

BUILDING CONSTRUCTION, ALTERATION AND REPAIR

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15.04.010 Compliance with uniform codes. A. In addition to compliance with this chapter and other ordinances of the city, any permit or approval, building and other related activities shall comply with the current version of the following:

- 1. American Public Works Association Standards;
- 2. Current edition of Oregon Structural Specialty Code and Fire and Life Safety Regulations;
- 3. Current edition of Oregon Mechanical Specialty Code and Mechanical Fire and Life Safety Regulations;
- 4. Current edition of One and Two-Family Dwelling Specialty Code;
- 5. Scappoose Fire District Ordinance 93-01, the Fire Prevention Code of the Scappoose Rural Fire District;
- 6. Current edition of Oregon State Plumbing Specialty Code;
- 7. Current edition of Uniform Electrical Code;
- 8. Current edition of Uniform Sign Code, as published by the International Conference of Building officials;
- 9. Current edition of Uniform Code for the Abatement of Dangerous Buildings; as published by the International Conference of Building Officials;
- 10. Chapter 11, Agricultural Buildings of the appendix to the current edition of the Uniform Building Code by the International Conference of Building Officials shall apply to agricultural buildings within the city, rather than Chapter 11, State Structural Specialty Code.

All persons engaged in building, or related activities shall comply with the above codes.

B. Local Interpretation. In addition to the provisions of Section 104.2.8 of the Oregon Structural Specialty Code and similar provisions of other specialty codes, the building official may approve a material or a method of construction not specifically prescribed by code:

- 1. Provided the proposed design is satisfactory; and
- 2. The material, method or work offered is for the purpose intended at least the equivalent of that specifically prescribed by

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this chapter in quality, effectiveness, fire resistance, durability, safety and energy conservation; and

3. The administrator of the state of Oregon's building codes division has not issued a report disapproving the material or method for the purpose. Any person affected by a ruling of the building official may appeal such ruling to the administrator of the building codes division within thirty days of the date of the ruling by the building official.

C. The provisions of this section shall not be interpreted to preclude a person from requesting a ruling from the administrator of the building codes division prior to submitting an application to the city for a permit or after withdrawing a previously submitted application. (Also refer to ORS 455.010 (1) and (2).) For application in this city, subsection B of Section 204 of the Structural Specialty Code and subsection B of Section 203 of the Mechanical Specialty Code shall apply. (Ord. 653 §1, 1998; Ord. 638 §1, 1996; Ord. 629 §§1, 2, 1995; Ord. 595 §1, 1993)

15.04.020 City administration. The city shall provide for the administration of a plan examination and permit inspection program for structural, mechanical, and plumbing. This city program is applicable to public buildings, including state buildings as well as private buildings. In addition, the city will verify that all buildings shall be duly inspected for electrical work by a licensed state electrical inspector. (Ord. 653 §2, 1997; Ord. 595 §2, 1993)

15.04.030 Violation-Penalty A. It is unlawful for any person, firm, corporation or other entity to erect, construct, enlarge, alter, repair, move, improve, remove, convert to, demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provision of this chapter.

B. Violation of a provision of this chapter shall be subject to an administrative civil penalty not to exceed \$5,000 or \$1,000 per day for a continuous violation.

C. Each day that a violation of a provision of this ordinance exists constitutes a separate violation.

D. In addition to the above penalties, a condition caused or permitted to exist in violation of this ordinance is a public nuisance and may be abated by any of the procedures set forth under law.

E. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the City under any ordinance, statute or law.

F. Stop Work Order. Whenever any work is being done contrary to the provisions of the Oregon Structural Specialty Code, One and Two Family Dwelling Specialty Code, Oregon

Mechanical Specialty Code, Oregon State Plumbing Specialty Code, and the Oregon Manufactured Dwelling Standard, or other pertinent laws or ordinances implemented through the enforcement of these codes, the building official may

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order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done. Any such person(s) shall forthwith stop such work until authorized by the building official to continue or proceed with the work. (Ord. 808 §1, 2009)

15.04.033 Building Official - Authority to Impose Administrative Civil Penalty. A. In addition to, and not in lieu of, any other enforcement mechanism authorized by this chapter, upon a determination by the building official that any person, firm, corporation or other entity however organized has violated a provision of this chapter or a rule adopted thereunder, the building official may issue a notice of civil violation and impose upon the violator and/or any other responsible person an administrative civil penalty as provided by subsections (A) to (K) of this section. For purposes of this subsection, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well.

B. Prior to issuing an order to correct a violation under this section, the building official may pursue reasonable attempts to secure voluntary correction.

C. Prior to issuing a notice of civil violation and imposing an administrative civil penalty under this section, the building official shall issue an order to correct a violation to one or more of the responsible persons. Except where the building official determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time for correction shall be not less than five calendar days.

D. Following the date or time by which the correction must be completed as required by an order to correct a violation, the building official shall determine whether such correction has been completed. If the required correction has not been completed by the date or time specified in the order, the building official may issue a notice of civil violation and impose an administrative civil penalty to each responsible persons to whom an order to correct was issued.

E. Notwithstanding subsections (B) and (C), the building official may issue a notice of civil violation and impose an administrative civil penalty without having issued an order to correct the violation or made attempts to secure voluntary correction where the building official determines that the violation was knowing or intentional or a repeat of similar violation.

F. In imposing an administrative civil penalty authorized

by this section, the building official shall consider:

1. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
2. Any prior violations of statutes, rules, orders, and permits;
3. The gravity and magnitude of the violation;

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4. Whether the violation was repeated or continuous;
5. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
6. The violator's cooperativeness and efforts to correct the violation; and
7. Any relevant rule of the building official.

G. Any notice of a civil violation that imposes an administrative civil penalty under this section shall either be served by personal service or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three days after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside this state. Every notice shall include:

1. Reference to the particular code provision or rule involved;
2. A short and plain statement of the matters asserted or charged;
3. A statement of the amount of the penalty or penalties imposed;
4. The date on which the order to correct was issued and time by which correction was to be made, or if the penalty is imposed pursuant to subsection (E), a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and
5. A statement of the party's right to appeal the civil penalty to the City Manager or the Manager's designee.

H. Any person, firm, corporation or other entity however organized who is issued a notice of civil penalty may appeal the penalty to the City Manager or the Manager's designee. The City Manager's designee shall not be the building official or building inspector. The provisions of Section 15.04.035 of this code shall govern any requested appeal.

I. A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the City Manager or the Manager's designee pursuant to, and within the time limits established by, Section 15.04.035A.

J. Each day the violator fails to remedy the code violation shall constitute a separate violation.

K. The civil administrative penalty authorized by this

section shall be in addition to: (1) Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement, and (2) Any other actions authorized by law. (Ord. 808 §2, 2009)

15.04.035 - Appeal Procedures. A. A person, firm, corporation or other entity however organized aggrieved by an administrative action of the building official taken pursuant to any section of this code that authorizes an appeal under this section may, within 15 days

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after the date of notice of the action, appeal in writing to the building official. The written appeal shall be accompanied by an appeal fee and shall include:

1. The name and address of the appellant;
2. The nature of the determination being appealed;
3. The reason the determination is incorrect; and
4. What the correct determination of the appeal should be.

If a person, firm, corporation or other entity however organized appeals an administrative civil penalty to the City Manager or to the Manager's designee, the penalty shall become final, if at all upon issuance of the decision of the City Manager or the Manager's designee affirming the imposition of the administrative civil penalty.

B. If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, the notice of suspension.

C. Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Manager or the Manager's designee within 30 days of the receipt of the notice of intent to appeal. At least 10 days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

D. The City Manager or the Manager's designee shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Manager or the Manager's designee deem appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The burden of proof shall be on the building official. The rules of evidence as used by courts of law do not apply.

E. The City Manager or the Manager's designee shall issue a written decision within 10 days

of the hearing date. The written decision of the City Manager or the Manager's designee is final.

F. Other than as provided in this subsection, the appeal fee is not refundable. The City Manager or the Manager's designee may make a determination on the motion of the appellant that the appeal fee shall be refunded to the appellant upon a finding by the City Manager or the Manager's designee that the appeal was not frivolous.

G. Failure to pay a penalty imposed hereunder within 10 days after the penalty becomes final as provided in subsection (A) shall constitute a violation of this code.

Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by Section 15.04.037, other provisions of this code, or state statutes. (Ord. 808 §3, 2009)

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15.04.037 - Unpaid Penalties. A. Failure to pay an administrative penalty imposed pursuant to this code within 10 days after the penalty becomes final shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by subsection (B) below, other provisions of this code, or state statutes.

B. If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this code resulting from prohibited use or activity on real property, and the penalty remains unpaid 30 days after such penalty becomes final, the building official shall assess the property the full amount of the unpaid fine and shall enter such assessment as a lien. At the time such an assessment is made, the building official shall notify the responsible person that the penalty has been assessed against the real property upon which the violation occurred and has been entered. The lien shall be enforced in the same manner as all City liens. Interest shall commence from the date of entry of the lien in the lien docket.

C. In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy. (Ord. 808 §4, 2009)

15.04.040 Minor plumbing installation labels. A. Plumbing contractors having a certificate of registration under ORS 477.030 and a Construction Contractors Board registration or

plumbers having a certificate of competency under ORS Chapter 693, are eligible to participate in the minor plumbing label program.

B. A plumbing contractor may use a minor installation label to perform plumbing work as described in OAR 918-780-140,-150, and 918-100-020 (3).

C. Minor plumbing installation labels may be sold by the city permit staff to qualified plumbing contractors in blocks of ten. The cost for each label will be ten dollars. A block of ten labels will cost one hundred five dollars (this includes the mandatory state surcharge).

D. In conjunction with the sale of each block of labels, the permit staff will maintain records for the jurisdiction. The records will note the date of sale, the number of labels sold, the name of the contractor who purchased the labels, and the consecutive numbers of the labels purchased. The city shall charge a minimum ten-dollar administrative fee for each transaction.

E. Contractors must deliver a copy of each sheet of labels to the jurisdiction within ten days of the date on which the final label is utilized, or within twelve months from the date of issuance, whichever is earlier. All information requested on the label must be

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completed or the label will be considered invalid.

F. Within thirty days of the receipt of the contractor's copy of the sheet of labels utilized, the city's plumbing inspector will inspect at least ten percent of the minor label installations from that sheet of labels. If corrections are required after these inspections, the city may require up to one hundred percent inspection of all minor plumbing labels. The city's cost for reinspections of each minor label shall be based at a cost of fifty-five dollars per hour. A minimum one-half-hour fee of twenty-seven dollars and fifty cents will be charged to the plumbing contractor for each reinspection.

G. When a sheet of labels is returned to the city, the plumbing inspector must conduct an inspection of at least ten percent of these labels. Those inspections will be recorded and remain a permanent record of the jurisdiction. The remainder of the labels (those which were not activated) will be closed out with a statement indicating that no inspection was required to be performed under the minor label rules. (Ord. 653 §4, 1997)

15.04.050 Test for water piping. Upon completion of a section or of the entire hot and cold potable water supply system in any type of occupancy, the system shall be tested and proved tight under a water pressure not less than the working pressure under which it is to be used. The water used for test shall be obtained from a potable source of supply. A fifty pounds per square inch (344.5 kPa) air pressure may be substituted for the water test. In either method of test, the

pipng shall withstand the test without leaking for a period of not less than fifteen minutes. (Ord. 653 §5, 1997)