

BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

An Ordinance adopting administrative provisions)
for the enforcement of the State Building Code,)
Dangerous Building Code, and On-Site Septic installations)
by Marion County, and declaring an emergency.)

ORDINANCE NO. 1228

**THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS
FOLLOWS:**

Section 1. Title

These regulations shall be known as the Marion County Building Code, may be cited as such and will be referred to herein as "this code "

Section 2. Purpose

The purpose of this code is to establish uniform performance standards providing reasonable safeguards for health, safety, welfare, comfort and security of the residents of this jurisdiction who are occupants and users of buildings and for the use of modern methods, devices, materials, techniques and practicable maximum energy conservation. This Ordinance is adopted as a general legislative enactment pursuant to ORS 203.035, and 455 150.

Section 3. Scope

This code shall apply to the construction, alteration, moving, demolition, repair, maintenance and work associated with any building or structure except those located in a public way.

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

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

Section 4 Definitions

For the purpose of the Code, the following definition shall apply:

Building Official - shall mean the official designated by the Marion County Board of Commissioners by order as the Marion County Building Official, or his duly authorized representative, and charged by the Board with the administration and enforcement of this code

Section 5. Alternate Materials and Methods

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

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

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

ORS 455.060 provides for state rulings on acceptable materials, designs and methods of construction. When a ruling has been issued, ORS 455.060 (4) applies

Section 6 Modifications

When there are practical difficulties involved in carrying out the provisions of this code, 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 this code impractical and that the modification is in conformance with the intent and purpose of this code and that such modifications not lessen any fire-protection requirements or any degree of structural integrity. The details of any action granting modification shall be recorded and entered in the files.

Section 7 Tests

Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or construction does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at no expense to this jurisdiction.

Test methods shall be as specified by this code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

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

Section 8 Powers and Duties of the Building Official

The building official is hereby authorized and directed to enforce all the provisions of this code.

The building official shall have the power to render interpretations of this code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of this code.

Section 9 Deputies

In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint technical officers and inspectors and other employees to carry out the functions of code enforcement.

Section 10 Right of Entry

When it is necessary to make an inspection to enforce the provisions of this code, or when the building official has reasonable cause to believe that there exists in a 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 at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

Section 11 Stop Work Orders

Whenever any work is being done contrary to the provisions of this code, 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 any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.

Section 12 Authority to Disconnect Utilities in Emergencies

The building official or the building official's authorized representative shall have the authority to disconnect fuel-gas utility service, or energy supplies to a building, structure, premises or equipment regulated by this code in case of emergency when 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 premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection immediately thereafter.

Section 13 Connection after Order to Disconnect

Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to any equipment regulated by this code 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.

Section 14 Occupancy Violations

Whenever any building or structure or equipment therein regulated by this code is being used contrary to the provisions of this code, the building official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing 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 this code.

Section 15 Appeals

Appeals relating to the administrative provisions of this code shall be to the building official.

Appeal of a plans examiner or inspector's interpretation is to the building official. After input from technical staff, the building official will render a decision

Any person aggrieved by a decision of the building official made pursuant to the following specialty codes may appeal that decision to the following:

Electrical Specialty Code - appeals may be made to the State of Oregon, Building Codes Division, Chief Electrical Inspector and then to the State Electrical and Elevator Board.

Structural Specialty Code - appeals may be made to the State of Oregon, Building Codes Division, Chief Structural Inspector, then to the Building Codes Structures Board

Mechanical Specialty Code - appeals may be made to the State of Oregon, Building Codes Division Chief Mechanical Inspector, then to the State Mechanical Board

Plumbing Specialty Code - appeals may be made to the State of Oregon, Building Codes Division, Chief Plumbing Inspector and then to the State Plumbing Board.

Residential Specialty Code - appeals may be made to the State of Oregon, Structural Chief and then to the Residential Structures Board.

Manufactured Dwellings and Park Standards Specialty Code - appeals may be made to the State of Oregon, Manufactured Dwelling Chief Inspector and then to the Manufactured Structures and Parks Board as per ORS 455 690.

On-Site Sewage Disposal, appeals may be made to the State of Oregon, Department of Environmental Quality.

An appeal shall be in writing, shall describe the basis for the appeal and shall first be filed with the building official.

Section 16 Plans and Permits

The application, plans, specifications, computations and other data filed by an applicant for a 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 application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and

other pertinent laws and ordinances, and that the fees have been paid, the building official shall issue a permit therefore to the applicant.

When the building official issues the permit where plans are required, the building official shall endorse in writing or stamp the plans and specifications. 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 or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.

Section 17 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 90 days from date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

Section 18 Validity of permit

No permit shall be issued if the parcel of land, or the use of the land on which the building, structure, or equipment is to be placed, erected, altered, equipped or used is in violation of any Marion County Ordinance.

No building or site permit shall be issued by the building official until all plans for sewage disposal facilities have been approved by the authority having jurisdiction. Further, no building or structure containing plumbing shall be occupied until connected to a sewage disposal facility approved by the authority having jurisdiction as meeting the minimum standards of the Oregon State Board of Health and the Department of Environmental Quality.

The issuance or granting 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 of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or 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 said plans, specifications and other data, or from preventing building operations being carried on there under when in violation of this code or of any other ordinances of this jurisdiction.

Section 19 Expiration of Applications, Extensions

Applications for which no permit is issued within 180 days following the date of the 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 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Section 20 Expiration of Permits, Extensions

Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 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 180 days. The work shall not be considered suspended or abandoned where the permittee has pursued activities deemed by the building official to indicate the intent to start and complete the project. The building official may require the permittee to document these activities.

Before such suspended or abandoned work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required 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.

Any 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 extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

Every permit issued by the building official shall expire by limitation and become null and void 24 months after the date of permit issuance. If the building or work authorized by such permit has not received final inspection approval prior to the permit expiration date, all work shall stop until a new permit is obtained for the value of the work remaining unfinished. Provided, however, at the time of permit issuance, the building official may approve a period exceeding 24 months for completion of work when the permittee can demonstrate that the complexity or size of the project makes completing the project within 24 months unreasonable.

Section 21 Work without a permit/investigation fees

Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

An investigation fee, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section 22 Transferability

A permit, other than an electrical permit, issued to one person or firm may be transferred to another person or firm upon payment of a permit transfer fee. The building official will record and maintain a record of the transfer.

Section 23 Suspension/revocation

The building official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of any of the provisions of this code.

Section 24 Inspections

It shall be the duty of the permit holder or his agent to request all necessary inspections in a timely manner, provide access to the site, and provide all necessary equipment as determined by the building official. The permit holder shall not proceed with the building construction until authorized by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or his agent.

Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

Section 25 Marion County Building Code

The Marion County Building Code consist of the following Specialty Codes as adopted and amended by the State of Oregon:

The Oregon Structural Specialty Code, as adopted by OAR 918-460-0010 through 918-460-0015, except as modified in this Code, is enforced as part of this Code.

The Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0010 through 918-440-0040, except as modified in this Code, is enforced as part of this Code.

The Oregon Plumbing Specialty Code, as adopted by 918-750-0110, except as modified in this Code, is enforced as part of this Code.

The Oregon Electrical Specialty Code, as adopted by OAR 918-305-0100 through 918-305-320, except as modified in this Code, is enforced as part of this Code.

The Oregon Residential Specialty Code, as adopted by OAR 918-480-0005 through 918-480-0010, except as modified in this Code, is enforced as part of this Code.

The Manufactured Dwelling and Park Specialty Code adopted by OAR 918-600-0010, except as modified in this Code are enforced as part of this Code

The Recreational Park and Organizational Camp Rules adopted by OAR 918-650-0010 through 918-650-0025, except as modified in this Code, are enforced as part of this Code.

The Excavation and Grading requirements as described in the Oregon Structural Specialty Code, Appendix J.

The On-Site Sewage Disposal Rules as adopted by OAR 340-71-100 through 340-71-600, except as modified in this Code, and are enforced as part of this Code.

Section 26 Dangerous Buildings Code

All buildings or structures regulated by this code which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in this code are hereby designated as unsafe building appendages.

All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedures as may have been or as may be adopted by this jurisdiction. As an alternative, the building official, or another employee or official of this jurisdiction as designated by the governing body, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

Section 27 Adoption of Uniform Code for the Abatement of Dangerous Buildings

The 1997 ICBO Uniform Code for the Abatement of Dangerous Buildings is adopted as part hereof, except as modified by this jurisdiction.

Section 28 Fees

Fees for permits, inspections, plan review, site plan review, copy costs, and such other fees that the Marion County Board of Commissioners deems reasonable in order to administer this Ordinance shall be as set forth from time to time by order of the Marion County Board of Commissioners.

The building official may authorize the refunding of fees paid in accordance with the refund policy in effect.

The determination of value or valuation under any provisions of this code shall be made by the building official. The value to be used in computing the building permit and 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 any other permanent equipment.

Section 29 Savings Clause

If any section, paragraph, subdivision, clause, sentence, or provisions of this Code shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the Code, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this Code notwithstanding the parts to be declared unconstitutional and invalid.

Section 30 Enforcement

Enforcement of the provisions herein, for which a special penalty has not been expressly provided, shall be in accordance with Marion County Enforcement Ordinance No. 1105: Each day that a violation exists is considered a separate offense.

Section 31 Repeal


Marion County Ordinance No. 1053 is hereby repealed in its entirety.

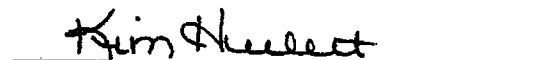
Section 32 Effective Date

This ordinance shall take effect on the 90th day after the date of its adoption.

SIGNED AND FINALIZED THIS 29th DAY OF March 2006.

MARION COUNTY BOARD OF COMMISSIONERS


Chair


Recording Secretary