condition as defined above is not created.

Alterations or repairs to an existing building or structure which are nonstructural and do not adversely affect a structural member or a part of the building or structure having required fire resistance may be

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made with the same materials of which the building or structure is constructed, subject to approval by the building official. Installation or replacement of glass shall be as required for new installations.

Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the Specialty Codes in effect at the time the original installation was made, subject to approval of the building official, and provided such additions, alterations and repairs will not cause the existing building service equipment to become unsafe, insanitary or overloaded.

- C. Existing Installations. Building service equipment lawfully in existence at the time of the adoption of the Specialty Codes may have their use, maintenance or repair continued if the use maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.
- D. Existing Occupancy. Buildings in existence at the time of the adoption of the building code may have their existing use or occupancy continued if the use or occupancy was legal at the time of the adoption of the building code, and provided continued use is not dangerous to life, health and safety.

A change in the use or occupancy of any existing building or structure shall comply with the provisions of Section 15.16.040 and Section 3402 of the building code.

- E. Maintenance. Buildings, structures and building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by the Specialty Codes shall be maintained in conformance with the Specialty Codes under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structure and their building service equipment. To determine compliance with this subsection, the building official may cause a structure to be reinspected.
- F. Moved Buildings. Buildings, structures and building service equipment moved into or within this jurisdiction shall comply with the provisions of the Specialty Codes for new buildings or structures and their building service equipment.
- G. Temporary Structures. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around an injunction with construction work may be erected by special permit from the building official for a limited period of time. Buildings or structures erected under a special permit need not comply with the type of construction or fire-resistive time periods required by the building code. Temporary buildings or structures shall be completely removed upon the expiration of the time limited stated in the permit.
- H. Historic Buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of the Specialty Codes when authorized by the building official, provided:
 - 1. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance;
 - 2. Unsafe conditions as described in this code are corrected;
 - 3. The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

(Prior code § 9.102)

15.04.060 Conflicting provisions.

When conflicting provisions or requirements occur between this code, the Specialty Codes and other codes or laws, the most restrictive shall govern.

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When conflicts occur between the Specialty Codes, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.

Where in a specific case different sections of the Specialty Codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Prior code § 9.104)

15.04.070 Alternate materials, methods of design and methods of construction.

The provisions of the Specialty Codes are not intended to prevent the use of any material, method of design or method of construction not specifically prescribed by the Specialty Codes, provided an alternate has been approved and its use authorized by the building official.

The building official may approve an alternate, provided the building official finds that the proposed design is satisfactory and complies with the provisions of the Specialty Codes and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Specialty Codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The building official shall require that sufficient evidence or proof be submitted to substantiate claims that may be made regarding its use. The details of an action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

(Prior code § 9.105)

15.04.080 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of the Specialty Codes, the building official may grant modifications for individual cases. The building official shall first find that a special individual reason makes the strict letter of the Specialty Codes impractical and the modification is in conformity with the intent and purpose of the Specialty Codes, and that such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the code enforcement agency.

(Prior code § 9.106)

15.04.090 Tests.

Whenever there is insufficient evidence of compliance with the provisions of the Specialty Codes or evidence that materials or construction do not conform to the requirements of the Specialty Codes, the building official may require tests as evidence of compliance to be made at no expense to the jurisdiction.

Test methods shall be as specified by the Specialty Codes or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall determine test procedures.

Tests shall be made by an approved agency. Reports of such test shall be retained by the building official for the period required for the retention of public records.

(Prior code § 9.107)

Chapter 15.08 ENFORCEMENT AND APPEALS

Sections:

[15.08.010 Enforcement authority.](#)

[15.08.020 Building official—Powers and duties.](#)

[15.08.030 Board of appeals.](#)

[15.08.040 Enforcement.](#)

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[15.08.060 Violations—Penalties.](#)

15.08.010 Enforcement authority.

- A. Creation of Enforcement Agency. There is established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the building official.
- B. General. Whenever the term or title "administrative authority," "responsible official," "building official," "chief inspector," "code enforcement officer," or other similar designation is used herein or in any of the Specialty Codes, it shall be construed to mean the building official designated by the appointing authority of this jurisdiction.

(Prior code § 9.201)

15.08.020 Building official—Powers and duties.

- A. General. The building official is authorized and directed to enforce all the provisions of this code and the referenced Specialty Codes. For such purposes, the building official shall have the powers of a law enforcement officer.
- B. Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The building official may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.
- C. Right of Entry. When necessary to make an inspection to enforce any of the provisions of this code and the specialty codes or when the building official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises in accordance with the right of entry provisions set forth in Section 1.08.010 of this code.
- D. Stop Orders. When work is being done contrary to the provisions of this code, the Specialty Codes, or other pertinent laws or ordinances implemented through the enforcement of this code, the building official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop the work until authorized by the building official to proceed with the work.
- E. Occupancy Violations. When a building or structure or building service equipment therein regulated by this code and the Specialty Codes is being used contrary to the provisions of such codes, the building official may order such use discontinued by written notice served on any person causing

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such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes.

- F. Authority to Disconnect Utilities. The building official or the building official's authorized representative shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the Specialty Codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.
- G. Authority to Condemn Building Service Equipment. When the building official ascertains that building service equipment regulated in the Specialty Codes has become hazardous to life, health or property, or has become insanitary, the building official shall order in writing that such notice itself shall fix a time limit for compliance with such order. Defective building service equipment shall not be maintained after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefor shall be given within twenty-four (24) hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building service equipment is maintained in violation of the Specialty Codes and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

- H. Connection after Order to Disconnect. Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.
- I. Liability. The building official charged with the enforcement of this code and the Specialty Codes, acting in good faith and without malice in the discharge of his duties, shall not thereby be rendered personally liable for damage that may accrue to persons or property as a result of an act or omission in the discharge of the assigned duties. A suit brought against the building official or employee because of such act or omission performed by the building official or employee in the enforcement of the provisions of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owing, operating or controlling a building, structure or building service equipment therein for damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming such liability by reason of the inspections authorized by this code or permits or certificates issued under this code.

- J. Cooperation of Other Official and Officers. The building official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this code or pertinent laws or ordinances.

(Ord. 2000-16 § 7; prior code § 9.202)

15.08.030 Board of appeals.

- A. General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the Specialty Codes, there is created a board of appeals consisting of the members of the city council of this jurisdiction. The building

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official shall be an ex officio member and shall act as secretary to the board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

- B. Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code or the administrative provisions of the Specialty Codes nor shall the board be empowered to waive requirements of either this code or the Specialty Codes.

(Prior code § 9.204)

15.08.040 Enforcement.

The Oregon Fire Code shall be enforced by the fire district. All other specialty codes adopted shall each be enforced by those persons designated by the city.

(Prior code § 9.085)

(Ord. No. 2008-008, § 6, 10-27-2008)

15.08.050 Appeals.

Whenever the designated enforcement officer shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of any of the codes described in Section 15.08.040 do not apply or that the true intent and meaning of those codes have been misconstrued or wrongly interpreted, the applicant may appeal from the decision to the city council.

- A. The board of appeals referred to in the Oregon Fire Code shall be the board of appeals designated by the fire district.
- B. The board of appeals referred to in the Uniform Code for the Abatement of Dangerous Buildings shall be such persons as have been designated by the city.

(Prior code § 9.095)

(Ord. No. 2008-008, § 7, 10-27-2008)

15.08.060 Violations—Penalties.

It is unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this code and the Specialty Codes. The penalty for any such violations shall be in an amount of not more than one thousand dollars (\$1,000.00) for each offense or, in the case of a continuing offense, not more than one thousand dollars (\$1,000.00) for each day of the offense.

(Prior code § 9.205)

Chapter 15.12 BUILDING PERMITS

Sections:

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[15.12.020 Application for permit.](#)

[15.12.030 Permit issuance.](#)

[15.12.040 Fees.](#)

[15.12.050 Plan review building permit and related fees.](#)

[15.12.060 Curbs and sidewalks.](#)

[15.12.070 Underground utilities.](#)

[15.12.080 Building permits in subdivisions.](#)

15.12.010 Permits required when.

- A. Permits Required. Except as specified in subsection B of this section, no building, structure or building service equipment regulated by this code and the Specialty Codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the building official.
- B. Work Exempt from Permit. A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the Specialty Codes or any other laws or ordinances of this jurisdiction.
1. Building Permits. A building permit shall not be required for the following:
 - a. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed one hundred twenty (120) square feet (11.15m²);
 - b. Fences are not over six feet (one thousand eight hundred twenty-nine (1,829) mm) high;
 - c. Oil derricks;
 - d. Movable cases, counters and partitions not over five feet nine inches (one thousand seven hundred fifty-three (1,753) mm) high;
 - e. Retaining walls which are not over four feet (one thousand two hundred nineteen (1,219) mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids;
 - f. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons (eighteen thousand nine hundred twenty-five (18,925) L) and the ratio of height to diameter or width does not exceed two to one;
 - g. Platforms, walks and driveways not more than thirty (30) inches (seven hundred sixty-two (762) mm) above grade and not over any basement or story below;
 - h. Painting, papering and similar finish work;
 - i. Temporary motion picture, television and theater stage sets and scenery;
 - j. Window awnings supported by an exterior wall of Group R, Division 3, and Group M occupancies when projecting not more than fifty-four (54) inches (one thousand three hundred seventy-two (1,372) mm);

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- k. Prefabricated swimming pools accessory to a Group R, Division 3, occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed five thousand (5,000) gallons (eighteen thousand nine hundred twenty-five (18,925) L);
 - l. Agricultural buildings. Unless otherwise exempted by this code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.
2. Plumbing Permits. A plumbing permit shall not be required for the following:
- a. The stopping of leaks in drains, soil, waste or vent pipe; provided, however, that should any concealed trap, drainpipe, soil, water or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code;
 - b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. Mechanical Permits. A mechanical permit shall not be required for the following:
- a. A portable heating appliance;
 - b. Portable ventilating equipment;
 - c. A portable cooling unit;
 - d. A portable evaporative cooler;
 - e. A closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by the mechanical code;
 - f. Replacement of a component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the Specialty Codes;
 - g. Refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirement of the Specialty Codes;
 - h. A unit refrigerating system as defined in the mechanical code.

(Prior code § 9.301)

15.12.020 Application for permit.

- A. Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:
- 1. Identify and describe the work to be covered by the permit for which application is made;
 - 2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;
 - 3. Indicate the use or occupancy for which the proposed work is intended;
 - 4. Be accompanied by plans, diagrams, and specifications and other data as required in subsection B of this section;
 - 5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building;
 - 6. Be signed by the applicant, or the applicant's authorized agent;
 - 7. Give such other data and information as may be required by the building official.

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- B. Submittal Documents. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

Exception: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

- C. Information on Plans and Specifications. Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

Plans for building more than two stories in height of other than Group R, Division 3 and Group M Occupancies shall indicate how required structural and fire-resistive integrity will be maintained when a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

- D. Architect or Engineer of Record.

1. General. When it is required that documents be prepared by an architect or engineer, the building official may require the owner to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all of the duties required of the original architect or engineer of record. The building official shall be notified in writing by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties.

The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

2. Deferred Submittals. For the purposes of this section "deferred submittals" are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have prior approval of the building official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the building official.

Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been approved by the building official.

- E. Inspection and Observation Program. When special inspection is required by Section 15.16.020, the architect or engineer of record shall prepare an inspection program which shall be submitted to the building official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work to have special inspection, the name or names of the individuals or firms who are to perform the special inspections and indicate the duties of the special inspectors.

The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other persons responsible for the work.

When structural observation is required by Section 15.16.030, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

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The inspection program shall include samples of inspection reports and provide time limits for submission of reports.

(Prior code § 9.302)

15.12.030 Permit issuance.

A. Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and the Specialty Codes and other pertinent laws and ordinances, and that the fees specified in Section 15.12.040 have been paid, the building official shall issue a permit therefore to the applicant.

When a permit is issued when plans are required, the building official shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorizations from the building official, and all work regulated by this code shall be done in accordance with the approved plans.

The building official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Specialty Codes. The holder of a partial permit shall proceed without assurance that the permit for the entire building, structure or building service will be granted.

B. Retention of Plans. One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than ninety (90) days from the date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all items during which the work authorized thereby is in progress.

C. Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or the Specialty Codes, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in the plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of these codes or of any other ordinances of this jurisdiction.

D. Expiration. Every permit issued by the building official under the provisions of the Specialty Codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount retired for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may tend the time for

action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

- E. Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code and the Specialty Codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of these codes.

(Prior code § 9.303)

15.12.040 Fees.

- A. General. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth the fee schedule adopted by this jurisdiction by resolution of the city council.
- B. Permit Fees. The fee for each permit shall be in accordance with the schedule established by the jurisdiction by resolution of the city council.
 - 1. The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment.
 - 2. There will be a ten (10) percent administrative fee on all building permits issued by the city.
 - 3. This fee will expire June 30, 1999.
- C. Plan Review Fees. When submittal documents are required by Section 15.12.020(B), a plan review fee shall be paid at the time of the submittal documents for plan review. The plan review fee shall be sixty-five (65) percent of the building permit fee as shown in Tables 3-A through 3-I.

The plan review fees specified in this section are separate fees from the permit fees specified in subsection B of this section and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 15.12.020(B), an additional plan review fee shall be charged at the rate established by this jurisdiction.

- D. Expiration of Plan Review. Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An applicant shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to review action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.
- E. Investigation Fees—Work Without a Permit.
 - 1. Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.
 - 2. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Tables 3-A through 3-H. The payment of such investigation fee shall not exempt an

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applicant from compliance with all other provisions of either this code or the Specialty Codes nor from the penalty prescribed by law.

- F. Fee Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than eighty (80) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

(Prior code § 9.304)

15.12.050 Plan review building permit and related fees.

- A. Plan review, building permit and related fees shall be set by council resolution.
- B. Municipal Services. The system development fees and any utility connection fees for installation of municipal water, sewer services or storm drain shall be paid upon issuance of a building permit or manufactured home placement permit.

(Prior code § 9.008)

15.12.060 Curbs and sidewalks.

- A. No building permit shall be issued for the construction of any new building or structure or for the remodeling of any existing building or structure the estimated cost of which remodeling exceeds the sum of fifteen thousand dollars (\$15,000.00) on any lot which does not have curbs and sidewalks, unless the applicant shall have first obtained the permit described in Section 12.08.010 and agrees to construct curbs and sidewalks along all city streets which abut the property described in the building permit. In estimating the costs of remodeling, there shall not be included any costs for the purchase or installation of weatherization material. "Weatherization materials" mean items primarily designed to improve the efficiency of space heating and energy utilization of a structure. Such items include, but are not limited to, caulking, weather stripping and other infiltration preventative materials, ceiling and wall insulation, crawl space insulation, vapor barrier materials, timed thermostats, installation of heating ducts and hot water pipes and water heaters in unheated spaces, storm doors and windows, double-glazed windows, and dehumidifiers. In determining the cost of remodeling, all costs incurred for improvement of the property in the preceding eighteen (18) months shall be included.
- B. No person shall cause any building or structure previously used as a single-family residence to be used for multifamily residential, commercial or industrial purposes, unless the person shall have first obtained the permit described in Section 12.08.010 and agrees to construct curbs and sidewalks along all city streets which abut the property occupied by the building or structure.
- C. The city council, upon appeal, is authorized to grant a variance in the requirements of this section when application can show that by reason of peculiar and exceptional conditions that strict application of this section would result in real and unnecessary hardship and the council, through investigation and the evidence before it, is satisfied that the granting of the variance will alleviate a hardship and will not be detrimental to the welfare of the city and adjacent property. In granting such variance, the city council may impose such requirements upon the applicant as may be necessary under the circumstances to carry out the intent and purpose of this section.

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- D. Notwithstanding the foregoing, construction of curbs shall not be required in subdivisions which have been approved by the planning commission for development without curbs, nor shall construction of sidewalks be required in subdivisions which have been approved by the planning commission for development without sidewalks or on lots abutting streets which do not require sidewalks according to the city's adopted master street plan.

(Ord. 2000-12 § 1; prior code § 9.035)

15.12.070 Underground utilities.

- A. No building permit shall be issued for the construction of any new building or structure or for remodeling of any existing building or structure, the estimated cost of which remodeling exceeds the sum of twenty-five thousand dollars (\$25,000.00) on any lot which does not have underground utilities, unless the application contains plans for and the applicant agrees to install and receive all underground utility lines which shall serve the building or structure, including, but not limited to, those required for all electric, communication, and cable television services. In estimating the costs of remodeling, there shall not be included any costs for the purchase or installation of weatherization materials. "Weatherization materials" mean items primarily designed to improve the efficiency of space insulation, vapor barrier materials, timed thermostats, installation of heating ducts and hot water pipes and water heaters in unheated spaces, storm doors and windows, double-glazed windows and dehumidifiers. In determining the cost of remodeling, all costs incurred or improvement of the property in the preceding eighteen (18) months shall be included.
- B. No person shall cause any building or structure previously used as a single-family residence to be used for multifamily residential, commercial or industrial purposes, unless the person first constructs equipment and related facilities to accept and receive all underground utility lines which shall serve the building or structure, including, but not limited to, those required for all electric, communication, and cable television services.
- C. The city council, upon appeal, is authorized to grant a variance in the requirements of this section when application can show that by reason of peculiar and exceptional conditions that strict application of this section would result in real and unnecessary hardship and the council, through investigation and the evidence before it, is satisfied that the granting of the variance will alleviate a hardship and will not be detrimental to the welfare of the city and adjacent property. In granting such variance, the city council may impose such requirements upon the applicant as may be necessary under the circumstances to carry out the intent and purpose of this section.

(Ord. 2005-4 § 1; Ord. 2000-12 § 2; prior code § 9.040)

15.12.080 Building permits in subdivisions.

Building permits and sanitary sewer and water connections shall not be issued or allowed for more than fifty (50) percent of the lots in any subdivision approved by the city subsequent to the effective date of the ordinance codified in this chapter until all of the public improvements required by the city in the approval of the subdivision have been completely constructed to the specifications of the city and have been accepted and approved by the city.

For the purpose of this section, "public improvements" shall include, but not be limited to, streets, sanitary sewers, storm drains, curbs, sidewalks, and water systems.

(Prior code § 9.050)

Chapter 15.16 INSPECTIONS

Sections:

[15.16.010 Inspections generally.](#)

[15.16.020 Special inspections.](#)

[15.16.030 Structural observation.](#)

[15.16.040 Connection to utilities.](#)

[15.16.050 Certificate of occupancy.](#)

15.16.010 Inspections generally.

- A. General. Construction or work for which a permit is required shall be subject to inspection by the building official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall be continuous inspection as specified in Section 15.16.020.

The building official may implement additional or alternate inspection procedures or requirements by written administrative rules.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspection presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

- B. Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official conveniently to make the required entries thereon regarding the inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.
- C. Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

It shall be the duty of the person requesting any inspections required either by this code or the Specialty Codes to provide access to and means for inspection of the work.

- D. Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate that that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions which do not comply shall be corrected and such portions shall not be covered or concealed until authorized by the building official.

The building official, upon notification, shall make the following inspections:

1. Foundation inspection: to be made after excavations for footings are complete and required reinforcing steel is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with UBC. Standard 19-3, the concrete need not be on the job. When the

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foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

2. Concrete slab or under-floor inspection: to be made after in-slab or under-floor building service equipment, conduit, piping accessories, and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.
 3. Frame inspection: to be made after the roof, framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes and ducts are approved.
 4. Lath and/or wallboard inspection: to be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished.
 5. Final inspection: to be made after finish grading and the building is completed and ready for occupancy.
- E. Required Building Service Equipment Inspections.
1. General. Building service equipment for which a permit is required by this code shall be inspected by the building official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the Specialty Codes shall not be connected to the water, fuel or power supply or sewer system until authorized by the building official.
 2. Operation of Building Service Equipment. The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the building official not more than forty-eight (48) hours after the replacement work is completed, and before any portion of such building service equipment is concealed by permanent portions of the building.
- F. Other Inspections. In addition to the called inspections specified above, the building official may make or require other inspections of construction work to ascertain compliance with the provisions of this code or Specialty Codes and other laws which are enforced by the code enforcement agency.
- G. Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the Specialty Codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with Tables 3-A through 3-H or as set forth in the fee schedule adopted by this jurisdiction.

In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

(Prior code § 9.305)

15.16.020 Special inspections.

A. General. In addition to the inspections required by Section 15.16.010, the owner or the engineer or architect of record acting as the owner's agent shall employ one or more special inspectors who shall provide inspections during construction on the following types of work:

1. Concrete: during the taking of test specimens and placing of reinforced concrete. See subdivision 12 of this subsection 12 for shotcrete.

Exceptions:

- a. Concrete for foundations conforming to the minimum requirements of Table 18-A of the Building Code or for Group R, Division 3 or Group M, Division I occupancies, provided the building official finds that a special hazard does not exist;
 - b. For foundation concrete, other than cast-in-place drilled piles or caissons, where the structural design is based on an f_c no greater than two thousand five hundred (2,500) pounds per square inch (psi)(17.2 MPa);
 - c. Nonstructural slabs on grade, including prestressed slabs on grade when effective prestress in concrete is less than one hundred fifty (150) psi (0.1 MPa);
 - d. Site work concrete fully supported on earth and concrete where no special hazard exists.
2. Bolts installed in concrete: prior to and during the placement of concrete around bolts when stress increases permitted by Footnote 5 of Table 19-E or Section 1925.2 are utilized.
 3. Special moment-resisting concrete frame: as required by Section 1701.5.3 of the Building Code.
 4. Reinforcing steel and prestressing tendons:
 - a. During all stressing and grouting of tendons in prestressed concrete;
 - b. During placing of reinforcing steel and prestressing tendons for concrete required to have special inspection by subdivision 1 of this subsection.

Exception: The special inspector need not be present continuously during placing of reinforcing steel and prestressing tendons, provided inspection for conformance with the approved plans, prior to the closing of forms or the delivery of concrete to the job site, has been accomplished.

5. Structural Welding.

- a. General: during the welding of any member of connection which is designed to resist loads and forces required by this code.

Exceptions:

- i. Welding done in an approved fabricator's shop in accordance with subsection F of this section.
- ii. The special inspector need not be continuously present during welding of the following items, provided the materials, qualifications of welding procedures and welders are verified prior to the start of work; periodic inspections are made of work in progress; and a visual inspection of all welds is made prior to completion or prior to shipment of shop welding:
 - (A) Single-pass fillet welds not exceeding five-sixteenths inch (7.9 mm) in size,
 - (B) Floor and roof deck welding,
 - (C) Welded studs when used for structural diaphragm or composite systems,
 - (D) Welded sheet steel for cold-formed steel framing members such as studs and joists,

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(E) Welding of stairs and railing systems.

- (1) Special moment-resisting steel frames. During the welding of special moment-resisting steel frames. In addition to the requirements of this section, nondestructive testing as required by Section 1703 of the Building Code.
- (2) Welding of reinforcing steel. During the welding of reinforcing steel.

Exception: The special inspector need not be continuously present during the welding of ASTM A 706 reinforcing steel no larger than No. 5 bars used for embedments, provided the materials, qualifications of welding procedures and welders are verified prior to the start of work; periodic inspections are made of work in progress; and a visual inspection of all welds is made prior to completion or prior to shipment of shop welding.

6. High-strength bolting: as required by UBC. Standard 22-4. Such inspections may be performed on a periodic basis in accordance with the requirements of subsection E of this section.

7. Structural Masonry.

- a. For masonry, other than fully grouted open-end hollow-unit masonry, during preparation and taking of any required prisms or test specimens, placing of all masonry units, placement of reinforcement, inspection of grout space, immediately prior to closing of cleanouts, and during all grouting operations.

Exception: For hollow-unit masonry where the fm is no more than one thousand five hundred (1,500) psi (10.3 MPa) for concrete units or two thousand six hundred (2,600) psi (17.9 MPa) for clay units, special inspection may be performed as required for fully grouted open-end hollow-unit masonry specified in subsection B of this section.

- b. For fully grouted open-end hollow-unit masonry during preparation and taking of any required prisms or test specimens, at the start of laying units, after the placement of reinforcing steel, grout space prior to each grouting operation, and during all grouting operations.

Exception: Special inspection as required in subsection A and B of this section, need not be provided when design stresses have been adjusted, as specified in Chapter 21 of the Building Code, to permit noncontinuous inspection.

8. Reinforced gypsum concrete: when cast-in-place Class B gypsum concrete is being mixed and placed.

9. Insulating concrete fill: during the application of insulating concrete fill when used as part of a structural system.

Exception: The special inspections may be limited to an initial inspection to check the deck surface and placement of reinforcing. The special inspector shall supervise the preparation of compression test specimens during this initial inspection.

10. Spray-applied fireproofing: as required by UBC Standard 7-6.

11. Piling, drilled piers and caissons: during driving and testing of piles and construction of cast-in-place drilled piles or caissons. See subsection A(1) and (4) of this section for concrete reinforcing steel inspection.

12. Shotcrete: during the taking of test specimens and placing of all shotcrete and as required by Sections 1922.10 and 1922.11 of the Building Code.

Exception: Shotcrete work fully supported on earth, minor repairs and when, in the opinion of the building official, no hazard special exists.

13. Special grading, excavation and filling: during earthwork excavations, grading and filling operations inspection to satisfy requirements of Chapter 33 of the Building Code.

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14. Smoke-control system:
 - a. During erection of ductwork and prior to concealment for the purposes of leakage testing and record of device location;
 - b. Prior to occupancy and after sufficient completion for the purposes of pressure difference testing, flow measurements, and detection and control verification.
 15. Wood-Framed Diaphragms and Shear Walls. In Seismic Zones 3 and 4, whenever three-inch nominal framing is required by Table 23-J-1, 23-J-2, 23-K-1 or 23-K-2, inspections may be performed on a periodic basis in accordance with the requirements of subsection E of this section.
 16. Special Cases. Work which, in the opinion of the building official, involves unusual hazards or conditions.
- B. Special Inspector. The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the building official, for inspection of the particular type of construction or operation requiring special inspection.
- C. Duties and Responsibilities of the Special Inspector. The special inspector shall observe the work assigned for conformance with the approved design drawings and specifications.
- The special inspector shall furnish inspection reports to the building official, the engineer or architect of record, and other designated persons. Discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the proper design authority and to the building official.
- The special inspector shall submit a final signed report stating whether the work requiring special inspection was, to the best of the inspector's knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of these codes.
- D. Waiver of Special Inspection. The building official may waive the requirement for the employment of a special inspector if the construction is of minor nature.
- E. Continuous and Periodic Special Inspection.
1. Continuous Special Inspection. "Continuous special inspection" means that the special inspector is on the site at all times observing the work requiring special inspection.
 2. Periodic Special Inspection. Some inspections may be made on a periodic basis and satisfy the requirements of continuous inspection, provided this periodic scheduled inspection is performed as outlined in the project plans and specifications and approved by the building official.
- F. Approved Fabricators. Special inspections required by this section and elsewhere in this code or the Specialty Codes shall not be required where the work is done on the premises of a fabricator registered and approved by the building official to perform such work without special inspection. The certificate of registration shall be subject to revocation by the building official if it is found that work done pursuant to the approval is in violation of the Specialty Codes. The approved fabricator shall submit a certificate of compliance to the building official and to the engineer or architect of record stating that the work was performed in accordance with the approved plans and specifications. The approved fabricator's qualifications shall be contingent on compliance with the following:
1. The fabricator has developed and submitted a detailed fabrication procedural manual reflecting key quality control procedures which will provide a basis for inspection control of workmanship and the fabricator plant;
 2. Verification of the fabricator's quality control capabilities, plant and personnel as outlined in the fabrication procedural manual shall be by an approved inspection or quality control agency;
 3. Periodic plant inspections shall be conducted by an approved inspection or quality control agency to monitor the effectiveness of the quality control program;
 4. It shall be the responsibility of the inspection or quality control agency to notify the approving authority in writing of any change to the procedural manual. Fabricator approval may be

revoked for just cause. Reapproval of the fabricator shall be contingent on compliance with quality control procedures during the past years.

(Prior code § 9.306)

15.16.030 Structural observation.

Structural observation shall be provided in Seismic Zone 3 or 4 when one of the following conditions exists:

- A. The structure is defined in Table 16-K as Occupancy Category I, II, or III;
- B. The structure is required to comply with Section 403;
- C. When so designated by the architect or engineer of record; or
- D. When such observation is specifically required by the building official for unusual lateral force-resisting systems or irregular structures as defined in Section 1633.

The owner shall employ the engineer or architect responsible for the structural design; or another engineer or architect designated by the engineer or architect responsible for the structure design, to perform structural observation as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, contractor and the building official. The engineer or architect shall submit a statement in writing to the building official stating that the site visits have been made.

(Prior code § 9.307)

15.16.040 Connection to utilities.

- A. Energy Connections. Persons shall not make connections from a source of energy, fuel or power to building service equipment which is regulated by the Specialty Codes and for which a permit is required by this code, until approved by the building official.
- B. Temporary Connections. The building official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy.

(Prior code § 9.308)

15.16.050 Certificate of occupancy.

- A. Use of Occupancy. Buildings or structures shall not be used or occupied nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the building official has issued a certificate of occupancy therefor as provided herein.

Exception: Group R, Division 3, and Group M Occupancies. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

- B. Change in Use. Changes in the character or use of a building shall not be made except as specified in the building code.
- C. Certificate Issued. After the building official inspects the buildings or structures and finds no violations of the provisions of this code or other laws which are enforced by the code enforcement agency, the building official shall issue a certificate of occupancy which shall contain the following:

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1. The building permit numbers;
 2. The address of the building;
 3. The name and address of the owner;
 4. A description of that portion of the building for which the certificate is issued;
 5. A statement that the described portion of the building has been inspected for compliance with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified;
 6. The name of the building official.
- D. Temporary Certificate. If the building official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or structure.
- E. Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.
- F. Revocation. The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of an ordinance, regulation or the provisions of this code.

(Prior code § 9.309)

Chapter 15.20 VACANT BUILDINGS

[15.20.010 Purpose.](#)

[15.20.020 Definitions.](#)

[15.20.030 Registration.](#)

[15.20.040 Maintenance.](#)

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[15.20.060 Inspection.](#)

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[15.20.090 Additional remedies; lien against real property.](#)

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15.20.010 Purpose.

This chapter is enacted for the purpose of preserving and protecting the habitability of real property in the city, and the peaceable, safe, sanitary, and secure occupancy, and productive use of real property in the city.

(Ord. No. 2015-008, § 1, 11-9-2015)

15.20.020 Definitions.

"Abandoned building" means:

- A. A building that is both vacant and subject to either pending judicial execution sale under ORS 18.901 (2012) et seq., or to nonjudicial foreclosure pursuant to ORS 86.735 (2012) et seq.; or
- B. A building that is both vacant and subject to either a judicial execution sale under ORS 18.901 (2012) et seq., or nonjudicial foreclosure pursuant to ORS 86.735 (2012) et seq. where legal title is retained by the beneficiary(ies) of a foreclosed trust deed or was otherwise transferred to beneficiary(ies) pursuant to a deed in lieu of foreclosure.

"Building" means a structure or a mobile home built to the support, shelter or enclosure of persons, animals, chattels or property of any kind and having a fixed base on or fixed connection according to the uniform building code standards.

"Chief" means the chief of police of the Estacada police department, or designee.

"City manager" means the city manager of the city of Estacada, or designee.

"Code enforcement officer" means the code enforcement office of the city of Estacada, or designee.

"Commercial building" means a nonresidential building constructed or used for "commercial use" as defined in Section 16.08.010 of city's land usage ordinance.

"Foreclosed building" means a building upon real estate that an owner obtains as a result of:

- A. Foreclosing a trust deed on the real estate;
- B. Obtaining a judgment foreclosing a lien on the real estate;
- C. Purchasing the real estate at a trustee's sale or a sheriff's sale; or
- D. Accepting a deed to the real estate in lieu of foreclosure.

"Industrial building" means a nonresidential building constructed or used for "industrial use" as defined in Section 16.08.010 of the city's land usage ordinance.

"Lender" means any person who makes, extends, or holds a real estate loan agreement and includes, but is not limited to, mortgagees, beneficiaries under trust deeds, vendors under conditional land sales contracts, trustees, and a successor in interest to any mortgagee, beneficiary, vendor, or trustee. The term also includes any mortgagee, beneficiary, or trustee that accepts a deed in lieu of foreclosure.

"Local" means within thirty (30) miles of a building.

"Natural person" means a real human being, as opposed to a legal person, which may be a private or public organization.

"Owner" means any person holding or claiming to hold any legal title or interest in real property, including, but not limited to, a fee owner, a mortgagee in possession, a vendee under a land sale contract, or a beneficiary under a deed of trust.

"Person" means any natural person, association, partnership, or corporation, or other form of legal entity or entity in fact capable of owning or using property.

"Premises" means real estate, including that upon which a building is located or constructed, that is in the same ownership as the building, and that a reasonable person would associate with ownership or use of the building when viewing the building and premises from outdoors. Where there is more than one building on premises, or where multiple buildings on premises are owned by different owners, the premises are common to each building. Premises are often, but not always, defined by tax lot lines or recorded legal descriptions.

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"Real property" means any real property, including, but not limited to, lots, parcels, tracts, premises, buildings, houses, rooms, structures, or any separate part or portion thereof, whether temporary or permanent, and whether or not on the ground itself, and any conveyance or any part or portion thereof.

"Tenant" means a residential tenant as defined by the Oregon Residential Landlord and Tenant Act, and any other person holding real property under the terms of a rental agreement.

"Vacant" means:

- A. Lack of building habitation or use, or abandonment of habitation or use; or
- B. Use of a building, either intermittent or continuous, by persons with no legal right to be present.

"Vacant building" means:

- A. A building, or substantial portion thereof, that is unoccupied or has not actively been furnished and so used as a place of business, employment, residence, or other human activity, for more than fifteen (15) days. This includes manufactured housing and mobile homes, whether located in a mobile home park or not. A vacant building also includes any building under construction where no substantial work has taken place for more than sixty (60) days. "Vacant building" does not include a building designed for storage, intermittent or similar types of use, if such building is secure from unauthorized entry, in good repair, and does not otherwise constitute a nuisance; or
- B. A building where one or more conditions is present, either singularly or in combination, that would lead a reasonable person to conclude that the building is vacant. Such conditions include, but are not limited to:
 - 1. Overgrown or dead vegetation at the property;
 - 2. Accumulation of newspapers, circulars, flyers, mail, or similar items;
 - 3. Past due utility notices or disconnected utilities;
 - 4. Accumulation of trash, junk, or debris;
 - 5. Absence of furnishings or other items typically found inside a residential, industrial, or commercial building as the case may be;
 - 6. Evidence of criminal mischief or criminal trespass; or
 - 7. Statements or other evidence supplied by neighbors, delivery agents, passersby, or government employees, that the building is vacant

(Ord. No. 2015-008, § 1, 11-9-2015)

15.20.030 Registration.

- A. A building owner shall register the building with the city recorder in the event:
 - 1. Of an anticipated judicial foreclosure of the property, no earlier than the commencement of any of the actions described by ORS 18.904, 18.906, 18.908 (2012) and not later than the date first set for the execution sale described in ORS 18.930 (2012);
 - 2. Of an anticipated nonjudicial foreclosure of the property under ORS 86.735 et seq. (2012) not later than the date of service or mailing of the notice of sale described in ORS 86.740 (2012); or
 - 3. The owner receives written notice from the code enforcement officer that the code enforcement officer or chief believes the building is a vacant building, abandoned building, or foreclosed building.
- B. Each registration shall be made on a form approved by the city manager and shall contain, at a minimum:

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1. If subsection A.1. or 2. applies, then:
 - a. The name of the lender;
 - b. The direct address of the lender and post office box, if applicable (post office boxes alone are not acceptable);
 - c. A direct contact name and telephone number for the lender;
 - d. If the lender does not reside in or have a business office in the city, then the name, mailing address, telephone number, and email address of a local individual or entity charged with responsibility by the trustee, mortgagee, or beneficiary, for ensuring compliance with the obligations imposed by this chapter; and
 - e. A person or entity appointed by the lender who resides in or has a business office in the city, who is authorized to receive service of process, if applicable.
2. If subsection A.3. applies, then:
 - a. The name of the owner(s);
 - b. The direct address of the owner(s) and post office box, if applicable (post office boxes alone are not acceptable);
 - c. A direct contact name and telephone number for the owner(s);
 - d. If the owner does not reside or have a principal office in the city, the name, mailing address, telephone number, and electronic mail address of a local agent for the owner(s).
- C. Each registration must be accompanied by a payment of a registration fee in an amount to be set by council resolution.
- D. The city recorder or designee shall maintain a list of registered buildings and deliver a copy thereof to the code enforcement officer upon request.
- E. If ownership of a registered building changes, the registrant shall send notice of the change to the city recorder within thirty (30) days of the change.

(Ord. No. 2015-008, § 1, 11-9-2015)

15.20.040 Maintenance.

- A. Every owner of an abandoned building, foreclosed building, or vacant building shall cause the building and premises to be maintained in a generally well-kept condition, at least consistent with conditions found on surrounding or nearby occupied property, and including all of the following:
 1. Keeping the premises free of weeds, dead vegetation, graffiti, trash, accumulated newspapers, circulars, flyers, discarded personal items, and other items or conditions that would cause a reasonable person to suspect the building or real property is vacant or abandoned.
 2. Regular watering, irrigation, cutting, pruning, and mowing of the lawns and other vegetated areas of the subject real property and the removal of all trimming and debris resulting from such work.
- B. Compliance with this section does not relieve a person of any obligations imposed by state law, other sections of this code, or any covenants, conditions, and restrictions that apply to the building or premises.

(Ord. No. 2015-008, § 1, 11-9-2015)

15.20.050 Security.

- A. Every owner of an abandoned building, foreclosed building, or vacant building, shall cause the building to be secured (including closure and locking of windows, doors, gates and other opening(s) allowing access to the building) and thereafter maintained so as not to be accessible to unauthorized persons.
- B. The owner shall post notice which provides, at a minimum, a direct contact name and a telephone number available twenty-four (24) hours a day for persons to report problems or concerns with the building or real property. The following standards apply to this notice:
 - 1. The telephone number listed in the notice must:
 - a. Be answered, or reasonably likely to be answered, by a human being during the hours of eight a.m. and five p.m., local time;
 - b. Be connected to a voicemail system that records calls between the hours of five p.m. and eight a.m., local time, if no human is available to answer the phone; and
 - c. Be a domestic number or a toll-free number but not an international number.
 - 2. The notice must be placed on the interior of a window facing the street to the front of the property so the notice is easily decipherable from outside of the building. If no such area exists, then the posting must be placed on the exterior of the building in a location visible from the street to the front of the property. An exterior posting shall be constructed of and printed with weather-resistant materials.
 - 3. The notice shall be printed in a typeface at least eighteen (18) points in size, and must list the name and contact information of the owner(s) or local individual or entity charged with complying with this chapter, along with the following phrases completed with the appropriate identification and contact information:

"THIS PROPERTY OWNED/MANAGED BY: _____."
"TO REPORT PROBLEMS OR CONCERNS CALL _____."

(Ord. No. 2015-008, § 1, 11-9-2015)

15.20.060 Inspection.

- A. Every owner of an abandoned building, foreclosed building, or vacant building shall inspect the building and premises no less than twice monthly to verify the requirements of this chapter, and any other laws applicable to the building, are being met.
- B. The owner or agent inspecting the property shall record and present to the city manager, code enforcement officer or designee (upon request) the dates of inspection in a form to be provided by the city.

(Ord. No. 2015-008, § 1, 11-9-2015)

15.20.070 Local presence or property management required.

- A. If an owner fails to comply with the requirements of this chapter within fifteen (15) days after the date of any notice required by Section 8.10.090.A., then the owner(s) shall contract with a property management company, to perform the inspections outlined in Section 8.10.060 and verify that the maintenance and security requirements of Sections 8.10.040 and 8.10.050 are being carried out.
- B. A property management company retained under this section must post the notice described in Section 8.10.050.B.

- C. Nothing in this chapter prevents a local owner(s) from contacting with a property management company to assist the owner in meeting the owner's responsibilities under this chapter.

(Ord. No. 2015-008, § 1, 11-9-2015)

15.20.080 Additional authority.

The code enforcement officer may require, with city manager approval, an owner(s) or lender to implement any additional maintenance listed below:

- A. Installation and operation of additional security lighting;
- B. Increased frequency of property inspections; and
- C. Employment of an on-site security guard.

(Ord. No. 2015-008, § 1, 11-9-2015)

15.20.090 Additional remedies; lien against real property.

- A. In addition to other penalties or enforcement specified in this chapter, if a lender or owner(s) fails to register the building or premises as provided in this chapter, the code enforcement officer may give notice of such failure by certified mail. The notice shall:
 - 1. Be directed to all persons shown on the assessor's records or otherwise known to the city to be the owner(s);
 - 2. Refer to the real property involved with convenient certainty, a building's street address, if any, being sufficient; and
 - 3. Notify the owner to comply with the registration requirements in this chapter within fifteen (15) days of mailing.
- B. If a lender or owner(s) fails to maintain, inspect, or secure the building or premises as provided in this chapter, then notwithstanding whether the premises is registered the code enforcement officer may give notice and abate such conditions as follows:
 - 1. Give written notice to the owner that includes the following:
 - a. A statement that the code enforcement officer has evaluated the building as being a vacant building pursuant to the definition of "vacant building" set forth in Section 8.10.020, along with a statement of the reasons why the building has been so evaluated;
 - b. A reference to the building with convenient certainty, a building's street address, if any, being sufficient;
 - c. Notice of the deficiency in maintenance, inspection, or security that has been observed, and direction to comply with the maintenance, inspection, and security requirements of this chapter within seventy-two (72) hours of the time described in subsection B.2.a.;
 - d. Notice that if the condition is not corrected within seventy-two (72) hours, the city may cause the real property to be maintained, inspected, or secured, as provided in this chapter and will charge the costs to the lender or owner(s) and register the same on the city's lien docket against the real property. This subsection B.1.d. constitutes the authority needed for the city to so maintain, inspect, or secure property to the standards of this chapter.
 - 2. A copy of the notice described in subsection B.1. must, at a minimum, be:

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- a. Posted to the front door of the building, or to that side of the building fronting the most well-traveled street adjacent to the building, with the date, time of day, and name of the person posting the notice written on the front of the document in permanent ink;
 - b. Mailed, at least three business days before abatement, to the owner or owners at their last-known mailing addresses on record with the Clackamas County Assessor's office on the date of posting or available from Title Company or other documents, by certified mail, no later than the date the real property is posted. If no mailing address is of record with the assessor's office or known to the Estacada police at the time of posting, then a good faith effort to locate an address for an owner or owners, conducted on or before the day the notice is posted, will satisfy this section.
 3. The code enforcement officer shall make a good faith effort to locate the telephone number of the owner, and call the owner on the day notice is posted and give a person reasonably appearing to be meaningfully connected to the real property oral notice that the building has been evaluated as vacant and that there are seventy-two (72) hours to secure or maintain the building, as the case may warrant. Efforts to locate phone numbers and call the owner qualify as good faith if they are reasonable under the circumstances then existing.
 4. Notices mailed under subsection B.2.b. must be placed in the mail three business days before commencement of city abatement activity under this chapter. For this purpose, a business day is any day except a Saturday, Sunday, or a legal holiday observed by the state of Oregon under ORS 187.010 and 187.020.
 5. If the building is registered with the city then the code enforcement officer must also send the notice required under subsection B.2.b. to the lenders listed in the registration materials. The chief will send this notice concurrently with the notice required under subsection B.2.b.
 6. If the building is not registered with the city, then the code enforcement officer may send a courtesy copy of the notice required under subsection B.2.b. to one or more lenders if the lenders have an ownership interest in the property, as opposed to a mere security interest, and if the code enforcement officer has actual knowledge of the ownership interest on the day the code enforcement officer sends the owner notice under subsection B.2.b. This provision does not create or impose a duty on the code enforcement officer or any other city employee, official, or agent to receive or collect information about lenders or to send courtesy notice to a lender.
- C. A lender or owner may, within fifteen (15) days after mailing of any notice, appeal to the city council for relief by filing a petition with the city manager seeking a hearing before the council.
1. Such petition must include:
 - a. A copy of the code enforcement officer's notice;
 - b. Facts upon which petitioner relies for relief from the obligations of this chapter relative to the building or premises;
 - c. The petitioner's signature, telephone number, and mailing address. If a petitioner is not a natural person, a natural person must sign the petition on behalf of the petitioner and provide his or her mailing address and direct telephone number; and
 - d. The payment of a filing fee, if any is established by city council from time to time for the petition.
 2. If the council finds that strict compliance with this chapter would cause a real and unnecessary hardship upon the petitioner, then the council may relieve the petitioner of one or more obligations of this chapter.
 3. Filing a petition under this subsection does not:
 - a. Relieve an owner(s) or lender from complying with any requirement of this chapter, including requirements listed in posted or mailed notices;
 - b. Stay city abatement of a building or premises;

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- c. Require the city to reverse, cancel, or undo any abatement action or effort completed, planned, or in progress at the time the petition is filed; or
 - d. Avoid any abatement cost or lien, whether or not the cost or lien has been calculated or, if calculated, charged against real property.
4. Any relief granted under this section operates only upon an owner or lender listed as a petitioner.
- D. Nothing in this section obligates the city to remedy the problem conditions alleged in the code enforcement officer's letter without charging the cost of such abatement as a lien against the real property on which the building is constructed. The total cost of such abatement, including but not limited to time of city employees or contractors, materials, expenses, overhead, and legal fees and costs, shall be included in such lien filing.
- E. The city manager, at or near the time council passes this vacant building ordinance or any amendment thereto, shall promulgate a press release that announces passage of the legislation. A press release is adequately promulgated under this section if it is directed to the media sources customarily contacted by the city manager for distributing newsworthy city information. Failure of or disagreements about compliance with this subsection supply no defense in any action.

(Ord. No. 2015-008, § 1, 11-9-2015)

15.20.100 Penalty.

- A. Any person who the code enforcement officer believes willfully or purposely violates any provision of this chapter shall, upon conviction, be punished by a fine of up to five hundred dollars (\$500.00) per occurrence.
- B. Each day a violation is allowed to persist by a lender or owner(s) constitutes a separate occurrence.

(Ord. No. 2015-008, § 1, 11-9-2015)

15.20.110 Duties joint and several.

Where a building or premises is owned by more than one person, any duty created by this chapter is joint and several as to all owners.

(Ord. No. 2015-008, § 1, 11-9-2015)