

9 – BUILDING

Compilation Number	Ordinance Number	Subject
9-1	[Repealed]	
9-2	1015 as amended by 1634 and 2008	Seasonal Decorations
9-3	[Repealed]	
9-4	[Repealed]	
9-5	[Repealed]	
9-6	[Repealed]	
9-7	1358 as amended by 1464, and 2008	Moving of Buildings
9-8	[Repealed]	
9-9	[Repealed]	
9-10	[Repealed]	
9-11	[Repealed]	
9-12	[Repealed]	
9-13	1652 amended by 2370	Technical and Environmental Services Charges
9-14	1762	Mobile Home Inspection and Permits
9-15	[Repealed]	
9-16	[Repealed]	
9-17	1999 as amended by 2008	Building Nuisances
9-18	[Repealed by 2359]	
9-19	[Repealed by 2293]	
9-20	[Repealed by 2214]	
9-21	[Repealed by 2214]	
9-22	[Repealed by 2214]	
9-23	[Repealed by 2214]	
9-24	[Repealed by 2214]	
9-25	[Repealed by 2293]	
9-26	[Repealed by 2293]	
9-27	[Repealed by 2415]	

Compilation Number	Ordinance Number	Subject
9-28	2415	Adopting Specialty Codes, Building Official Duties, Procedures and Fees, and Penalty Provisions

ORDINANCE NO. 1015

AN ORDINANCE RELATING TO STREET DECORATIONS, ADVERTISING BANNERS, AND SIMILAR DISPLAYS; AND DECLARING AN EMERGENCY.**THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:**

Section 1. No persons shall install seasonal decorations or advertising banners, or similar displays upon, along or across streets of the city of Woodburn except as provided in this ordinance.

Section 2. All persons or organizations desiring to temporarily install seasonal decorations, advertising banners, or similar displays on poles owned by a public utility in the city of Woodburn upon, along or across the city streets shall file a written request with the city recorder that the street commissioner of the city of Woodburn install, maintain and remove or supervise the installation, maintenance and removal of the decorations, banners or displays.

Section 3. Upon approval of such request by the common council or by a city officer authorized by the council to approve such requests, the street commissioner shall install, maintain and remove, or supervise the installation, maintenance and removal of such decorations, banners and displays in conformity with the requirements of the owner of any public utility poles and all other buildings, poles or other objects to which the decorations, banners or displays are attached.

Section 4. The public utility company which owns the poles, and the owners of all buildings and objects to which such decorations or advertising banners are attached, shall not be liable for any damages to persons or property resulting from the installation, maintenance, and removal thereof by or under the supervision of the street commissioner of the city of Woodburn.

Section 4A. Civil Infraction Assessment. A violation of any provision of this ordinance constitutes a class 4 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998. [Section 4A as amended by Ordinance 2008, passed October 24, 1988.]

Section 5. [Emergency clause.]

Passed by the council and approved by the mayor November 18, 1958.

ORDINANCE NO. 1358

AN ORDINANCE REGULATING THE MOVING OF BUILDINGS; PROVIDING FOR PROTECTION TO THE CITY FROM DAMAGES ARISING FROM SUCH MOVING; REQUIRING PERMITS AND FEES; PRESCRIBING PENALTIES FOR VIOLATION; AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

Section 1. Definitions.

(a) Building. Any structure designed, built or occupied as a shelter or covered enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. The following structures shall not fall within this definition:

- (1) Trailers, mobile homes.
- (2) Portable structures on skids.
- (3) Prefabricated utility or construction sheds with floor space less than 225 square feet.
- (4) Other structures with floor space less than 100 square feet and height less than 15 feet.

(b) City. City of Woodburn, Oregon.

(c) Person. Any individual person, firm, partnership, association, corporation, company or organization of any kind.

Section 2. Permits. No person shall move any building over, along or across any highway, street, alley, sidewalk or public right-of-way in the city without first obtaining a permit from the city. A person seeking such a permit shall file an application for such permit with the city. The application shall be in writing on a form provided by the city for such purpose. The application shall contain the following:

(a) A description of the building proposed to be moved, including address, construction materials, dimensions, number of rooms and general condition.

(b) Legal descriptions of the lots from and to which the building is to be moved, including lot, block and tract numbers if within the city.

(c) The portion of the lot to be occupied by the building where moved, if within the city.

(d) The specific highways, streets, alleys, sidewalks and rights-of-way over, along or across which the building is to be moved.

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(e) Date and hours of movement.

(f) Any additional information which the city engineer shall find necessary for a fair determination of whether a permit should [be issued].

Section 3. Tax Certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be moved are free of all city taxes and city charges and assessments against the same are paid in full.

Section 4. Certificate of Ownership or Entitlement. The applicant, if other than the owner, shall file with the application a written statement or document of sale signed by the owner, or other sufficient evidence that he is entitled to move the building.

Section 5. Permit Fee. The fee to be paid for each permit under this ordinance shall be \$0.05 per square foot of floor space for one-story structures. Fees for structures in excess of one story shall be \$0.05 per square foot of floor space for the lowermost story, and \$0.03 per square foot of floor space of each additional story.

Section 6. Deposit for Expense to City. Upon receipt of an application, it shall be the responsibility of the city to estimate the expense that will be incurred in removing and replacing any electric wires, street lamps or pole lines belonging to the city, or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making such removals and replacements. Prior to issuance of the permit, applicant shall deposit with the city a sum of money equal to twice the amount of the estimated expense.

Section 7. Insurance. An application hereunder shall be accompanied by a certificate of insurance certifying that the applicant has obtained a general liability insurance policy, issued by an insurance company authorized to do business in the state of Oregon, and approved as to form by the city attorney, which policy shall provide no less than the following coverage amounts:

- (a) \$100,000.00 bodily injury to one person.
- (b) \$300,000.00 per occurrence.
- (c) \$50,000.00 property damage.

Section 8. Duties of the City.

(a) Inspection. The city engineer shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met.

- (b) Standards for Issuance. The city shall refuse to issue a permit if it finds:

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- (1) That any application requirement or any fee or deposit requirement has not been complied with;
- (2) That the building is too large to move without endangering persons or property in the city;
- (3) That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;
- (4) That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;
- (5) That the applicant's equipment is unsafe and that persons and property would be endangered by its use;
- (6) That zoning or other ordinances would be violated by the building in its new location; [or]
- (7) That for any other reason persons or property in the city would be endangered by the moving of the building.

Section 9. Return of Deposits.

(a) Return upon nonissuance. Upon refusal to issue a permit, the city shall return to the applicant all deposits and insurance policies. Permit fees filed with the application shall not be returned.

(b) Return upon allowance for expense. After the building has been removed, the city engineer shall furnish the city administrator with a written statement of all expenses incurred in removing and replacing all property belonging to the city, and of all material used in the making of the removal and replacement, together with a statement of all damage caused to or inflicted upon property belonging to the city. If any wires, poles, lamps or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the costs of removing the same. The city administrator shall authorize the city engineer to return to the applicant all deposits after deducting the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the city by reason of the removal of the building. Permit fees deposited with the application shall not be returned. [Section 9 as amended by Ordinance No. 1464, passed February 24, 1975.]

Section 10. Routes. The city engineer shall prepare a route over which the building may be moved. In doing so, he shall take into consideration maximum safety to all relevant engineering consequences. The route shall be stated in the permit, and any building shall be moved only over said route.

Section 11. Responsibilities of Permittee. Permittee shall:

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(a) Notify the city in writing of any and all damage done to property belonging to the city within 24 hours after such damage has occurred.

(b) Cause red lights to be displayed during the nighttime on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.

(c) Remove the building from the city streets after a reasonable period of time to be determined by the city engineer.

(d) Comply with the building code, the fire zone, the zoning ordinance, and all other applicable ordinances and laws, upon relocating the building in the city.

(e) Pay the expense of a traffic officer ordered by the city to accompany the movement of the building to protect the public from injury.

(f) Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition.

(g) Insure that the sewer line is plugged with a concrete stopper, the water shot off, and the meter returned to the city. Permittee shall notify the gas and electric service companies to remove their services.

Section 12. Enforcement.

(a) Permittee liable for expense above deposit. The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

(b) Original premises left unsafe. The city shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition, where permittee does not comply with the requirements of this ordinance, and the cost thereof shall be charged against the general deposit.

Section 13. Severability. Each section, subsection or other portion of this ordinance shall be severable; the invalidity of any section, subsection or other portion shall not invalidate the remainder.

Section 14. Civil Infraction Assessment. A violation of any provision of this ordinance constitutes a class 2 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998. [Section 14 as amended by Ordinance 2008, passed October 24, 1988.]

Passed by the Council and approved by the Mayor June 11, 1993.

ORDINANCE NO. 1652

AN ORDINANCE ASSESSING A TECHNICAL AND ENVIRONMENTAL SERVICES CHARGE AND PROVIDING FOR ITS EXPENDITURE.

[Whereas clauses.]

THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

Section 1. Construction Fee. That a fee of one dollar (\$1.50) per one thousand dollars (\$1,000) of construction value shall be charged to all new construction in the City of Woodburn.

[Section 1 as amended by Ordinance 2370, passed August 23, 2004.]

Section 2. Fee Collection. This fee shall be collected by the Building Official prior to issuance of a building permit.

Section 3. Technical and Environmental Services Fund. The monies collected shall be placed in two funds: two-thirds of the monies shall be placed in the General Fund for planning services, and one-third of the monies shall be placed in the Technical and Environmental Fund for engineering services. These monies shall be used to meet the expenses necessary in providing planning and engineering services associated with reviewing building permit applications.

[Section 3 as amended by Ordinance 2370, passed August 23, 2004.]

*Passed by the Council January 22, 1979, and approved by the Mayor
January 23, 1979.*

ORDINANCE NO. 1762

AN ORDINANCE PROVIDING FOR INSPECTION AND ISSUANCE OF PERMITS FOR MOBILE HOME INSTALLATION AND DECLARING AN EMERGENCY.

[Whereas clause.]

THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

Section 1. Inspections. Under authority of ORS 446.250, the City of Woodburn shall cause inspections to be made, approve plans and specifications, provide technical services and issue permits for installation of mobile homes and mobile home accessory buildings and structures on a lot.

Section 2. Fees. The City of Woodburn shall collect, retain and have use of any fees required by state law to be paid in connection with the inspections listed in Section 1.

Section 3. [Emergency clause.]

Passed by the Council August 10, 1981, and approved by the Mayor August 12, 1981.

ORDINANCE NO. 1999

AN ORDINANCE PROVIDING FOR THE ABATEMENT OF BUILDING NUISANCES; REPEALING ORDINANCE 1620; AND DECLARING AN EMERGENCY.

[Whereas clauses.]

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Definitions. For the purposes of this ordinance, the following mean:

Dangerous Building.

(a) A structure that, for lack of proper repairs or because of age and dilapidated condition or of poorly installed electrical wiring or equipment, defective chimney, gas connection or heating apparatus, or for any other reason, is liable to cause fire, and which is situated or occupied in a manner that endangers other property or human life.

(b) A structure containing combustible or explosive materials or inflammable substances liable to cause fire or danger to the safety of the building, premises or to human life.

(c) A structure that is in a filthy or unsanitary condition liable to cause the spread of contagious or infectious disease.

(d) A structure in such a weak, dilapidated or deteriorated condition that it endangers a person or property because of the probability of partial or entire collapse.

Person. Every natural person, firm, partnership, association or corporation.

Section 2. Nuisance Declared. Every building found by the Council to be a dangerous building is declared to be a public nuisance and may be abated by the procedures specified in this ordinance or by a suit for abatement brought by the city.

Section 3. Initial Action. When a city official determines that there is a dangerous building, the official shall report it to the Council. The Council shall, within a reasonable time, fix a time and place for a public hearing.

Section 4. Mailed Notice.

(a) The City Recorder shall notify the owner of the building and, if not the same person, the owner of the property on which the building is situated. The notice shall state:

(1) That a hearing will be held concerning the nuisance character of the property, and

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(2) The time and place of the hearing.

(b) A copy of this notice shall be posted on the property.

Section 5. Published Notices. Ten days' notice of the hearing shall be published in a newspaper of general circulation in the city or by posting notices in three public places in the city.

Section 6. Hearing.

(a) At the hearing, the owner or other persons interested in the dangerous building shall have a right to be heard.

(b) The Council may inspect the building and may consider the facts observed by it in determining if the building is dangerous.

(c) If the Council determines that the building is dangerous, the Council may by resolution:

(1) Order the building to be abated; or

(2) Order the building to be made safe and prescribe what must be done to make it safe.

Section 7. Council Order; Notice. Five day's notice of the Council's findings and any order made by the Council shall be given to the owner of the building, the owner's agent or other person controlling it. If the orders are not obeyed and the building not made safe within the time specified by the order (being not less than five days), the Council may order the building demolished or made safe at the expense of the property on which it is situated.

Section 8. Abatement by the City.

(a) If the Council orders are not complied with, the Council may:

(1) Specify the work to be done;

(2) Advertise for bids for doing the work in the manner provided for advertising for bids for street improvements.

Section 9. Assessment.

(a) The Council shall determine the probable cost of the work and assess the costs against the property upon which the building is situated. The assessment shall be declared by resolution, and it shall be entered in the docket of city liens and become a lien against the property.

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(b) The creation of the lien and the collection and enforcement of the cost shall be performed in substantially the same manner as assessments for street improvements.

Section 10. Summary Abatement. The procedures of this ordinance need not be followed if a building is unmistakably dangerous and imminently endangers human life or property. In this instance, the city may summarily demolish the building.

Section 11. Errors in Procedure. Failure to conform to the requirements of this ordinance that does not substantially affect a legal right of a person does not invalidate a proceeding under this ordinance.

Section 12. Civil Infraction.

(a) A violation of any provision of this ordinance constitutes a class 1 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998. [Section 12(a) as amended by Ordinance 2008 passed October 24, 1988.]

(b) Subsection (a) of this section provides an alternative remedy to the abatement provisions contained elsewhere in this ordinance and shall not be read to prohibit abatement of building nuisances as so provided.

Section 13. Repeal. Ordinance 1620 is hereby repealed.

Section 14. [Emergency clause.]

Passed by the Council May 23, 1988, and approved by the Mayor May 23, 1988.

ORDINANCE NO. 2415

AN ORDINANCE ADOPTING CERTAIN STATE SPECIALTY CODES; SETTING FORTH THE POWERS AND DUTIES OF THE BUILDING OFFICIAL; PROVIDING FOR PROCEDURES AND FEES; ESTABLISHING PENALTY PROVISIONS; REPEALING ORDINANCE 2293 AND DECLARING AN EMERGENCY.

[Whereas clauses.]

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Definitions. For the purpose of this Ordinance, the following terms shall mean:

- A. Building Official - means the City of Woodburn Building Official who is responsible for building inspections and with the administration and enforcement of this ordinance.
- B. State Building Code - or “the code” means the combined specialty codes adopted by this ordinance.

Section 2. State Codes Adopted. The following codes, standards and rules are adopted and are by this reference incorporated herein and shall be in force and effect within the corporate boundaries of the City of Woodburn:

A. The Oregon Structural Specialty Code, as adopted by the State of Oregon, including the following administrative provisions:

- 1. Section 104.2 (Applications and permits).
- 2. Section 104.4 (Inspections).
- 3. Section 104.7 (Liability).
- 4. Section 104.8 (Approved materials and equipment).
- 5. Section 104.9 (Modifications).
- 6. Section 104.10 (Alternate materials, design and methods of construction and equipment).
- 7. Section 104.11 (Requests for rulings).
- 8. Section 105.3.2. (Time limit of application). “An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one

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extensions of time for an additional period not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.”

B. The Oregon Mechanical Speciality Code, as adopted by the State of Oregon, including the following administrative provision:

1. Section 106.4.3. (Time limit of application). “An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extensions of time for an additional period not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.”

C. The Oregon Residential Specialty Code, as adopted by the State of Oregon, including the following administrative and automatic fire sprinkler system provisions:

1. Section 105.3.2 (Time limit of application). “An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.”

2. Sections AN109.4.2 through AN109.4.3 (Fire sprinkler system requirements).

3. Section AN109.4.3 (Definition: Substantially altered or damaged). “The valuation to repair or alter the building or structure exceeds 60 percent of the value of that portion of the building or structure as defined in the building code and determined by the Building Official.”

D. The Oregon Plumbing Specialty Code as adopted by the State of Oregon.

E. The Electrical Safety Law as contained in ORS 479.510 to 479.995.

F. The Oregon Fire Code Amendments, as adopted by the State of Oregon;

G. Manufactured structure installation requirements under ORS 446.155, 446.185 (1) and 446.230;

H. Manufactured dwelling park and mobile home park requirements under ORS Chapter 446;

I. Park and camp program requirements under ORS 455.680;

J. Tourist facility requirements under ORS 446.310 to 446.350;

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- K. Manufactured dwelling alterations under ORS 446.155; and
- L. Manufactured structure accessory buildings and structures under ORS 446.253.

Section 3. Powers and Duties of the Building Official. The Building Department shall be under the administrative and operational control of the building official. The building official shall have the power to render written and oral interpretations of the 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 the code. The building official is authorized to enforce all the provisions of the code.

Section 4. Right of Entry. When it is necessary to make an inspection to enforce the state building 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 the 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 the 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 5. Stop Work Orders. Whenever any work is being done contrary to the provisions of the code, or other pertinent laws or ordinances implemented through the enforcement of the code, the building official may order the work stopped by notice in writing served on any person(s) engaged in the doing or causing such work to be done. Such person(s) shall forthwith stop such work until specifically authorized by the building official to proceed with the work. Notwithstanding the other remedies, if the building official determines that any building under construction, mechanical work, electrical work, or plumbing work on any building or structure poses an immediate threat to the public health, safety or welfare, the building official may order the work halted and the building or structure vacated pending further action by the city and its legal counsel.

Section 6. 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 the 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.

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Section 7. 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 the 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 reconnecting and use of such equipment.

Section 8. Occupancy Violations. Whenever any building or structure or equipment is being used contrary to the provisions of the 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. 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 the code.

Section 9. Appeals Process. When there is an appeal of a staff interpretation of the code during plan review or inspection, the aggrieved persons shall be notified of the provisions of ORS 455.475 and the following procedures:

A. Plan Review. In an informal appeal of a plans examiner's decision, the plans examiner shall refer the request and any related information to the building official who, in consultation with appropriate technical staff, shall review the request and make a final determination in writing to the applicant within 15 days.

In an informal appeal of the building official's decision, the request shall be forwarded to the State of Oregon, Building Codes Division staff person responsible for interpretations. Formal appeals shall be forwarded to the appropriate state board at the Building Codes Division for final action. The appeal shall be sent to the Department of Consumer Business Services, Building Codes Division accompanied by the required fee, a completed appeal form of the department, and justification for the request along with any supporting information. (ORS 455.690)

B. Inspection. When there is an appeal of a field inspector's interpretation of a particular code, the following process shall be used:

1. The field inspector shall refer the customer and related information to the building official. The building official, in consultation with appropriate technical staff, shall review the request and make a final decision in writing to the customer within 15 days.

2. Formal appeals of the building official shall be forwarded to the appropriate state board for final action. The appeals shall be sent to the Department of Consumer Business Services, accompanied by the required fee, a completed appeal form of the department, and justification for the request along with any supporting information. (ORS 455.690)

3. In accordance with ORS 455.690, any person aggrieved by a final decision may, within 30 days after the date of the decision, appeal to the appropriate state advisory board as listed below:

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- Structural Code - Building Codes Structures Board
- Mechanical Code - Mechanical Board
- Residential Code - Residential Structures Board
- Plumbing Code – Oregon State Plumbing Board
- Electrical Code – Electrical & Elevator Board
- Manufactured Home Installation Standard - Manufactured Structures & Parks Board.
- Park & Camp Rules - Manufactured Structures & Parks Board

C. Appeals of Board Decisions. Judicial review of the decision of advisory boards shall be available as provided in Oregon Revised Statutes Chapter 183.

Section 10. Permits Not Transferable. A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

Section 11. Suspension/Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of the state building code whenever the permit is issued in error or on the bases of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of the code.

Section 12. 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.

Section 13. Fees.

A. Fees for permits, inspections, plan checks, site plan review, copy costs, and such other fees that the City Council deems reasonable in order to administer this ordinance shall be set by ordinance or resolution.

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

C. The determination of value or valuation under any provisions of the state building 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 or attached equipment.

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Section 14. Savings Clause. If any section, paragraph, subdivision, clause, sentence, or provisions of the ordinance 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 ordinance.

Section 15. Violation-Penalty-Remedies.

A. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, occupy or maintain a building or structure in the city, or cause the same to be done contrary to or in violation of this ordinance.

B. No person shall install, alter, replace, improve, convert, equip or maintain any mechanical equipment or system in the city, or cause the same to be done contrary to or in violation of this ordinance.

C. No person shall install, alter, replace, improve, convert, equip or maintain any plumbing or drainage piping work or any fixture or water heating or treating equipment in the city, or cause the same to be done contrary to or in violation of this ordinance.

D. No person shall install, alter, replace, improve, convert, equip or maintain any electrical equipment or system in the city, or cause the same to be done contrary to or in violation of this ordinance.

E. Each violation of a provision of this chapter constitutes a Class 1 civil infraction and shall be processed in accordance with the procedures set forth in the civil infractions ordinance.

F. Each day that a violation of a provision of this chapter exists constitutes a separate violation.

G. Notwithstanding the other remedies in this chapter, if the building official determines that any building under construction, mechanical work, electrical work, or plumbing work on any building or any structure poses an immediate threat to the public health, safety or welfare, the building official may order the work halted and the building or structure vacated pending further action by the city and its legal counsel.

H. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available under city ordinance or state statute.

Section 16. Repeal. Ordinance No. 2293 is hereby repealed.

Section 17. [Emergency clause.]

*Passed by the Council December 11, 2006, and approved by the Mayor
December 13, 2006.*