

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Ordinance)
Providing for Local Administration)
of the State Building Code and)
Additional Related Codes)
_____)
ORDINANCE NO. 90-12

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 90-12. Exhibit "A", which is attached hereto and incorporated herein by this reference, may also be cited as the "Columbia County Building Code Ordinance".

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035 and ORS 455.020(4).

SECTION 3. PURPOSE.

The purpose of this ordinance is to provide for local administration of the state building code and additional related codes.

SECTION 4. ADOPTION.

The "Columbia County Building Code Ordinance", which is attached hereto, labeled Exhibit "A" and incorporated herein by this reference, is hereby adopted.

SECTION 5. REPEALER.

- A. Ordinance No. 204 is repealed.
- B. Ordinance No. 84-6 is repealed.

SECTION 6. SAVINGS.

Except as expressly changed in Exhibit "A", it is intended that local administration of the state building code shall continue in full force and effect as if this ordinance had not been passed.

SECTION 7. SEVERABILITY.

If any provision of this ordinance is for any reason held invalid or

unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the remaining portions thereof.

SECTION 8. EMERGENCY CLAUSE.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect on August 8, 1990.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 8th DAY OF August, 1990.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: John K. [Signature]
Office of County Counsel

Attest:

By: Cheri [Signature]
Recording Secretary

First Reading: 08-08-90
Second Reading: 08-08-90
Effective Date: 08-08-90

By: [Signature]
Chairman

By: [Signature]
Commissioner

By: [Signature]
Commissioner

EXHIBIT "A"

COLUMBIA COUNTY

BUILDING CODE

ORDINANCE

Legislative History:

Adopted by Ordinance No. 90-12
on August 8, 1990.

COLUMBIA COUNTY BUILDING CODE ORDINANCE

SECTION 1. TITLE.

This ordinance shall be known as the "Columbia County Building Code Ordinance".

[En. Ord. 90-12.]

SECTION 2. DEFINITIONS.

All words, terms and expressions contained in this ordinance shall be interpreted in accordance with the definitions set out in the State Building Code except that:

- A. ADDITIONAL RELATED CODES include, but are not limited to, the Oregon One and Two Family Dwelling Specialty Code, 1989 Edition, adopted pursuant to ORS 455.610 to 455.635, the Energy Conservation Rules adopted pursuant to ORS 455.525 and 455.560 to 455.595, the Rules Regulating Mobile Home Parks and Manufactured Dwelling Parks adopted pursuant to ORS 446.062 and those applicable administrative rules in OAR Chapter 914, the Standards and Specifications for Accessibility to Disabled Persons provided for by ORS 447.210 to 447.280 and administrative rules adopted pursuant thereto, the Uniform Code for the Abatement of Dangerous Buildings, and Chapter 70, "Excavation and Grading", of the Appendix to the Uniform Building Code, 1988 Edition;
- B. BOARD means the Board of County Commissioners for Columbia County, Oregon;
- C. BUILDING OFFICIAL means the Columbia County Building Official and any certified building inspector acting under his or her authority and direction;
- D. BUILDING PERMIT means any structural, mechanical, plumbing or mobile home placement permit, or any other permit required by the State Building Code and the additional related codes adopted in Section 3 of this ordinance.
- E. CHIEF OF THE FIRE DEPARTMENT means the head of any city fire department or of the rural fire protection district having jurisdiction and any deputy acting under his or her authority and direction;
- F. LOT means any unit of land that was created by an authorized subdivision or partitioning of land, or that was created by deed or land sale contract prior to enactment of subdivision and partitioning regulations in Columbia County, Oregon;
- G. MOBILE HOME means a building or structure designed for dwelling purposes, manufactured as a unit and intended to be occupied in a place other than that of its manufacture;

- H. REGULATED AREA means the area of Columbia County outside of incorporated cities and the area within those incorporated cities of Columbia County which have consented to the application of this ordinance;
- I. ROAD means any public or private access road, street, highway, easement or right-of-way platted, recorded or shown on any official map, whether or not such road is actually constructed;
- J. SANITARIAN means any registered sanitarian employed by or under contract with Columbia County who is acting as an "Agent" of the Department of Environmental Quality as defined in OAR 340-71-100(4).
- K. SIGN means a surface of space, whether continuous or not, which attracts the attention of or conveys a message to, any person by means of letters, numbers, figures, or other symbols, devices or representations;
- L. SITE means any parcel or area of land having an area sufficient to satisfy the minimum lot size requirements of the Columbia County Zoning Ordinance or which is otherwise developable pursuant to the provisions of the Columbia County Zoning Ordinance, Subdivision and Partitioning Ordinance and Oregon law;
- M. STATE BUILDING CODE means the combined specialty codes adopted under ORS 446.185, 447.020(2), 455.020(2), 460.085, 460.360, 479.730(1) and 480.535, but does not include regulations adopted by the State Fire Marshal pursuant to ORS Chapter 476 or ORS 479.010 to 479.200 and 479.210 to 479.220; and
- N. WORK means the construction, demolition, alteration, repair, moving or change in the class of occupancy of any building, structure or mobile home and shall include the installation, construction, alteration, or repair of any subsurface sewage disposal system and the placement and use of a mobile home as a living unit elsewhere than in an approved mobile home park as defined in ORS Chapter 446.

[En. Ord. 90-12.]

SECTION 3. CODES ADOPTED.

- A. The State Building Code and additional related codes are hereby adopted and are incorporated into this ordinance by this reference. These codes, and other provisions authorized by ORS Sections 446.185, 447.020(2), 455.020(2), 455.525, 455.570, 455.610 to 455.635, 456.915 to 456.950, 460.085, 460.360, 479.730(1) and 480.535 shall have the same force and effect as though their entire text were fully written or inserted into this ordinance. These codes include, but are not limited to the following:
 - 1. The "State of Oregon, 1990 Edition, Structural Specialty Code";
 - 2. The "State of Oregon, 1990 Edition, Mechanical Specialty Code";
 - 3. The "State of Oregon, 1990 Edition, Plumbing Specialty Code";

4. The "Oregon One and Two Family Dwelling Specialty Code, 1989 Edition";
 5. The Energy Conservation Rules adopted pursuant to ORS 455.525 and 455.560 to 455.595;
 6. The Rules Regulating Mobile Home Parks and Manufactured Dwelling Parks adopted pursuant to ORS 446.062 and applicable administrative rules in OAR Chapter 914;
 7. The Standards and Specifications for Accessibility to Disabled Persons provided for by ORS 447.210 to 447.280 and applicable administrative rules;
 8. The "Uniform Code for the Abatement of Dangerous Buildings" sponsored by the International Conference of Building Officials; and
 9. Chapter 70, "Excavation and Grading", of the Appendix to the "Uniform Building Code, 1988 Edition" sponsored by the International Conference of Building Officials.
- B. The Board may, by order or resolution, adopt by reference subsequent editions of the State Building Code and additional related codes as necessary to stay current with state statutes and administrative rules or as otherwise may be in the best interests of the citizenry of Columbia County, Oregon.
- C. If the requirements or conditions imposed by any provision of this ordinance differ from the requirements or conditions imposed by a provision of any other law, administrative rule, code provision, ordinance, order or resolution having application in Columbia County, the more restrictive provision shall govern.
- [En. Ord. 90-12.]

SECTION 4. APPLICATION.

This ordinance applies within the regulated area as follows:

- A. To any work with respect to the design and construction of any building or structure;
- B. To any work with respect to the whole or part of any building, structure or mobile home moved either into or out of the regulated area, including work on any remaining part of the building, structure or mobile home affected by the change;
- C. To any work with respect to the demolition of the whole or part of any building, structure or mobile home, including work on any remaining part of the building, structure or mobile home affected by the change;
- D. To any work with respect to the alteration of the whole or part of

any building, structure or mobile home, including work on any part of the building, structure or mobile home affected by the change;

- E. To any work with respect to repairs made to the whole or part of any building, structure or mobile home; and
- F. To any work with respect to a change in the class of occupancy of a building, structure or mobile home, and to any part of the building, structure or mobile home affected by the change.

[En. Ord. 90-12.]

SECTION 5. EXCEPTIONS.

- A. Except as provided in subsection B of this section, this ordinance does not apply to:
 - 1. Any mobile home that conforms to the health and safety requirements of the State Building Codes Agency;
 - 2. Any building or structure that is solely used, or intended solely for use, as an agricultural building;
 - 3. Any building or structure that is not located on agricultural property but is solely used, or intended solely for use, to shelter farm implements, equipment, hay, grain, poultry, livestock or other farm produce, and such building or structure is not used for human habitation and is not used by the public; or
 - 4. Any structure that is an advertising or identification sign and the sign, exclusive of supports, has a total area not exceeding 24 square feet.
- B. Any building, structure or mobile home referred to in subsection A of this section shall comply with the provisions of Section 7 (Prohibitions) and Section 8 (Building Permits) of this ordinance. Additions to any mobile home shall comply with all provisions of this ordinance.

[En. Ord. 90-12.]

SECTION 6. RESPONSIBILITY OF OWNERS AND CONTRACTORS.

Neither the granting of a permit, nor the approval of drawings and specifications, nor inspections by the Building Official shall in any way relieve the owner of, and contractor for work on, any building, structure or mobile home from full responsibility for carrying out all work in accordance with the requirements of state law, the applicable administrative rules, the State Building Code and additional related codes, and this and any other Columbia County ordinance.

[En. Ord. 90-12.]

SECTION 7. PROHIBITIONS.

- A. No person shall commence or continue any work with respect to any

building, structure or mobile home without first obtaining a building permit from the Building Official.

- B. No person shall commence or continue any work with respect to any subsurface sewage disposal system without first obtaining a sewage disposal permit from the Sanitarian.
- C. The written approval of the Building Official shall be obtained before:
 - 1. The placing or pouring of any concrete;
 - 2. A foundation below land surface is back-filled or covered;
 - 3. The structural framework of a building or structure is covered or concealed; and
 - 4. The undertaking of any act prior to which an inspection is required by any state law, administrative rule, the State Building Code and additional related codes, and this and any other Columbia County ordinance.
- D. The written approval of the Sanitarian shall be obtained before the backfilling of any subsurface sewage disposal system.
- E. In respect to any work undertaken in violation of the provisions of subsections C or D of this section, the Building Official or Sanitarian, as the case may be, may at any time require that such work, in whole or in part, be exposed for inspection.
- F. No person shall occupy any new building, structure or mobile home until sewage disposal facilities meeting the minimum standards or regulations of the Oregon Department of Environmental Quality and any applicable Columbia County ordinances have been installed and approved by the Sanitarian.

[En. Ord. 90-12.]

SECTION 8. BUILDING PERMITS.

- A. The Building Official shall not issue a building permit unless:
 - 1. An application for a building permit has been made in accordance with the provisions of this section; and
 - 2. The proposed work set out in the application conforms to state law, the applicable administrative rules, the State Building Code and additional related codes, and this and any other Columbia County ordinance.
- B. The Building Official shall not issue a building permit when:
 - 1. The proposed work, as set forth in the application, or the proposed use of the building, structure or mobile home when completed, does not comply with the provisions of the Columbia

County Zoning Ordinance;

2. The owner or applicant, in relation to the proposed lot or site, has not complied with the Columbia County Subdivision and Partitioning Ordinance;
3. The proposed work, as set forth in the application, or the proposed building, structure or mobile home when completed, would be in violation of any county official map or ordinance;
4. A subsurface sewage disposal system will be required and the proposed site does not meet the requirements or conditions imposed by a provision of the laws, administrative rules or ordinances governing subsurface sewage disposal. The Building Official shall not issue a building permit until a sewage disposal permit has first been issued in accordance with the rules and regulations in OAR Chapter 340, Divisions 71, 72 and 73 by the Sanitarian.
5. The proposed work, as set forth in the application, or the proposed use of the building, structure or mobile home when completed, does not comply with the provisions for issuance of an access permit by the Columbia County Roadmaster to a county road or public road. The Building Official shall not issue a building permit until such provisions are complied with and the access permit issued.
6. The proposed site is located, all or in part, within any area determined by the Board of County Commissioners to necessitate special building requirements as a result of potential floods, surface water or potentially hazardous geologic or soil conditions and designated either "Columbia County Special Permit Area," or "Flood Plan Zone" in any county ordinance and the special permit required by such ordinance has not been obtained by the applicant.

All special building requirements included in any special permit shall be incorporated into the building permit issued to the applicant under this ordinance; or

7. In the opinion of the Building Official, the results of the tests referred to in Section 10 of this ordinance are not satisfactory.
- C. The schedule of fees to be charged for services under this ordinance, including but not limited to building permits, plan checking and appeals, shall be set by ordinance, order or resolution of the Board of County Commissioners.
- D. If the Building Official discovers any person undertaking any work in violation of this ordinance, the Building Official shall notify the violator to cease such act or acts and the violator shall pay for any building permit or other necessary permit in an amount twice the sum of the fees otherwise levied.

- E. The estimated value of the work shall be determined by the Building Official and shall be based upon the current valuation schedule adopted by the Board.
- F. The Building Official shall account for all fees paid under this ordinance for any building permit or mobile home placement permit and shall deposit fees collected in the county general fund.
- G. Every building permit under this ordinance is issued upon the condition that:
 - 1. Construction is to be started within 180 days from the date of issuance of the permit;
 - 2. Construction is not be be discontinued or suspended for a period of more than 180 days without giving written notice to, and receiving the written approval from, the Building Official;
 - 3. The exterior of any building shall be finished in durable, weather-resistant materials prior to use or occupancy; and
 - 4. A Certificate of Occupancy shall be applied for and issued prior to the use or occupancy of any building or structure as provided in Section 308 of the State of Oregon Structural Specialty Code.
- H. An application for a building permit shall:
 - 1. Be made on the form prescribed by the Building Official;
 - 2. Be signed by the applicant;
 - 3. Be accompanied by the fee prescribed for the work to be undertaken;
 - 4. State the intended use of the building, structure or mobile home;
 - 5. Include copies, in duplicate, of a plot plan and scale drawings and specifications of the work to be carried out as required by ORS 671.025 and Sections 302 and 303 of the Structural Specialty Code. Notwithstanding the provisions of Section 302 of the Structural Specialty Code, the plot plan shall show and include:
 - a. The legal description, location and dimensions of the land on which the building, structure or mobile home is, or is to be, located;
 - b. The location of any stream courses, water bodies, swamps, marshes or areas subject to flooding or any areas of known or suspected geologic hazard or soil limitations including slides, subsidence or soil creep, on the land referred to

in subparagraph a;

- c. Location and dimensions of the right of way of any road abutting the land referred to in subparagraph a;
 - d. Elevations and grades of any road abutting the land referred to in subparagraph a. sufficient to identify any problems of access or drainage;
 - e. The location, dimensions and lowest floor elevations of the building, structure or mobile home with respect to which the proposed work is to be undertaken;
 - f. The proposed use of each room or floor area of the building, structure or mobile home referred to in subparagraph e;
 - g. The location, dimensions and use of all other buildings, structures, and mobile homes on the land referred to in subparagraph a;
 - h. The location or proposed location of any well or other domestic water source, if other than a community or municipal water supply; and
 - i. The location or proposed location of any on-site sewage disposal facility including leach lines.
6. Contain any other information required by state law, any applicable administrative rules, the State Building Code and additional related codes, this ordinance and any other Columbia County ordinance, and the Building Official.
 7. An application to carry out any work with respect to any building or structure referred to in Section 5.A.2 of this ordinance shall not require the information on elevations and grades required under subparagraphs d and e of paragraph 5 of this subsection.

[En. Ord. 90-12.]

SECTION 9. DOCUMENTS ON THE SITE.

The person to whom a building permit is issued under this ordinance shall, during construction:

- A. Keep posted in a conspicuous place on the property in respect of which the building permit was issued, a copy of the structural, mechanical, plumbing and/or other relevant building permits or a poster or placard approved by the Building Official in lieu thereof; and
- B. Keep a copy of the approved drawings and specifications referred to in Section 8.H.5 on the property with respect to which the building permit was issued.

[En. Ord. 90-12.]

SECTION 10. POWERS OF THE BUILDING OFFICIAL.

- A. The Building Official shall administer and enforce this ordinance.
- B. The Building Official may:
 - 1. Enter any premises at any reasonable time for the purpose of administering this ordinance;
 - 2. Direct that tests of materials, devices or construction meet the requirements of this ordinance. The records of such tests shall be kept available for inspection during the construction of the building or structure and for a period thereafter as required by the Building Official;
 - 3. Direct, by written notice or by attaching a placard to premises, the corrections of any condition that, in the opinion of the Building Official, violates the provisions of this ordinance; and
 - 4. Revoke or suspend a building permit that has been issued in error, or on the basis of incorrect information supplied, or when it has been determined that the building, structure or mobile home , or portion thereof, is in violation of any of the provisions of any code listed in Section 3 of this ordinance.

[En. Ord. 90-12.]

SECTION 11. BOARD OF APPEALS.

- A. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the State Building Code and additional related codes, and this ordinance, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall consist of three members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the County. The Building Official shall be an ex-officio member of, and shall act as secretary to, the Board of Appeals, but shall have no vote upon any matter before the Board of Appeals. The members of the Board of Appeals shall be appointed by the Board of County Commissioners and shall hold office at its pleasure.
- B. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the State Building Code, additional related codes and this ordinance. The Board of Appeals shall also have no authority to hear appeals from any decision of the Building Official to issue a citation pursuant to the Columbia County Enforcement Ordinance.
- C. The term of office of voting members of the Board of Appeals shall be four years. Appointments to fill vacancies shall be for the

remainder of the unexpired term.

- D. The members of the Board of Appeals shall choose one of its members to serve as chairperson. Meetings of the Board of Appeals may be called by the Building Official, the chairperson or two voting members of the Board. Two voting members of the Board of Appeals shall constitute a quorum. The Building Official shall be responsible for giving notice of meetings of the Board as required by the State of Oregon Public Meetings Law. All meetings shall be open to the public.
- E. Except as provided in subsection B above, the owner of, or contractor for work on, a building, structure or mobile home, may appeal any decision by the Building Official under the State Building Code, additional related codes or this ordinance to the Board of Appeals. Appeals shall be made to the Board of Appeals within fourteen (14) days from the date of the decision being appealed by filing with the Board of Appeals a written request for a hearing on the decision being appealed stating in general terms the grounds for appeal.
- F. Within fourteen (14) days from the date of taking an appeal pursuant to this section, the Board of Appeals shall hear the appeal at a public meeting. The time for the hearing may be extended for not more than fourteen (14) additional days when the Board determines that an extension is necessary for a fair and thorough hearing of the appeal. At the hearing the Board of Appeals shall consider evidence presented by the appellant, reports, comments, or information related to the case, or testimony from any public office or official consulted and any other evidence desired for consideration by the Board of Appeals and presented at the hearing.
- G. Within fourteen (14) days from the date of the hearing provided for in this section, the Board of Appeals shall make a final determination on the administrative decision appealed from.
- H. An appeal of a decision made by the Board of Appeals may be made to the Building Codes Agency of the State of Oregon if so provided by its administrative rules.

[En. Ord. 90-12.]

SECTION 12. ADMINISTRATIVE APPEALS.

- A. As used in this section, "administrative decision" means any decision by the Building Official with regard to fees, valuation or any other decision not covered by Section 11 above.
- B. The owner of, or contractor for work on, a building, structure or mobile home, may appeal any administrative decision by the Building Official under the State Building Code, additional related codes or this ordinance to the Board of County Commissioners. Appeals of administrative decisions shall be made to the Board within fourteen (14) days from the date of the decision being appealed by filing

with the Board a written request for a hearing on the decision being appealed stating in general terms the grounds for appeal.

- C. Within fourteen (14) days from the date of taking an appeal pursuant to this section, the Board shall hear the appeal at a public meeting. The time for the hearing may be extended for not more than fourteen (14) additional days when the Board determines that an extension is necessary for a fair and thorough hearing of the appeal. At the hearing the Board shall consider evidence presented by the appellant, reports, comments, or information related to the case, or testimony from any public office or official consulted and any other evidence desired for consideration by the Board and presented at the hearing.
- D. Within fourteen (14) days from the date of the hearing provided for in this section, the Board shall make a final determination on the administrative decision appealed from.
- E. Upon good cause shown, the Board may reduce the amount of any fee imposed or valuation set, or relieve an appellant from undue hardship imposed by an administrative decision or provision in order to achieve substantial justice in the matter on appeal.

[En. Ord. 90-12.]

SECTION 13. ENFORCEMENT.

- A. No person shall commence or continue any work with respect to any building, structure or mobile home in violation of the provisions of this ordinance.
- B. Any violation referred to in subsection A of this section shall be deemed a nuisance.
- C. This ordinance is enforceable under the provisions of, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance.
- D. The penalties provided for in the Columbia County Enforcement Ordinance are not exclusive and shall not be interpreted to preclude Columbia County from pursuing additional remedies and seeking additional damages or penalties that are available under state law, any administrative rule, the State Building Code and additional related codes, and this or any other Columbia County ordinance.

[En. Ord. 90-12.]