

## CHAPTER 150: BUILDING CODES

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*STATE SPECIALTY CODES***§ 150.001 ADOPTION OF CODES; AMENDMENTS.**

The city adopts the following codes by reference, and each is incorporated and made a part of this subchapter, except as specifically provided by this section:

(A) The State 1993 Edition Structural Specialty Code (OAR 918-460-010 as of January 1, 1993) including §§ 104(d) and 203, except that § 302(b) and (c) are amended to read as follows:

- (b) Plans and Specification. Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each applications for permit. 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. Submittals shall include constructions inspection requirements as defined in Section 302(c).

EXCEPTIONS: The building official may waive the submission of plan, calculations, construction inspections requirement, etc., if he finds that the nature of the work

applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

- (c) Construction inspection. The engineer or architect in reasonable charge of the structural design work shall include in the construction documents the following:

1. Special inspection required by Section 206.
2. Other structural inspection required by the engineer or architect in responsible charge of the structural design work.

(B) The State 1993 Edition Mechanical Specialty Code (OAR 918-440-010 as of January 1, 1993);

(C) The State 1993 Edition One and Two Family Dwelling Specialty Code (OAR 918-480-000 as of May 1, 1993);

(D) The State 1992 Edition Plumbing Specialty Code (OAR 918-750-010 as of December 23, 1991);

(E) The State 1993 Edition Electrical Specialty Code (OAR 918-290-010 to 918-290-110 as of July 1, 1993). Electrical plan reviews are required as per OAR 918-320-300 to 918-320-340 for all nonresidential occupancies and residential occupancies in excess of two dwelling units;

(F) (1) Manufactured Dwelling and Cabana Installation Standards (OAR 918–Division 505);

(2) Manufactured Dwelling and Manufactured Dwelling Accessory Building or Structure Standards (OAR 918–Division 510); and

(3) Manufactured Dwelling heat-producing appliances (OAR 918–Division 520) (all rules as of June 15, 1992).

(G) Mobile Home Parks (OAR 918–Division 600 as of October 23, 1991); and

(H) Recreational Parks and Organizational Camps (OAR 918–Division 650 as of October 23, 1991). (1993 Code, Comp. No. 7-4) (Ord. 486, passed 6-21-1993)

## **§ 150.002 LOCAL INTERPRETATION.**

(A) The City Board of Appeals shall be the City Council which shall have no authority to waive requirements of a specialty code.

(B) A person affected by a ruling of the Building Official may appeal the ruling to the Board of Appeals within 30 days of the ruling, with further appeal to the appropriate State Specialty Code Board.

(C) The city recognizes that a person may request a ruling from the Administrator of the State Building Codes Agency prior to submitting an application to the city for permit or after withdrawing a previously submitted application.

(D) Electrical Code appeals shall be processed to the City Lead Electrical Inspector who will render a final decision. Appeals from final decision made by the City Electrical Inspector on electrical installations or electrical products shall be made to the State Chief Electrical Inspector according to the provisions of O.R.S. 479.853 and OAR 918-301-030.

(1993 Code, Comp. No. 7-4) (Ord. 486, passed 6-21-1993) Penalty, see § 150.999

### **§ 150.003 FEES.**

(A) Value or valuation of a building or structure shall be determined as established by Structural Specialty Code §§ 304(b) and 423 as adopted by this subchapter in § 150.01(A).

(B) Permit, plan checking, investigation and other fees charged by the Building Official shall be as established in the specialty codes listed below as adopted by this subchapter in § 150.01(A) and as follows:

(1) 1993 Structural (Building), § 304 and Table No 3-A thereof;

(2) 1993 Mechanical, § 304 and table No. 3-A thereof;

(3) 1993 One and Two Family Dwelling, § R.110.2 and state adopted fee schedules, Tables, structural permit fees page 2.E, mechanical permit fees pages 2.F & 2.G, plumbing permit fees page 2.H, and electrical permit fees page 2.1 thereof;

(4) 1992 Plumbing, § 20.7 and Attachment A;

(5) 1993 Electrical as indicated in Attachment B, Electrical Fee Table. Limited energy permit fees shall be \$40 as indicated on the electrical specialty permit application form. Minor electrical labels shall be \$50 per ten minor labels;

(6) 1992 Manufactured Dwelling, Cabana, Accessory and Appliances (installations), OAR 918-500-100;

(7) 1991 Mobile Home Parks, OAR 918-600-030; and

(8) 1991 Recreational Parks and Organizational Camps, OAR 918-650-030.  
(1993 Code, Comp. No. 7-4) (Ord. 486, passed 6-21-1993) Penalty, see § 150.999



**§ 150.004 INVESTIGATIVE AUTHORITY AND CORRECTIVE ACTION OF BUILDING OFFICIAL AND INSPECTOR.**

In addition to any other authority and power granted to the Building Official or delegated inspector under the specialty codes adopted by this subchapter, except where inconsistent with other provisions of the law, the Building Official or delegated inspector may enforce the provision of the specialty codes against any person regardless of whether a permit, certificate, license or other indicia of authority has been issued. The Building Official or delegated inspector may investigate, order corrective action and if an immediate hazard to health and safety is imminent, issue an order to stop all or any work under the applicable specialty code.

(1993 Code, Comp. No. 7-4) (Ord. 486, passed 6-21-1993) Penalty, see § 150.999

**§ 150.005 EFFECTIVE DATE.**

This subchapter shall become effective on July 1, 1993.

(1993 Code, Comp. No. 7-4) (Ord. 486, passed 6-21-1993)

***EXCAVATIONS*****§ 150.020 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

***EXCAVATION.*** Any opening in the surface of a public place made in any manner whatsoever, except an opening into a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.

***FACILITY.*** Pipe, pipeline, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, transformer or any other material, structure or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any public place.

***PERSON.*** Any person, firm, partnership, association, corporation, company or organization or any kind.

**PUBLIC PLACE.** Any public street, way, place, alley, sidewalk, park, square, plaza or any other similar public property owned or controlled by the city and dedicated to public use.

**SUBSTRUCTURE.** Any pipe, conduit, duct, tunnel, manhole, vault, buried cable or wire, or any other similar structure located below the surface of any public place.  
(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

#### **§ 150.021 EXCAVATION PERMIT.**

(A) No person shall make any excavation or fill any excavation in any public place without first obtaining a permit so to do from the city, except as otherwise provided in this subchapter. No permit to make an excavation or fill an excavation in a public place shall be issued except as provided in this subchapter.

(B) The city may issue an annual blanket permit for the purpose of placing, replacing or repairing any facility within a public place where the opening or excavation does not exceed two feet in width and four feet in length and other miscellaneous excavations approved by the city to the following:

- (1) A public utility regulated by the Public Utilities Commissioner of this state;
- (2) A person holding a franchise from the city; and
- (3) The Public Works Department of the city.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971) Penalty, see § 150.999

#### **§ 150.022 APPLICATION.**

(A) No excavation permit shall be issued unless a written application on a form provided by the city for the issuance of an excavation permit is submitted to the city. The written application shall state the name and address and principal place of business of the applicant, the name of the person performing the excavation work, the authority of the applicant to occupy the public place for which the permit is sought, the location and dimensions of the installation or removal and the approximate size of the excavation to be made, the purpose of the facility and the approximate time which will be required to complete the work.

(B) In this regard, the city may require full and complete and detailed maps, plans and drawings of the work and shall have a reasonable time to submit the drawings and plans to the City Engineer for study. The city reserves the right to require the applicant to change or alter its plans or specifications or work contemplated to meet the requirements and requests of its Engineering Department. The city may make rules and regulations designating and specifying certain areas or portions of the street which may or shall be used by the various utilities in the installation of their facilities underground, and the

underground installations shall be at depths and installed in a manner as the city may deem necessary or expedient to protect the interests, safety and welfare of the city and the people of the city.

(C) The city may specify the time the applicant shall have to do the work on the city streets, and extensions of time over and above that originally granted may be given by the city for good and sufficient reasons. All maps and plans shall be drawn to scale unless otherwise agreed to by the city.  
(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

#### **§ 150.023 EXCAVATION PERMIT FEES.**

Except where the fees are covered by franchise payments paid by a utility to the city, a fee of \$20 shall be paid to the city for each excavation permit; provided, that in lieu of individual permit fees, a utility may pay the city a blanket fee of \$100 annually, payable on or before January 31 of each calendar year. Upon the payment of the blanket fee, excavation permits shall be issued from time to time during the ensuing calendar year upon application by or on behalf of the utility without further charge.  
(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971; Ord. 284, passed 7-7-1980)

#### **§ 150.024 SURETY BOND.**

(A) Before any excavation permit is granted, the applicant will have to sign an agreement with the city whereby it covenants and agrees to save and hold harmless the city from any claims or judgments or costs arising out of any excavation or other work covered by the excavation permit, and shall, if requested, file with the city a copy of an insurance liability and property damage policy in an amount as the city may require, and to request that the policy contain a covenant by the carrier holding the city harmless from any and all claims against the applicant and/or the city by reason of the applicant's work in or on the city streets under its permit as granted.

(B) Except where required of a utility by the terms of a franchise granted by the city, the city may, in its discretion, require a surety bond in an amount determined by the city that the applicant will perform the work covered by the permit in accordance with the plans and specifications filed, will replace excavation and repair the city streets on completion of the work, and hold the city harmless from any and all claims against the applicant and/or the city by reason of the applicant's work in or on the city streets as covered by the permit.  
(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

#### **§ 150.025 PROTECTIVE MEASURES AND ROUTING OF TRAFFIC.**

(A) It shall be the duty of every person cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the general public.

(B) Barriers, warning signs, lights and the like shall conform to the requirements of the city. Warning lights shall be flares, torches, lanterns, electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day. Torches shall be open wick or flame flares or bombs generally used in connection with roadway repairs or construction and operating on kerosene or similar fluid.

(C) Lanterns shall burn kerosene or a similar fluid, and shall have clear red or ruby globes. Electrical markers or flashers shall emit light sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement but not replace light sources. The city may restrict the use of lanterns or open flame devices in fire hazard areas.

(D) The permittee shall take appropriate measures to assure that, during the performance of the excavation work, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public.

(E) When traffic conditions permit, the city may, by written approval, permit the closing of streets and alleys to all traffic for a period of time prescribed by the permittee if, in his or her opinion, it is necessary. The written approval of the city may require that the permittee give notification to various public agencies and to the general public. In these cases, the written approval shall not be valid until the notice is given.

(F) Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street, and cones or other approved devices shall be placed to channel traffic, in accordance with the instructions of the city.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

#### **§ 150.026 CLEARANCE FOR VITAL STRUCTURES.**

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures and all other vital equipment as designated by the city.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

#### **§ 150.027 PROTECTION OF TRAFFIC.**

The permittee shall maintain safe crossings for two lanes of vehicle traffic at all street intersections where possible, and safe crossings for pedestrians at intervals of not more than 300 feet. If any excavation is made across any public street, alley or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one-half of the sidewalk width shall be maintained along the sidewalk line.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

**§ 150.028 RELOCATION AND PROTECTION OF UTILITIES.**

The permittee shall not interfere with any existing facility without the written consent of the city and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner. No facility owned by the city shall be moved to accommodate the permittee unless the cost of the work be borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the facility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across the work. The permittee shall secure approval of method of support and protection from the owners of the facility. In case any of the pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as a part of a substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them, and the expense of the repairs shall be charged to the permittee. It is the intent of this section that permittee shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of the facility damage, and this assumption of liability is a contractual obligation of the permittee. The only exception will be instances where damage is exclusively due to the negligence of the owning facility. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

**§ 150.029 ABANDONMENT OF SUBSTRUCTURES.**

Whenever the use of a substructure is abandoned, except the abandonment of service lines designed to serve single properties, the person owning, using, controlling or having an interest therein shall, within 30 days after the abandonment, file with the city a statement in writing, giving in detail the location of the substructure so abandoned. If the abandoned substructure is in the way or subsequently becomes in the way of an installation of the city or any other utility, which installation is pursuant to an authorized function, the owner shall remove the abandoned substructure or pay the cost of its removal during the course of excavation for the construction of the facility by the city or any utility.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

**§ 150.030 PROTECTION OF ADJOINING PROPERTY.**

(A) The permittee shall at all times and at his, her or its own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for that purpose. Where, in the protection of the property, it is necessary to enter upon private property for the purpose of taking appropriate protecting measures, the permittee shall obtain a license from the owner of the private property for that purpose. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the

excavation work, and shall be responsible for all damage to public or private property or highways resulting from its failure properly to protect and carry out the work.

(B) Whenever it may be necessary for the permittee to trench through any lawn area, the area shall be reseeded or the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this subchapter. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before the work began. The permittee shall not remove, even temporarily, any trees or shrubs which exist in parking strip areas without first obtaining the consent of the city and property owner.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

#### **§ 150.031 CARE OF EXCAVATED MATERIAL.**

(A) All material excavated from trenches and piled adjacent to the excavated area shall be done in a manner as to not endanger those working in the excavated area or pedestrians and people using the streets of the city and further, so as to create as little inconvenience as possible to the city and the people of the city in the use of its streets and public property. All excess excavated material not used in backfilling shall be forthwith removed from the streets or public areas of the city and properly disposed of by the applicants.

(B) All work done by the applicant on the streets or public properties of the city shall be done in conformance and compliance with the laws, rules and regulations, and safety codes of this state, and particularly any and all rules and regulations as adopted and propounded by the Worker's Compensation Board.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

#### **§ 150.032 CLEANUP.**

As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from that work. All cleanup operations at the location of the excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the city. From time to time, as may be ordered by the city, and in any event immediately after completion of the work, the permittee shall, at his, her or its own expense, clean up and remove all refuse and unused materials of any kind resulting from the work, and upon failure to do so within 24 hours after having been notified to do so by the city, the work may be done by the city and the cost thereof charged to the permittee, and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

**§ 150.033 PROTECTION OF WATERCOURSES.**

(A) The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of the curb at the gutterline. Whenever a gutter crosses an intersection street, an adequate waterway shall be provided and at all times maintained.

(B) The permittee shall make provisions to take care of all surplus water, muck, silt, slickings or other runoff pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

**§ 150.034 BREAKING THROUGH PAVEMENT.**

(A) Heavy duty pavement breakers may be prohibited by the city when the use endangers existing substructures or other property.

(B) Saw cutting of portland cement concrete may be required by the city when the nature of the work or the condition of the street warrants. When required, the depth of the cut shall not be less than one inch in depth; however, depths greater than one inch may be required by the city when circumstances warrant. Saw cutting may be required by the city outside of the limits of the excavation over cave-outs, over breaks and small floating sections.

(C) Approved cutting of bituminous pavement surface ahead of excavations may be required by the city to confine pavement damage to the limits of the trench.

(D) Sections of sidewalks shall be removed to the nearest score line or joint.

(E) Unstable pavement shall be removed over cave-outs and over breaks, and the subgrade shall be treated as the main trench.

(F) Cutouts outside of the trench lines must be normal or parallel to the trench line.

(G) Permittee shall not be required to repair pavement damage existing prior to excavation unless his or her cut results in small floating sections that may be unstable, in which case permittee shall remove and pave the area.

(H) Boring or other methods to prevent cutting of pavement will be given top priority and may be required by the city.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971; Ord. 284, passed 7-7-1980)

**§ 150.035 DEPTH OF STRUCTURES.**

(A) No person shall, without written permission of the city, install any substructure, except manholes, vaults, valve casings, culverts and catch basins at a vertical distance as determined by the city within the following limitations.

(1) *Streets.*

(a) Not to exceed 36 inches below the established flow line of the nearest gutter.

(b) If the flow line is not established, then the depth shall not exceed 60 inches below the surface of the nearest outermost edge of the traveled portion of the street; provided, however, that the city may impose any additional installation requirements as may be found reasonable in the interest of the public.

(2) *Parkway.*

(a) The minimum depth of any substructure shall be 36 inches below established gutter grade when the substructure parallels the parkway.

(b) The minimum depth of any substructure shall be 24 inches below the top of the established sidewalk or curb when the substructure is at right angles to the parkway.

(3) *Other public places.* The minimum depth of any substructure in any other public place shall be 36 inches below the surface.

(B) Notwithstanding any of the provisions of divisions (A)(1), (2) and (3) above set forth, the city may require a greater depth or allow installations at a lesser depth when in its judgment the public interests so require.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971) Penalty, see § 150.999

**§ 150.036 BACKFILLING.**

Immediately after the facility authorized by the permit has been placed in the trench and inspected, the trench shall be backfilled as follows, unless otherwise specified by the permit.

(A) "Class A" bedding shall be provided to a minimum depth of six inches below any pipe carrying gas or liquid and six inches above the pipe. The bedding shall consist of granular material free of lumps, clods, stones and frozen materials, and shall be graded to a firm but yielding surface without abrupt change in bearing value. Unstable soils and rock ledges shall be subexcavated from the bedding zone and replaced by suitable material. The bottom of the trench shall be prepared to provide the pipe with uniform bedding throughout the length of the installation.



(B) Backfill shall be placed in two stages: first, sidefill to the level of the top of the pipe, and second, overfill to the bottom of the foundation material described below.

(1) Sidefill shall consist of granular material laid in six-inch layers, each consolidated by mechanical tamping and controlled addition of moisture, to a density of 95 % as determined by AASHTO Method T-99.

(2) Overfill shall be layered and consolidated to match the entrenched material in cohesion and compaction. The use of granular material for overfill may be required if specified by the permit or requested by the city.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971; Ord. 284, passed 7-7-1980)

#### **§ 150.037 RESTORATION OF SURFACE.**

(A) Permanent resurfacing of excavations shall be made by the permittee and shall be commenced immediately after inspection by the city and authorization to complete the resurfacing is issued. The work shall be pursued diligently on a continuous full-time basis until completion.

(B) If weather or other conditions preclude permanent resurfacing immediately, the city may, under any conditions as are reasonable, require the permittee to cover the top surface of the backfill with one inch of bituminous temporary resurfacing material (cold mix). All temporary paving material shall conform closely to the level of adjoining surfacing and shall be compacted and smooth so as to permit normal use of the street. The permittee shall maintain the temporary surfacing until permanent resurfacing is installed.

(C) Permanent resurfacing shall consist of not less than 12 inches crushed rock.

(D) For a period of one year following the patching of any paved surface, the applicant shall be responsible for the condition of the pavement patches, and during that time shall, upon request from the city, repair to the city's satisfaction and to ensure that the patched area matches the adjacent area to provide a continuous smooth surface.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971; Ord. 284, passed 7-7-1980)

#### **§ 150.038 TRENCHES IN PIPE LAYING.**

The maximum length of open trench permissible at any time shall be that which is specified by the city when permission for the excavation is given; and under no circumstances may an open ditch extend at any time beyond 200 feet, unless consented to by the City Council of this city.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

**§ 150.039 PROMPT COMPLETION OF WORK.**

After an excavation is commenced, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit, and shall promptly complete the work and restore the street to its original condition, or as near as may be, so as not to obstruct the public place or travel thereon more than is reasonably necessary.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

**§ 150.040 URGENT WORK.**

When traffic conditions, the safety or convenience of the traveling public, or the public interest require that the excavation work be performed as emergency work, the city shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee 24 hours a day, to the end that the excavation work may be completed as soon as possible.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

**§ 150.041 EMERGENCY ACTION.**

Nothing in this subchapter shall be construed to prevent the making of excavations as may be necessary for the preservation of life or property, or for the location of trouble in conduit or pipe, or for making repairs; provided, that the person making the excavation shall apply to the city for that permit on the first working day after the work is commenced.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

**§ 150.042 NOISE, DUST AND DEBRIS.**

Each permittee shall conduct and carry out excavation work in a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable, in the performance of the excavation work, noise, dust and unsightly debris and between the hours of 10:00 p.m. and 7:00 a.m., shall not use, except with the express written permission of the city, or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep of occupants of the neighboring property.

(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

**§ 150.043 PRESERVATION OF MONUMENTS.**

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, a precise survey reference point or a permanent survey benchmark within the city shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the city so to do. Permission to remove or disturb monuments, reference points or

benchmarks shall only be granted upon condition that the person applying for this permission shall pay all expenses incident to the proper replacement of this monument by the city.  
(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

#### **§ 150.044 INSPECTIONS.**

The city shall make inspections as are reasonably necessary in the enforcement of this subchapter, and the permittee shall pay the costs of the inspection on all projects where the cutting of the city streets or the excavation shall be 25 feet or more in length. The costs to be charged for inspection shall be fixed from time to time by the City Council, which shall adopt a written fee schedule therefor. The city shall have the authority to promulgate and cause to be enforced rules and regulations as may be reasonably necessary to enforce and carry out the intent of this subchapter.  
(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971; Ord. 284, passed 7-7-1980)

#### **§ 150.045 MAINTENANCE OF DRAWINGS.**

Every person owning, using, controlling or having an interest in substructures under the surface of any public place used for the purpose of supplying or conveying gas, electricity, communication impulse, water, steam, ammonia or oil in the city shall file with the city, within 120 days after the adoption of this subchapter, a map or set of maps or any other plans or sketches as may be reasonably required by the city to establish and show in reasonable detail the location, size and kind of installation, if known, of all substructures of the utility except service lines for individual properties. From time to time, as reasonably required by the city, these plans, maps or sketches shall be corrected and brought up to date to include any and all installations made subsequent to the last map held by the city, to the end that the city may have reasonably accurate and pertinent information regarding the location of all underground utilities within its corporate boundaries or over which it may have jurisdiction.  
(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

#### **§ 150.046 LIABILITY OF CITY.**

This subchapter shall not be construed as imposing upon the city or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder, nor shall the city or any official or employee thereof be deemed to have assumed the liability by reason of inspections authorized under the issuance of any permit or the approval of any excavation work.  
(1993 Code, Comp. No. 7-1) (Ord. 122, passed 8-16-1971)

***RESIDENTIAL MAINTENANCE CODE*****§ 150.060 SHORT TITLE.**

This subchapter shall be known as the city's Residential and Safety Maintenance Code, may be cited as such and will be referred to herein as "this code."

(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971)

**§ 150.061 PURPOSE.**

The purpose of this code is to provide minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential buildings.

(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971)

**§ 150.062 APPLICABILITY.**

(A) The provisions of this code shall apply to all buildings or portions thereof used or designed or intended to be used for human habitation. These occupancies in existing buildings may be continued as provided in the State Building Code, except those structures as are found to be substandard as defined in this code.

(B) Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to separate portions as if they were separate buildings.

(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971; Ord. 200, passed 11-11-1975)

**§ 150.063 ENFORCEMENT.**

(A) *Authority.* The Building Inspector, under direction of the City Manager, is hereby authorized to administer and enforce all the provisions of this code.

(B) *Right of entry.* Upon presentation of proper credentials, the Building Inspector or his or her duly authorized representatives may enter at reasonable times any duty imposed upon him or her by this code; provided, however, in the event the entry is not voluntarily permitted by the owner or person occupying the building, structure or premises, the Building Inspector must first obtain an order from a court or competent jurisdiction allowing the entry.

(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971; Ord. 651, passed 12-20-2010)

**§ 150.064 ABATEMENT OF NUISANCE.**

All buildings or portions thereof which are determined to be substandard, as defined in this code, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this code.

(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971) Penalty, see § 150.999

**§ 150.065 PROHIBITED ACTION.**

It shall be unlawful for any person, firm or corporation to use, occupy or maintain any building or structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code.

(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971; Ord. 200, passed 11-11-1975) Penalty, see § 150.999

**§ 150.066 BUILDING PERMIT.**

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure, or cause or permit the same to be done, without first obtaining a separate building permit for each building or structure from the Building Inspector in the manner and according to the application conditions prescribed in the State Building Code.

(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971) Penalty, see § 150.999

**§ 150.067 BUILDING PERMIT FEES.**

Whenever a building permit is required by § 150.066, the appropriate fees shall be paid to this city as set forth in the State Building Code.

(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971)

**§ 150.068 DEFINITIONS.**

For the purpose of this code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this code. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Terms, words, phrases and their derivatives used but not specifically defined in this code shall have the meaning as defined in the State Building Code.

***APARTMENT.*** A dwelling unit as defined in this code.

**APARTMENT HOUSE.** Any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other in dwelling units as defined in this code.

**BASEMENT.** The portion of a building between floor and ceiling which is partly below and partly above grade (as defined in this code), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

**BOARDING HOUSE.** A lodging house where meals are provided.

**BUILDING.** Any structure or portion thereof which is used or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof.

**BUILDING, EXISTING.** A building erected prior to the adoption of this code, or one for which a legal building permit has been issued.

**BUILDING INSPECTOR.** The officer charged with the administration and enforcement of this code, or his or her regularly authorized deputy.

**CEILING HEIGHT.** The clear vertical distance between the finished floor and the finished ceiling.

**CELLAR.** The portion of a building between floor and ceiling which is wholly or partly below grade (as defined in this code) and is so located that the vertical distance from grade to floor below is equal to or greater than the vertical distance from grade to ceiling.

**COURT.** An open, unoccupied space bounded on two or more sides by the walls or a building. An **INNER COURT** is one entirely within the exterior walls of a building. All others are **OUTER COURTS**.

**DORMITORY.** A room occupied by more than two guests.

**DWELLING.** Any building or portion thereof, which is not an apartment house, a lodging house, or a hotel as defined in this code, which contains one or two dwelling units or guest rooms used, intended or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes.

**DWELLING UNIT.** A suite of two or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

**EXIT.** A continuous and unobstructed means of egress to a public way, and shall include intervening doorways, corridors, ramps, stairways, smoke-proof enclosures, horizontal exits, exterior courts and yards.

**FAMILY.** [. . .] two or more persons related by blood or marriage.

**GRADE (GROUND LEVEL).** The average of the finished **GROUND LEVEL** at the center of all walls of a building; in case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalk.

**GUEST.** Any person hiring or occupying a room for living or sleeping purposes.

**GUEST ROOM.** Any room or rooms used or intended for use by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory is a **GUEST ROOM**.

**HABITABLE ROOM.** Any room meeting the requirements of this code for sleeping, living, cooking or eating purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

**HOTEL.** Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home or other institution in which human beings are housed and detained under legal restraint.

**INTERIOR LOT.** A lot other than a corner lot.

**KITCHEN.** A room used or designed to be used for the preparation of food.

**LODGING HOUSE.** Any building or portion thereof containing not more than five guest rooms which are used by not more than five guests, where rent is paid in money, goods, labor or otherwise. A **LODGING HOUSE** shall comply with all the requirements of this code for dwellings.

**NUISANCE.** The following shall be defined as **NUISANCES**:

- (1) Any public nuisance known at common law or in equity jurisdiction;
- (2) Any attractive nuisance which may prove detrimental to children, whether in a building, on the premises of a building or upon an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors;
- (3) Whatever is dangerous to human life or is detrimental to health;
- (4) Overcrowding a room with occupants;
- (5) Insufficient ventilation or illumination;
- (6) Inadequate or unsanitary sewerage of plumbing facilities; or

(7) Uncleanliness.

**OCCUPIED SPACE.** The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by this code.

**SERVICE ROOM.** Any room used for storage, bath or utility purposes and not included in the definition of habitable rooms.

**STATE BUILDING CODE.** The specialty codes pertaining to building adopted by the Director of the State Department of Commerce, and the Fire and Life Safety Code adopted by the State Fire Marshal, as these codes are now or hereafter constituted.

**STORY.** The portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the uppermost **STORY** shall be the portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade, the basement or cellar shall be considered a **STORY**.

**SUPERFICIAL FLOOR AREA.** The net floor area within the enclosing walls of the room in which the ceiling height is not less than five feet, excluding built-in equipment such as wardrobes, cabinets, kitchen units or fixtures.

**USED.** *USED* or designed to be *USED*.

**VENT SHAFT.** A court used only to ventilate or light a water closet, bath, toilet or utility room or other service room.

**WINDOW.** A glazed opening, including glass doors, which open upon a yard, court or recess from a court, or a vent shaft open and unobstructed to the sky.

**YARD.** An open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated.  
(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971)

## **§ 150.069 LOCATION OF BUILDINGS; ACCESS.**

(A) All buildings shall be located with respect to property lines and to other buildings on the same property as required by the State Building Code or city zoning ordinance.

(B) Each dwelling unit and guest room in a dwelling or lodging house shall have access to a passageway, not less than three feet in width, leading to a public street or alley. Each apartment house or hotel shall have access to a public street by means of a passageway not less than five feet in width.  
(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971)



**§ 150.070 SANITATION AND HEALTH.**

All buildings shall meet the requirements of the State Building Code.  
(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971)

**§ 150.071 GENERAL SPECIFICATIONS.**

(A) *General.* Buildings or structures may be of any type of construction permitted by the State Building Code.

(1) Roofs, floors, walls, foundations and all other structural components shall be capable of resisting any and all forces and loads to which they may be subjected.

(2) All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in appropriate sections of the State Building Code.

(3) Buildings of every permitted type of construction shall comply with the applicable requirements of the State Building Code.

(B) *Shelter.* Every dwelling shall be weather-proofed so as to provide shelter for the occupants against the elements and to exclude dampness.

(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971)

**§ 150.072 HEATING, ELECTRICAL AND VENTILATION EQUIPMENT.**

(A) *Heating.* Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 70°F at a point three feet above the floor in all habitable rooms. The facilities shall be installed and maintained in a safe condition and in accordance with the State Building Code. No unvented or open flame gas heater shall be permitted. All heating devices or appliances shall be of a type complying with nationally recognized standards as determined by an approved testing agency.

(B) *Electrical equipment.* Wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type. Where there is electrical power available within 300 feet of the premises of any building, the building shall be connected to the power. Every habitable room shall contain at least two supplied electrical outlets or one outlet and one supplied light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one supplied electrical light fixture.

(C) *Ventilation.* For all rooms ventilation shall be required as provided in the State Building Code.  
(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971)

**§ 150.073 OUTSIDE EXITS.**

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. All one-story buildings or portions thereof shall be provided with at least one exit. All buildings with two or more stories shall have two exits, which shall be remote from each other.  
(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971)

**§ 150.074 FIRE-RESISTIVE CONSTRUCTION.**

All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the State Building Code.  
(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971)

**§ 150.075 SUBSTANDARD BUILDINGS.**

Any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

(A) *Inadequate sanitation.* Inadequate sanitation, which shall include but not be limited to the following:

- (1) Lack of or improper water closet, lavatory, bath tub or shower in a dwelling unit;
- (2) Lack of or improper water closets, lavatories and bath tubs or showers per number of guests in a hotel;
- (3) Lack of or improper kitchen sink;
- (4) Lack of hot and cold running water to plumbing fixtures in a hotel or dwelling unit;
- (5) Lack of adequate heating facilities;
- (6) Lack of or improper operation of required ventilating equipment;
- (7) Lack of minimum amounts of natural light and ventilation required by this code;
- (8) Room and space dimensions less than required by this code;
- (9) Lack of required electrical lighting;
- (10) Dampness of habitable rooms;

- (11) Infestation of insects, vermin or rodents;
- (12) General dilapidation or improper maintenance;
- (13) Lack of connection to required sewage disposal system; and
- (14) Lack of removal of garbage and rubbish.

(B) *Structural hazards.* Structural hazards, which shall include but not be limited to the following:

- (1) Deteriorated or inadequate foundations;
- (2) Defective or deteriorated flooring or floor supports;
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety;
- (4) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
- (5) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
- (6) Members of ceilings, roof, ceiling and roof supports, or other horizontal members that are of insufficient size which sag, split or buckle due to defective material or deterioration;
- (7) Members of ceilings, roof, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;
- (8) Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration; and
- (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

(C) *Nuisance.* Any nuisance defined in this code;

(D) *Hazardous wiring.* All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner;

(E) *Hazardous plumbing.* All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures;

(F) *Hazardous mechanical equipment.* All equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition;

(G) *Faulty weather protection.* Faulty weather protection, which shall include but not be limited to the following:

(1) Deteriorating, crumbling or loose plaster;

(2) Deteriorating or ineffective waterproofing or exterior walls, roof, foundations or floors, including broken windows or doors;

(3) Defective or lack of weather protection for exterior wall coverings, including lack of paint or weathering due to lack of paint or other approved protective covering; and

(4) Broken, rotten, split or buckled exterior wall covering or roof coverings.

(H) *Fire hazard.* Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Chief of the Fire Department or his or her deputy, is in a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause;

(I) *Faulty material of construction.* All materials of construction except those which are specifically allowed or approved by this code and the State Building Code, and which have been adequately maintained in good and safe condition;

(J) *Inadequate maintenance.*

(1) *General.*

(a) All buildings or structures which are construed to be structurally unsafe, not provided with adequate egress, which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, as specified in this code or any other effective ordinance are, for the purpose of this section, ***UNSAFE BUILDINGS***.

(b) All unsafe buildings are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in divisions (J)(2), (3), (4) and (5) of this section.

(2) *Notice to owner.* The Building Inspector shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged; and if it is found to be an unsafe building as defined in this section, the Building Inspector shall give to the owner and person or persons in possession of the building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours, to commence

either the required repairs or improvements or demolition and removal of the building or structure or portions thereof; and all the work shall be completed within 90 days from date of notice, unless otherwise stipulated by the Building Inspector.

(a) If necessary, the notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the Building Inspector.

(b) Proper service of the notice shall be by personal service upon the owner of record, if he or she shall be found within the city limits. If he or she is not found within the city, the service may be made upon the owner by certified mail; provided, that if the notice is by certified mail, the designated period within which owner or person in charge is required to comply with the order by the Building Official shall begin as of the date he or she receives the notice.

(3) *Posting of signs.* The Building Inspector shall cause to be posted at each entrance to the building a notice to read: "Do not enter. Unsafe to occupy. City of Winston." The notice shall remain posted until the required repairs, demolition or removal are completed. The notice shall not be removed without written permission of the Building Inspector, and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

(4) *Right to demolish.* In case the owner shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or to demolish and remove the building or structure or portion thereof, the City Council may order the owner of the building prosecuted as a violator of the provisions of this code, and may order the Building Inspector to proceed with the work specified in the notice. A statement of the cost of the work shall be transmitted to the City Council, who shall cause the same to be paid and levied as a special assessment against the property.

(5) *Costs.* Costs incurred under division (J)(4) above shall be paid out of the City Treasury. The costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located and shall be collected in the manner provided for special assessments.

(K) *Inadequate fire protection or fire-fighting equipment.* All buildings or portions thereof which are not provided with the fire-resistive construction or fire extinguishing systems or equipment required by this code and local fire codes, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire extinguishing systems have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy; and

(L) *Improper occupancy.* All buildings or portions thereof occupied for living, sleeping, cooking or eating purposes which were not designed or intended to be used for the occupancies.

(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971; Ord. 286, passed 7-21-1980) Penalty, see § 150.999

**§ 150.076 ABATEMENT OF SUBSTANDARD BUILDINGS.**

(A) *General.* Whenever the Building Inspector determines by inspection that any existing building or portion thereof is substandard, he or she shall order the building or portion thereof vacated, and shall institute proceedings to effect the repair or rehabilitation of the building or portion thereof. If the repair or rehabilitation is impractical, he or she shall then order the building or portion thereof removed or demolished. The owner or other person affected shall then have the right to appeal to the City Housing Board of Appeals for investigation and review of the Building Inspector's determination.

(B) *Notice to the owner.* The Building Inspector shall give notice to the owner or other responsible person in accordance with the procedure specified in § 150.075(J).

(C) *Procedure.* Any building or portion thereof found to be substandard as defined in § 150.075 shall be repaired, rehabilitated, demolished or removed in accordance with the procedure specified in § 150.075.

(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971)

**§ 150.077 HOUSING BOARD OF APPEALS.**

(A) *Established.* The County Building Ordinance Board of Appeals is hereby authorized to act as the Housing Appeals Board of the city.

(B) *Appointment of members.* The members of the Board shall be appointed as specified in Chapter 15.20 of the Ordinances of Douglas County.

(C) *Procedures of this Board.* All hearings shall be public; and the appellant, his or her representatives, the official of the municipality and any other person whose interests may be affected by the matter on appeal shall be given an opportunity to be heard. The Board may affirm, modify or reverse the decision of the Building Inspector by a concurring vote of three members. The Board shall adopt reasonable rules and regulations for conducting its investigations, and shall render all decisions and findings in writing to the Building Inspector, with a duplicate copy to the appellant, and may recommend to the City Council any new legislation as is consistent herewith.

(D) *Appeal to the City Council.* Persons aggrieved under the provisions of this section shall have the right of appeal to the City Council from the decisions of the Board of Appeals. Request for an appeal shall be made within ten days from the date of decision of the Board of Appeals; and in case the Building Inspector is the appellant, the responsible person shall be notified within 48 hours if the Building Inspector wishes to appeal the decision.

(E) *Duties of the Housing Board of Appeals.* The Housing Board of Appeals shall:

(1) Upon receipt of notice of appeal of any decision and order of the Building Inspector filed by the property owner or party in interest within 30 days from the date of service of the decision or order, entertain the appeal, conduct a hearing thereon as provided in division (E)(2) below, or upon

receipt of a request in writing from the Building Inspector to review his or her decision, entertain the request and conduct a hearing as herein provided;

(2) Hold a hearing to hear evidence as may be presented by any official of the city or the owner, occupant, mortgagee, lessee or any other person having interest in the building; and

(3) Resolve all matters submitted to it within 60 days from the date of filing therewith. In the event the Housing Board of Appeals fails to resolve all matters within 60 days as above provided, then the order and findings of the Building Inspector shall be deemed affirmed in full on the sixtieth day, and the parties may appeal therefrom as provided by law.

(1993 Code, Comp. No. 7-2) (Ord. 134, passed 1-18-1971; Ord. 539, passed 2-18-1997)

#### **§ 150.999 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) It shall be 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 or structure, mechanical system or equipment, plumbing system or fixtures, electrical systems or equipment or cause or permit the same to be done in violation of a specialty code or other regulations established by §§ 150.001 through 150.005.

(2) It shall be unlawful for a person, firm or corporation to construct, enlarge, alter, repair, move, improve, convert or demolish, set up, use, occupy or maintain any manufactured dwelling, accessory structure or appliances, manufactured dwelling park or recreational park or camp, or cause or permit the same to be done in violation of a specialty code or other regulations established by §§ 150.001 through 150.005.

(3) The provisions and penalties herein are in addition to those remedies established for trades licensing under O.R.S. Chapters 446, 447, 455, 479 and 693, more specifically O.R.S. 446.990, 447.156 and 455.895 penalty provisions.

(4) A violation of divisions (B)(1) and (2) above is punishable by a fine not to exceed \$1,000 per violation. In the case of a continuing violation, every day's continuance of the violation is a separate offense.

(1993 Code, Comp. No. 7-4)

(C) Violation of §§ 150.020 through 150.046 is a misdemeanor. Every person is guilty of a misdemeanor who willfully violates any provision of this subchapter or fails or neglects to comply with any requirements of that subchapter. The person is guilty of a separate offense for each and every day

during any part of which the violation or noncompliance occurs, and is punishable by a fine of not more than \$500, or by imprisonment in the city jail for not more than six months, or by both the fine and imprisonment.

(1993 Code, Comp. No. 7-1)

(D) Any person, firm or corporation violating any of the provisions of §§ 150.060 through 150.077 shall be guilty of a misdemeanor, and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted; and upon conviction of the violation, the person shall be punishable by a fine of not more than \$100, or by imprisonment for not more than 30 days, or by both the fine and imprisonment.

(1993 Code, Comp. No. 7-2)

(Ord. 122, passed 8-16-1971; Ord. 134, passed 1-18-1971; Ord. 200, passed 11-11-1975; Ord. 486, passed 6-21-1993)