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ORDINANCE NO. 148

AN ORDINANCE ADOPTING BUILDING CODE FOR SMALL CITIES, REVISED ADDITION, PREPARED BY THE BUREAU OF MUNICIPAL RESEARCH AND SERVICE IN COOPERATION WITH THE LEAGUE OF OREGON CITIES, 1947, REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MOVING OF BUILDINGS WITHIN THE CITY OF DRAIN, OREGON; PROVIDING FOR PERMITS AND FEES THEREFOR; PROVIDING FOR PENALTIES FOR VIOLATION THEREOF; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE PEOPLE OF THE CITY OF DRAIN, OREGON, ORDAIN AS FOLLOWS:

Section 1. That the Common Council of the City of Drain, by this Ordinance, adopts the provisions of Building Code for Small Cities, Revised Addition, as prepared by the Bureau of Municipal Research and Service, University of Oregon, in cooperation with The League of Oregon Cities, revised 1947, including the following provisions thereof: Parts II, III, IV, V, VI, VII, and Appendixes A, B, and C thereof, and the whole thereof.

Section 2. CITATION. This ordinance shall be known and cited as "The Building Code of the City of Drain, Oregon."

Section 3. PURPOSE. The purpose of this code is to establish and enforce minimum standards of safe design and construction for all structures hereafter erected, altered, repaired, or moved within the limits of the City and to promote the public health, welfare, and safety. This code shall invoke the police power specifically or impliedly delegated to the City, and shall be liberally construed to effect its purposes. The requirements of this code shall be deemed to supplement the laws of the State and all ordinances, rules, and regulations pertaining to use occupancy, fire hazard, safety, and sanitation.

Section 4. SCOPE. No structure or part of a structure shall hereafter be built, altered, repaired, or moved until a building permit therefor has been granted by the building official. All structures hereafter built, repaired, altered, or moved are subject to inspection by the building official. The building official shall have the right of entry at any convenient time for the purpose of enforcing the regulations contained in this code.

Section 5. CONSTRUCTION DETAILS. The construction details are included in this code as Part VII.

Section 6. BUILDING OFFICIAL. The office of building official is hereby created. The building official shall be appointed by the Mayor with the consent of a majority of the Council. He is hereby charged with the administration and enforcement of this code.

Section 7. APPLICATION FOR A BUILDING PERMIT. Application for a building permit shall be filed by the owner or his agent

with the building official upon a form provided for the purpose and giving such information as the building official shall require. Such application shall be accompanied by two complete sets of plans and specifications including plot plans showing the relationship of the proposed building to abutting property lines and buildings. If, in the opinion of the building official, the character of the work is sufficiently described in the application, he may waive the filing of plans provided the cost of such work does not exceed one thousand dollars (\$1,000).

Section 8. ISSUANCE OF PERMIT. If the building official finds that the proposed building will comply in every respect with this code and the laws of the State of Oregon, he shall issue a building permit therefor, and shall write "approved" on one set of the plans and specifications, which shall be kept at the site of the proposed building. After issuance of the building permit, the plans and specifications shall not be altered unless such change is approved by the building official as conforming to this code.

Section 9. STOP WORK ORDERS. The building official shall order a stoppage of work on any type of construction for which a permit is required at any time that he finds the provisions of this code, or plans and specifications approved under this code, are not being complied with. He shall post a copy of this order at the site of construction and serve a copy thereof upon the permittee or his agent. Upon receipt of this order the permittee or his agent shall forthwith cease work. The building official shall not lift such order until supplied with satisfactory evidence that the violation is corrected. The building official shall serve written notice upon the permittee or his agent that the stop work order has been lifted before work may be resumed. Stop work orders shall be in addition to other penalties provided for violations of this code.

Section 10. LAPSE OF PERMIT. A building permit shall become void unless operations are commenced within six months from date thereof unless such time is extended by the building official.

Section 11. INSPECTION. The building official shall be notified by the holder of the permit, and the building official shall inspect the building

1. When the foundations are ready to be placed.
2. When the structural frame is complete.
3. When the building is completed.

Section 12. BOARD OF APPEALS CREATED. APPOINTMENT. A building board of appeals is hereby created. It shall consist of three members who are qualified by experience and training to pass on matters pertaining to building construction. It shall be appointed by the Mayor with the consent of a majority of the Council, and shall hold office at the pleasure of the Mayor. The building official shall act as secretary of the board of appeals, and shall keep a record of its decisions.

Section 13. APPEALS, DECISIONS, RECOMMENDATIONS TO COUNCIL. Any person who feels that an injustice has been done him by any

order or ruling of the building official may appeal therefrom to the board of appeals by filing a written notice of his appeal with the building official within ten days after receipt of the order or ruling complained of. The decisions of said board shall be limited to the interpretation of the provisions of this code. It shall adopt rules of procedure for matters coming before it and its decisions shall be governed by a majority vote. It shall render its findings and decisions in writing, one copy thereof to be filed with the building official and one copy to be delivered to the appellant. The decisions of the board shall be conclusive except in case of mistake or fraud. The board may recommend to the city council any amendments to this code or new legislation that it may deem advisable.

Section 14. FEES. Before receiving a building permit for a group I or group II building as hereinafter defined, the owner or his agent shall pay the city recorder the following fees:

No fee for work the valuation of which is less than fifty (50) dollars.
_____ dollars for work the valuation of which is more than fifty (50) dollars but less than five hundred (500) dollars.
_____ dollars for work the valuation of which is more than five hundred (500) dollars but less than one thousand (1,000) dollars.
_____ dollars for each additional one thousand (1,000) dollars or fraction thereof of total valuation up to fifteen thousand (15,000) dollars.
_____ dollars for each additional one thousand (1,000) dollars or fraction thereof of total valuation over fifteen thousand (15,000) dollars.
_____ dollars for moving a building.

The city, county, state, or the United States shall be exempt from paying fees for a building permit.

Section 15. APPROVAL OF NEW MATERIALS. New materials, systems of construction, and devices may be approved by the building official when they are determined to be the equal of those required in this code. The building official shall be guided in such approval by the results of tests conducted by the testing laboratories of the national Bureau of Standards, the Underwriters Laboratories, Inc., or by any other testing agency or committee whose standards conform with the above agencies.

Section 16. ALTERATION, REPAIR, AND MAINTENANCE. Any alteration to the structural portion of any building or any alteration necessitated by a change in type of occupancy resulting in an increased floor load shall conform to the requirements of this code. All buildings and structures now existing or hereafter erected shall be maintained in a safe condition.

Section 17. MOVING A BUILDING. Every application for a permit to move a building shall designate the site of the building is to be moved. Permission to use the public streets shall

be obtained from the proper authority.

Section 18. PENALTY. Any person, firm, or corporation who violates or refuses to comply with any provision of this code shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$200.00, or by imprisonment of not more than 20 days, or both such fine and imprisonment, for each provision violated. It shall be the responsibility of the offender to abate the violation and each day that such violation is permitted to exist shall constitute a separate offense.

Section 19. VALIDITY. Should any section or provision of this code be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the code as a whole or any part thereof other than the part so declared to be invalid.

Section 20. CONFLICTING ORDINANCES REPEALED. All ordinances in conflict with the provisions of this code are hereby repealed.

Passed by the Common Council this _____ day of _____, 1948.

Presented to the Mayor for his approval this _____ day of _____, 1948.

Filed, approved by the Mayor, this _____ day of _____, 1948.

APPROVED:

Mayor.

ATTEST:

City Recorder.