

TITLE XV: LAND USAGE

Chapter

- 150. GENERAL PROVISIONS**
- 151. BUILDING REGULATIONS
APPENDIX: FEES**
- 152. PLANNING**
- 153. FLOOD DAMAGE PREVENTION**
- 154. SOIL EROSION CONTROL AND
VEGETATION REMOVAL**
- 155. SUBDIVISIONS
APPENDIX: DIAGRAMS**
- 156. ZONING**

CHAPTER 150: GENERAL PROVISIONS

Section

General Provisions

150.01 Annexation fees

Violations

- 150.10 Subdivision violations
- 150.11 Landowner violations
- 150.12 Contractor or developer violations
- 150.13 Enforcement procedure

GENERAL PROVISIONS

§ 150.01 ANNEXATION FEES.

A quorum of the City Council is empowered to establish a fee schedule by resolution to recover the costs to the city incurred in processing petitions for annexation.
(Ord. 137, passed 5-14-92)

VIOLATIONS

§ 150.10 SUBDIVISION VIOLATIONS.

The city may withhold building permits on any unsold lots in a subdivision which the city finds does not comply with:

- (A) Any duly enacted city ordinance;
- (B) Any conditions attached to the order which created the subdivision.

(Ord. 99, passed 12-11-86)

§ 150.11 LANDOWNER VIOLATIONS.

The city may withhold building permits and refuse to process further applications for land use decisions for any person who owns land in the city if the city finds:

- (A) That the owner has in the past violated city ordinances and has been unwilling to correct the violations;
- (B) That the owner has in the past violated conditions attached to ordinances or orders creating subdivisions or planned unit developments (PUD's), or other land use orders, and has been unwilling to correct the violations.

(Ord. 99, passed 12-11-86)

§ 150.12 CONTRACTOR OR DEVELOPER VIOLATIONS.

The city may refuse to issue building permits or process land use applications for any contractor or developer if the city finds the contractor or developer has in the past:

- (A) Violated city ordinances, and has been unwilling to correct the violations;
- (B) Failed to comply with conditions attached to ordinances or orders creating subdivisions or planned unit developments (PUD's), or other land use orders, and has been unwilling to correct the violations.

(Ord. 99, passed 12-11-86)

§ 150.13 ENFORCEMENT PROCEDURE.

Dunes City - Land Usage

(A) *Suspending issuance of building permits.*

(1) If the Council, following a public hearing, determines that probable cause exists to believe that a violation of §§ 150.10 through 150.12 has occurred, it shall direct the city to send notice to the person suspected of violating this subchapter. The notice shall state that the person may appear before the Planning Commission and show cause why the city should not suspend issuance of building permits for the affected persons or property. Appeals to the Council will be based on the record, unless the Council grants a party or citizen the right to reopen the public hearing. Appeals must be filed within ten days after notice of the Planning Commission's action is given.

(2) For the purposes of this section notice shall be considered given if it is mailed by registered or certified mail, return receipt requested, to the last known address of the person to be notified.

(B) *Refusal to process land use applications.*

(1) The city may refuse to process land use applications of any contractor, developer, or land owner, or his or her heirs, devisees, or assigns, if the city finds the contractor, developer, or land owner has in the past violated city ordinances, received notice of the violations, and did not, at any time up to the hearing, correct the deficiencies, or reimburse the city for costs and expenses and pay any fines incurred by the developer, contractor, or land owner in the abatement proceeding.

(2) If the contractor, developer, or land owner applies for a building permit, the Recorder shall refuse to issue the building permit.

(3) If the applicant feels the rejection is inappropriate, the applicant may appeal the decision to the Council at any time.

(C) *Concealed agents.*

(1) If the Recorder or other city official suspects that the applicant for a building permit or land use decision is, in fact, a concealed agent for a developer, contractor, or land owner who has violated city ordinances, and has refused to correct the violations or reimburse the city for costs incurred and

fines assessed in abatement proceedings, the official shall immediately notify the Mayor. The Mayor shall appoint one Councilor and one Planning Commission member to investigate the circumstances of the application and report to the Mayor within the time set by the Mayor. If the investigation determines probable cause exists to believe the applicant is a concealed agent, the Mayor shall order the Recorder to refuse to issue the permit and shall order the application placed as an agenda item on the next Council meeting. The applicant, and all appropriate parties, shall be provided notice of the decision, and a hearing provided for the applicant.

(2) If the Council finds, by a preponderance of the evidence, that the applicant is a concealed agent, the Council may order the permit denied and the city is entitled to recover the costs incurred pursuant to the hearing, including reasonable attorney fees.

(Ord. 99, passed 12-11-86)

Cross-reference:

Planning Commission, see § 32.60 et seq.

CHAPTER 151: BUILDING REGULATIONS

Section

General Provisions

- 151.001 Title, purpose, and scope
- 151.002 Applicability to existing buildings and building service equipment
- 151.003 Definitions
- 151.004 Conflicting provisions
- 151.005 Alternate materials, methods of design, and methods of construction
- 151.006 Modifications for individual cases
- 151.007 Tests

Permits and Inspections

- 151.020 Permit required
- 151.021 Permit exemptions
- 151.022 Permit application and submittals
- 151.023 Permit issuance, expiration, suspension, and revocation
- 151.024 Fees
- 151.025 Inspections by Building Official
- 151.026 Inspections by special inspectors
- 151.027 Structural observation
- 151.028 Connection to utilities
- 151.029 Certificate of occupancy

Excavation and Grading

- 151.040 Purpose
- 151.041 Scope
- 151.042 Permits required
- 151.043 Hazards
- 151.044 Definitions
- 151.045 Grading permit requirements
- 151.046 Grading fees
- 151.047 Bonds
- 151.048 Cuts
- 151.049 Fills
- 151.050 Setbacks
- 151.051 Drainage and terracing

- 151.052 Erosion control
- 151.053 Grading inspection
- 151.054 Completion of work

Administration and Enforcement

- 151.070 Code Enforcement Agency; Building Official
- 151.071 Deputies
- 151.072 Right of entry
- 151.073 Stop work orders
- 151.074 Use violations
- 151.075 Authority to disconnect utilities in emergencies
- 151.076 Authority to condemn building service equipment
- 151.077 Connection after order to disconnect
- 151.078 Liability
- 151.079 Cooperation of other officials and officers
- 151.080 Unsafe buildings, structures, and building service equipment
- 151.081 Board of Appeals

- 151.999 Penalty
- Appendix: Fees

Cross-reference:

Permit for excavations, see §§ 90.10 and 90.11

Violations, see § 150.10 et seq.

GENERAL PROVISIONS**§ 151.001 TITLE, PURPOSE, AND SCOPE.**

(A) *Title.* These regulations shall be known as the *Building Administrative Code*, may be cited as such, and will be referred to herein as “this code.”

(B) *Purpose.* The purpose of this code is to provide for the administration and enforcement of the *Oregon Specialty Codes*.

(C) *Scope.*

(1) The provisions of this code shall serve as the administrative, organizational, and enforcement rules and regulations for the *Specialty Codes* which regulate site preparation and construction, alteration, moving, demolition, repair, use, and occupancy of buildings, structures, and building service equipment within this jurisdiction.

(2) Where, in any specific case, there is a conflict between this code and an Oregon Revised Statute, the statute shall govern.
(Ord. 150, passed 11-14-96)

§ 151.002 APPLICABILITY TO EXISTING BUILDINGS AND BUILDING SERVICE EQUIPMENT.

(A) *Generally.* Buildings, structures, and their building service equipment to which additions, alterations, or repairs are made shall comply with all the requirements of the *Specialty Codes* for new facilities, except as specifically provided in this section.

(B) *Additions, alterations, or repairs.*

(1) Additions, alterations, or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of the *Specialty Codes*, provided that the addition, alteration, or repair conforms to that required for a new building or building service equipment.

(2) Additions or alterations shall not be made to an existing building or building service

equipment which will cause the existing building or building service equipment to be in violation of the provisions of the *Specialty Codes* nor shall such additions or alterations cause the existing building or building service equipment to become unsafe. An **UNSAFE CONDITION** shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the Building Code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed its rated capacities; will create a health hazard; or will otherwise create conditions dangerous to human life. A building so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories, and area permitted by the Building Code for new build-ings. A building plus new additions shall not exceed the height, number of stories and area specified by the Building Code for new buildings.

(3) (a) Additions or alterations shall not be made to an existing building or structure when the existing building or structure is not in full compliance with the provisions of the Building Code except when the addition or alteration will result in the existing building or structure being no more hazardous, based on life safety, fire safety, and sanitation, than before such additions or alterations are undertaken.

(b) Alterations of existing structural elements or additions of new structural elements which are not required by division (C) of this section and which are initiated for the purpose of increasing the lateral-force-resisting structure need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:

1. The capacity of existing structural elements required to resist forces is not reduced;
2. The lateral loading to required existing structural elements is not increased beyond their capacity;
3. New structural elements are detailed and connected to the existing structural elements as required by these regulations;
4. New or relocated nonstruc-

tural elements are detailed and connected to existing or new structural elements as required by these regulations; and

5. An unsafe condition as defined above is not created.

(4) Alterations or repairs to an existing building or structure which are nonstructural and do not adversely affect a structural member or a part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed, subject to approval by the Building Official. Installation or replacement of glass shall be as required for new installations.

(5) Minor additions, alterations, and repairs to existing building service equipment installations may be made in accordance with the *Specialty Codes* in effect at the time the original installation was made, subject to approval of the Building Official, and provided such additions, alterations, and repairs will not cause the existing building service equipment to become unsafe, insanitary, or overloaded.

(C) *Existing building service equipment.* Building service equipment lawfully in existence at the time of the adoption of the *Specialty Codes* may have its use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and a hazard to life, health, or property has not been created by such building service equipment.

(D) *Existing use or occupancy.*

(1) Buildings in existence at the time of the adoption of the Building Code may have their existing use or occupancy continued if the use or occupancy was legal at the time of the adoption of the Building Code, and provided continued use is not dangerous to life, health, and safety.

(2) A change in the use or occupancy of any existing building or structure shall comply with the provisions of § 151.28 and with Section 109 of the Building Code.

(E) *Maintenance.* Buildings, structures, and building service equipment, existing and new, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required

by the *Specialty Codes* shall be maintained in conformance with the *Specialty Codes* under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures, and their building service equipment. To determine compliance with this division, the Building Official may cause a structure to be reinspected.

(F) *Moved buildings.* Buildings, structures, and building service equipment moved into or within this jurisdiction shall comply with the provisions of the *Specialty Codes* for new buildings or structures and their building service equipment.

(G) *Temporary structures.* Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies, or fences used for the protection of the public around an injunction with construction work may be erected by special permit from the Building Official for a limited period of time. Buildings or structures erected under a special permit need not comply with the type of construction or fire-resistive time periods required by the Building Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

(H) *Historic buildings.* Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of the *Specialty Codes* when authorized by the Building Official, provided:

(1) The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance;

(2) Unsafe conditions as described in this code are corrected;

(3) The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety, and sanitation than the existing building.

(Ord. 150, passed 11-14-96) Penalty, see § 151.999

§ 151.003 DEFINITIONS.

For the purpose of this chapter, the following

Dunes City - Land Usage

definitions shall apply unless the context clearly indicates or requires a different meaning. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be considered as providing ordinarily accepted meanings. 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.

ADDITION. An extension or increase in floor area or height of a building or structure.

ALTER or ALTERATION. A change or modification in construction or building service equipment.

APPROVED. As to materials, types of construction, equipment, and systems, refers to approval by the Building Official as the result of investigation and tests conducted by the Building Official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

APPROVED AGENCY. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the Building Official.

BUILDING. A structure used or intended for supporting or sheltering a use or occupancy.

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

BUILDING CODE. The *Oregon Structural Specialty Code*, including Appendix Chapter 33 "Excavation and Grading" of the UBC (§§ 151.040 through 151.054 of this chapter).

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a regularly authorized deputy

BUILDING SERVICE EQUIPMENT. The plumbing, mechanical, electrical, and elevator equipment including piping, wiring, fixtures, and other

accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.

DANGEROUS BUILDING CODE. The *Uniform Code for the Abatement of Dangerous Buildings* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

DWELLING CODE. The *Oregon One and Two Family Dwelling Specialty Code*.

ELECTRICAL CODE. The *Oregon Electrical Specialty Code*.

ELEVATOR CODE. The safety code for elevators, dumbwaiters, escalators, and moving walks as adopted by this jurisdiction.

JURISDICTION. The city which adopts this code for administrative regulations within its area of authority.

LISTED and LISTING. Equipment and materials which are shown in a list published by an approved testing agency which is qualified and equipped for experimental testing and maintains an adequate periodic inspection of current productions, and which list states that the material or equipment complies with accepted national standards which are approved, or with standards which have been evaluated for conformity with approved standards.

MANUFACTURED HOME INSTALLATION CODE. The *Oregon Manufactured Home Installation Specialty Code*.

MANUFACTURED HOME PARK CODE. The *Oregon Manufactured Home Park Construction Specialty Code*.

MECHANICAL CODE. The *Oregon Mechanical Specialty Code*.

OCCUPANCY. The purpose for which a building, or part thereof, is used or intended to be used.

OWNER. Any person, agent, firm, or corporation having a legal or equitable interest in the property.

PERMIT. An official document or certificate issued by the Building Official authorizing performance of a specified activity.

PERSON. A natural person, heirs, executors, administrators, or assigns, and also a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PLUMBING CODE. The *Oregon Plumbing Specialty Code*.

RECREATIONAL VEHICLE PARK CODE. The *Oregon Recreational Vehicle Park Construction Specialty Code*.

REPAIR. The reconstruction or renewal of any part of an existing building, structure, or building service equipment for the purpose of its maintenance.

SHALL. As used in this code, is mandatory.

SPECIALTY CODES. Those Specialty Codes adopted by the state which constitute the Oregon Building Code which have been delegated to this jurisdiction for enforcement containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of buildings, structures, and building service equipment as herein defined.

STRUCTURAL OBSERVATION. The visual observation of the structural system (including but not limited to the elements and connections at significant construction stages) and the completed structure for general conformance to the approved plans and specifications. Structural observation does not include or waive the responsibility for the inspections required by §§ 151.025 and 151.026.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

UBC STANDARDS. Those standards published in Volume 3 of the *Uniform Building Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

VALUATION or **VALUE.** As applied to a building and its building service equipment, shall be

the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs.
(Ord. 150, passed 11-14-96)

§ 151.004 CONFLICTING PROVISIONS.

(A) When conflicting provisions or requirements occur between this code, the *Specialty Codes*, and other codes or laws, the most restrictive shall govern.

(B) When conflicts occur between the *Specialty Codes*, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety, or fire safety are not involved, the most restrictive provisions shall govern.

(C) Where in a specific case different sections of the *Specialty Codes* specify different materials, methods of construction, or other requirements, the most restrictive shall govern. When there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
(Ord. 150, passed 11-14-96)

§ 151.005 ALTERNATE MATERIALS, METHODS OF DESIGN, AND METHODS OF CONSTRUCTION.

(A) The provisions of the *Specialty Codes* are not intended to prevent the use of any material, method of design, or method of construction not specifically prescribed by the *Specialty Codes*, provided an alternate has been approved and its use authorized by the Building Official.

(B) The Building Official may approve an alternate, provided the Building Official finds that the proposed design is satisfactory and complies with the provisions of the *Specialty Codes* and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the *Specialty Codes* in suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation.

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

§ 151.006 MODIFICATIONS FOR INDIVIDUAL CASES.

Whenever there are practical difficulties involved in carrying out the provisions of the *Specialty Codes*, the Building Official may grant modifications for individual cases. The Building Official shall first find that a special individual reason makes the strict letter of the *Specialty Codes* impractical and the modification is in conformity with the intent and purpose of the *Specialty Codes*, and that such modification does not lessen health, life safety, and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the Code Enforcement Agency.

(Ord. 150, passed 11-14-96)

§ 151.007 TESTS.

(A) Whenever there is insufficient evidence of compliance with the provisions of the *Specialty Codes* or evidence that materials or construction do not conform to the requirements of the *Specialty Codes*, the Building Official may require tests as evidence of compliance to be made at no expense to the jurisdiction.

(B) Test methods shall be as specified by the *Specialty Codes* or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall determine test procedures.

(C) Tests shall be made by an approved agency. Reports of such test shall be retained by the Building Official for the period required for the retention of public records.

(Ord. 150, passed 11-14-96)

§ 151.020 PERMIT REQUIRED.

Except as specified in § 151.021, no building, structure, or building service equipment regulated by this code and the *Specialty Codes* shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate, appropriate permit for each building, structure, or building service equipment has first been obtained from the Building Official.

(Ord. 150, passed 11-14-96) Penalty, see § 151.999

Cross-reference:

Permit for excavations, see § 90.10

Flood damage prevention; review of building permits, see § 153.20

§ 151.021 PERMIT EXEMPTIONS.

A permit shall not be required for the types of work in each of the separate classes of permits as listed below. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the *Specialty Codes* or any other laws or ordinances of this jurisdiction.

(A) *Building permits.*

(1) A building permit shall not be required for the following:

(a) One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the projected roof area does not exceed 120 square feet (11.15 m²);

(b) Fences not over six feet (1829 mm) high;

(c) Oil derricks;

(d) Movable cases, counters, and partitions not over 5 feet 9 inches (1753 mm) high;

(e) Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids;

shall not be required for the following:

(f) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,925 l) and the ratio of height to diameter or width does not exceed two to one;

(g) Platforms, walks, and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below;

(h) Painting, papering, and similar finish work;

(i) Temporary motion picture, television, and theater stage sets and scenery;

(j) Window awnings supported by an exterior wall of Group R, Division 3, and Group M Occupancies when projecting not more than 54 inches (1372 mm);

(k) Prefabricated swimming pools accessory to a Group R, Division 3, Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18,925 l);

(l) Agricultural buildings.

(2) Unless otherwise exempted by this code, separate plumbing, electrical, and mechanical permits will be required for the above-exempted items.

(B) *Plumbing permits.* A plumbing permit shall not be required for the following:

(1) The stopping of leaks in drains or soil, waste, or vent pipe, provided, however, that should any concealed trap, drainpipe, or soil, waste, or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.

(2) The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

(C) *Mechanical permits.* A mechanical permit

(1) A portable heating appliance;

(2) Portable ventilating equipment;

(3) A portable cooling unit;

(4) A portable evaporative cooler;

(5) A closed system of steam or hot or chilled water piping within heating or cooling equipment regulated by the Mechanical Code;

(6) Replacement of a component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the *Specialty Codes*;

(7) Refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the *Specialty Codes*;

(8) A unit refrigerating system as defined in the Mechanical Code.
(Ord. 150, passed 11-14-96)

§ 151.022 PERMIT APPLICATION AND SUBMITTALS.

(A) *Application.* To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Code Enforcement Agency for that purpose. Every such application shall:

(1) Identify and describe the work to be covered by the permit for which application is made;

(2) Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;

(3) Indicate the use or occupancy for which the proposed work is intended;

(4) Be accompanied by plans, diagrams, computations, specifications, and other data as required in division (B) of this section;

(5) State the valuation of any new building

Dunes City - Land Usage

or structure or any addition, remodeling, or alteration to an existing building;

(6) Be signed by the applicant, or the applicant's authorized agent;

(7) Give such other data and information as may be required by the Building Official.

(B) Submittal documents.

(1) Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs, and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. 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 even if not required by state law.

(2) The Building Official may waive the submission of plans, calculations, construction inspection requirements, and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

(C) Information on plans and specifications.

(1) Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules, and regulations.

(2) Plans for buildings more than two stories in height of other than Group R, Division 3, and Group M Occupancies shall indicate how required structural and fire-resistive integrity will be maintained when a penetration will be made for electrical, mechanical, plumbing, and communication conduits, pipes, and similar systems.

(D) *Architect or engineer of record.*

(1) Generally.

(a) When it is required that documents be prepared by an architect or engineer, the Building Official may require the owner to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all of the duties required of the original architect or engineer of record. The Building Official shall be notified in writing by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties.

(b) The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

(2) Deferred submittals.

(a) For the purposes of this section, **DEFERRED SUBMITTALS** are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the Building Official within a specified period.

(b) Deferral of any submittal items shall have the prior approval of the Building Official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the Building Official.

(c) Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been approved by the Building Official.

(E) *Inspection and observation program.*

(1) When special inspection is required by § 151.026, the architect or engineer of record shall prepare an inspection program which shall be submitted to the Building Official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work to have special inspection and the name or names of the individuals or firms who are to perform the special inspections and shall indicate the duties of the special inspectors.

(2) The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not by the contractor or any other person responsible for the work.

(3) When structural observation is required by § 151.027, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

(4) The inspection program shall include samples of inspection reports and provide time limits for submission of reports.

(F) *Expiration of plan review.* Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(Ord. 150, passed 11-14-96)

§ 151.023 PERMIT ISSUANCE, EXPIRATION, SUSPENSION, AND REVOCATION.

(A) *Issuance.*

(1) The application, plans, specifications, computations, and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this code and the *Specialty Codes* and other pertinent laws and ordinances, and that the fees specified in § 151.024 have been paid, the Building Official shall issue a permit therefore to the applicant.

(2) When a permit is issued when plans are required, the Building Official shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified, or altered without authorizations from the Building Official, and all work regulated by this code shall be done in accordance with the approved plans.

(3) The Building Official may issue a permit for the construction of part of a building, structure, or building service equipment before the entire plans and specifications for the whole building, structure, or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the *Specialty Codes*. The holder of a partial permit shall proceed without assurance that the permit for the entire building, structure, or building service equipment will be granted.

(B) *Retention of plans.* One set of approved plans, specifications, and computations shall be retained by the Building Official for a period of not less than 90 days from the date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all items during which the work authorized thereby is in progress.

(C) *Validity of permit.*

(1) The issuance of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for, or an approval of, any

violation of any of the provisions of this code or the *Specialty Codes*, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

(2) The issuance of a permit based on plans, specifications, and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications, and other data, or from preventing building operations being carried on thereunder when in violation of these codes or of any other ordinances of this jurisdiction.

(D) *Expiration; extension of time.*

(1) Every permit issued by the Building Official under the provisions of the *Specialty Codes* shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided that no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

(2) A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

(E) *Suspension or revocation.* The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code and the *Specialty Codes* when the permit is issued in error or on the basis of incorrect information supplied, or in

violation of an ordinance or regulation or the provisions of these codes.
(Ord. 150, passed 11-14-96)

§ 151.024 FEES.

(A) *Generally.* Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by this jurisdiction.

(B) *Permit fees.*

(1) The fee for each permit shall be as set forth in the Appendix following this chapter. Where a *Specialty Code* has been adopted by the jurisdiction for which no fee schedule is shown in this code, the fee required shall be in accordance with the schedule established by the jurisdiction.

(2) The determination of value or valuation under any of the provisions of these codes shall be made by the Building Official. The value to be used in computing the building permit and building 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, and air-conditioning systems, elevators, fire-extinguishing systems, and other permanent equipment.

(C) *Plan Review Fees.*

(1) When submittal documents are required by § 151.022, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65% of the permit fee as shown in the Appendix to this chapter.

(2) The plan review fees specified in this section are separate fees from the permit fees specified in division (B) of this section and are in addition to the permit fees.

(3) When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in § 151.022, an additional plan review fee shall be charged at the rate shown in Appendix § 1.

(D) *Investigation fees: work without a permit.*

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

(2) *Fee.* An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the Appendix hereto. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the *Specialty Codes* nor from the penalty prescribed by law.

(E) *Fee refunds.*

(1) The Building Official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

(2) The Building Official may authorize refunding of not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code.

(3) The Building Official may authorize refunding of not more than 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

(4) The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment. (Ord. 150, passed 11-14-96)

§ 151.025 INSPECTIONS BY BUILDING OFFICIAL.

(A) *Generally.*

(1) Construction or work for which a permit is required shall be subject to inspection by the Building Official and the construction or work shall remain accessible and exposed for inspection purposes

until approved by the Building Official. In addition, certain types of construction shall have continuous inspection as specified in § 151.026.

(2) The Building Official may implement additional or alternate inspection procedures or requirements by written administrative rules.

(3) Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspection presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

(4) It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor this jurisdiction shall be liable for the expense entailed in the removal or replacement of any material required to allow inspection.

(5) A survey of the lot may be required by the Building Official to verify that the structure is located in accordance with the approved plans.

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

(C) *Inspection requests.*

(1) It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official.

(2) It shall be the duty of the person requesting any inspections required either by this code or the *Specialty Codes* to provide access to and means for inspection of the work.

(D) *Approval required.*

Dunes City - Land Usage

(1) Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate that that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions which do not comply shall be corrected and such portions shall not be covered or concealed until authorized by the Building Official.

(2) There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

(E) *Required building inspections.* Reinforcing steel or structural framework of a part of a building or structure shall not be covered or concealed without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the following inspections:

(1) *Foundation inspection.* A foundation inspection is to be made after excavations for footings are complete and required reinforcing steel is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except that when concrete is ready-mixed in accordance with UBC Standard 19-3, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the Building Official.

(2) *Concrete slab or under-floor inspection.* A concrete slab or under-floor inspection is to be made after in-slab or under-floor building service equipment, conduit, piping accessories, and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.

(3) *Frame inspection.* A frame inspection is to be made after the roof, framing, fire blocking, and bracing are in place and all pipes, chimneys, and vents are complete and the rough electrical, plumbing, and heating wires, pipes, and ducts are approved.

(4) *Lath and/or wallboard inspection.* A

lath and/or wallboard inspection is to be made after lathing and wallboard, interior and exterior, is in place, but before plaster is applied or before wall-board joints and fasteners are taped and finished.

(5) *Final inspection.* A final inspection is to be made after finish grading and when the building is completed and ready for occupancy.

(F) *Required building service equipment inspections.*

(1) *Generally.* Building service equipment for which a permit is required by this code shall be inspected by the Building Official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the *Specialty Codes* shall not be connected to the water, fuel or power supply, or sewer system until authorized by the Building Official.

(2) *Operation of building service equipment.* The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the Building Official not more than 48 hours after the replacement work is completed, and before any portion of such building service equipment is concealed by permanent portions of the building.

(G) *Other inspections.* In addition to the called inspections specified above, the Building Official may make or require other inspections of construction work to ascertain compliance with the provisions of this code or the *Specialty Codes* and other laws which are enforced by the Code Enforcement Agency.

(H) *Reinspections.*

(1) A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

(2) This section is not to be interpreted as requiring reinspection fees the first time a job is

rejected for failure to comply with the requirements of the *Specialty Codes*, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

(3) Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

(4) To obtain a reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with the Appendix to this chapter or as set forth in the fee schedule adopted by this jurisdiction.

(5) In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

(Ord. 150, passed 11-14-96) Penalty, see § 151.999

§ 151.026 INSPECTIONS BY SPECIAL INSPECTORS.

(A) *Inspection types.* In addition to the inspections required by § 151.025, the owner or the engineer or architect of record acting as the owner's agent shall employ one or more special inspectors who shall provide inspections during construction on the following types of work:

[Table begins on next page]

<i>Special Inspections</i>		
<i>Type of Inspection</i>	<i>Time of Inspection</i>	<i>Exceptions</i>
Concrete	During the taking of test specimens and placing of reinforced concrete. See elsewhere in this table for shotcrete.	<p>Concrete for foundations conforming to the minimum requirements of Table 18-A of the Building Code or for Group R, Division 3, or Group M, Division I, Occupancies, provided the Building Official finds that a special hazard does not exist.</p> <p>For foundation concrete, other than cast-in-place drilled piles or caissons, where the structural design is based on a f_c of no greater than 2,500 pounds per square inch (psi) (17.2 MPa).</p> <p>Nonstructural slabs on grade, including prestressed slabs on grade when effective prestress in concrete is less than 150 psi (0.1 MPa).</p> <p>Site work concrete fully supported on earth and concrete where no special hazard exists.</p>
Bolts installed in concrete	Prior to and during the placement of concrete around bolts when stress increases permitted by Footnote 5 of Table 19-E or Section 1925.2 of the Building Code are utilized.	—
Special moment-resisting concrete frame	As required by Section 1701.5.3 of the Building Code.	—
Reinforcing steel and prestressing tendons	During all stressing and grouting of tendons in prestressed concrete.	—
	During placing of reinforcing steel and prestressing tendons for concrete required to have special inspection by the above box.	The special inspector need not be present continuously during placing of reinforcing steel and prestressing tendons, provided inspection for conformance with the approved plans, prior to the closing of forms or the delivery of concrete to the job site, has been accomplished.

<p>Structural welding</p>	<p><i>Generally.</i> During the welding of any member of connection which is designed to resist loads and forces required by this code.</p>	<p>Welding done in an approved fabricator's shop in accordance with § 151.026(F)</p> <p>The special inspector need not be continuously present during the welding of the following items, provided the materials, qualifications of welding procedures and welders are verified prior to the start of work; periodic inspections are made of work in progress; and a visual inspection of all welds is made prior to completion or prior to shipment of shop welding:</p> <ol style="list-style-type: none"> 1. Single-pass fillet welds not exceeding 5/16 inch (7.9 mm) in size 2. Floor and roof deck welding 3. Welded studs when used for structural diaphragm or composite systems 4. Welded sheet steel for cold-formed steel framing members such as studs and joists 5. Welding of stairs and railing systems
	<p><i>Special moment-resisting steel frames.</i> During the welding of special moment-resisting steel frames. In addition to requirements for structural welding inspections (see above box), nondestructive testing as required by Section 1703 of the Building Code.</p>	<p>—</p>
	<p><i>Welding of reinforcing steel.</i> During the welding of reinforcing steel.</p>	<p>The special inspector need not be continuously present during the welding of ASTM A 706 reinforcing steel not larger than No. 5 bars used for embedments, provided the materials, qualifications of welding procedures and welders are verified prior to the start of work; periodic inspections are made of work in progress; and a visual inspection of all welds is made prior to completion or prior to shipment of shop welding.</p>

High-strength bolting	As required by UBC Standard 22-4. Such inspections may be performed on a periodic basis in accordance with the requirements of § 151.026(E)	—
Structural masonry	For masonry, other than fully grouted open-end hollow unit masonry, during preparation and taking of any required prisms or test specimens, placing of all masonry units, placement of reinforcement, inspection of grout space, immediately prior to closing of cleanouts, and during all grouting operations.	For hollow-unit masonry where the f_m is no more than 1,500 psi (10.3 MPa) for concrete units or 2,600 psi (17.9 MPa) for clay units, special inspection may be performed as required for fully grouted open-end hollow-unit masonry as specified in this table. Special inspection need not be provided when design stresses have been adjusted, as specified in Chapter 21 of the Building Code, to permit noncontinuous inspection.
	For fully grouted open-end hollow-unit masonry, during preparation and taking of any required prisms or test specimens, at the start of laying units, after the placement of reinforcing steel, of grout space prior to each grouting operation, and during all grouting operations.	Special inspection need not be provided when design stresses have been adjusted, as specified in Chapter 21 of the Building Code, to permit noncontinuous inspection.
Reinforced gypsum concrete	When cast-in-place Class B gypsum concrete is being mixed and placed.	—
Insulating concrete fill	During the application of insulating concrete fill when used as part of a structural system.	The special inspections may be limited to an initial inspection to check the deck surface and placement of reinforcing. The special inspector shall supervise the preparation of compression test specimens during this initial inspection.
Spray-applied fire-proofing	As required by UBC Standard 7-6	—
Piling, drilled piers, and caissons	During driving and testing of piles and construction of cast-in-place drilled piles or caissons. See elsewhere in this table for concrete and reinforcing steel inspection.	—

Shotcrete	During the taking of test specimens and placing of all shotcrete and as required by Sections 1922.10 and 1922.11 of the Building Code.	Shotcrete work fully supported on earth, minor repairs, and when, in the opinion of the Building Official, no special hazard exists.
Special grading, excavation, and filling	During earthwork excavations, grading, and filling operations, inspection to satisfy requirements of Chapter 33 of the Building Code.	—
Smoke-control system	During erection of ductwork prior to concealment for the purposes of leakage testing and record of device location.	—
	Prior to occupancy and after sufficient completion for the purposes of pressure difference testing, flow measurements, and detection and control verification.	—
Wood-framed diaphragms and shear walls	In Seismic Zones 3 and 4, whenever 3-inch nominal framing is required by Table 23-J-1, 23-J-2, 23-K-1, or 23-K-2 of the Building Code, inspections may be performed on a periodic basis in accordance with the requirements of § 151.026(E)	—
Special cases	During work which, in the opinion of the Building Official, involves unusual hazards or conditions.	—

[Text continues on next page]

Dunes City - Land Usage

(B) *Special inspector.* The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the Building Official, for inspection of the particular type of construction or operation requiring special inspection.

(C) *Duties and responsibilities of special inspector.*

(1) The special inspector shall observe the work assigned for conformance with the approved design drawings and specifications.

(2) The special inspector shall furnish inspection reports to the Building Official, the engineer or architect of record, and other designated persons. Discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the proper design authority and to the Building Official.

(3) The special inspector shall submit a final signed report stating whether the work requiring special inspection was, to the best of the inspector's knowledge, in conformance with the approved plans and specifications and the applicable workmanship provisions of these codes.

(D) *Waiver of special inspection.* The Building Official may waive the requirement for the employment of a special inspector if the construction is of minor nature.

(E) *Continuous and periodic special inspection.*

(1) *Continuous special inspection.* Continuous special inspection means that the special inspector is on the site at all times observing the work requiring special inspection.

(2) *Periodic special inspection.* Some inspections may be made on a periodic basis and satisfy the requirements of continuous inspection, provided this periodic scheduled inspection is performed as outlined in the project plans and specifications and approved by the Building Official.

(F) *Approved fabricators.* Special inspections required by this section and elsewhere in this code or the *Specialty Codes* shall not be required where the work is done on the premises of a fabricator registered and approved by the Building Official to perform such work without special inspection. The certificate of registration shall be subject to revocation by the Building Official if it is found that work done pursuant to the approval is in violation of the *Specialty Codes*. The approved fabricator shall submit a certificate of compliance to the Building Official and to the engineer or architect of record stating that the work was performed in accordance with the approved plans and specifications. The approved fabricator's qualifications shall be contingent on compliance with the following:

(1) The fabricator shall have developed and submitted a detailed fabrication procedural manual reflecting key quality control procedures which will provide a basis for inspection control of workmanship and the fabricator plant.

(2) Verification of the fabricator's quality control capabilities, plant, and personnel as outlined in the fabrication procedural manual shall be by an approved inspection or quality control agency.

(3) Periodic plant inspections shall be conducted by an approved inspection or quality control agency to monitor the effectiveness of the quality control program.

(4) It shall be the responsibility of the inspection or quality control agency to notify the approving authority in writing of any change to the procedural manual. Fabricator approval may be revoked for just cause. Reapproval of the fabricator shall be contingent on compliance with quality control procedures during the past years.

(Ord. 150, passed 11-14-96) Penalty, see § 151.999

§ 151.027 STRUCTURAL OBSERVATION.

(A) Structural observation shall be provided in Seismic Zone 3 or 4 when one of the following conditions exists:

(1) The structure is defined in Table 16-K as Occupancy Category I, II, III;

(2) The structure is required to comply with

Section 403;

(3) When so designated by the architect or engineer of record; or

(4) When such observation is specifically required by the Building Official for unusual lateral force-resisting systems or irregular structures as defined in Section 1633.

(B) The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer or architect responsible for the structural design, to perform structural observation as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, the contractor, and the Building Official. The engineer or architect shall submit a statement in writing to the Building Official stating that the site visits have been made.

(Ord. 150, passed 11-14-96) Penalty, see § 151.999

Editor's note:

The table and section numbers cited in § 151.027 are those set forth in an addendum to the ordinance originally enacting this section. The code user should consult with the Building Official to determine current applicable provisions.

§ 151.028 CONNECTION TO UTILITIES.

(A) *Energy connections.* Persons shall not make connections from a source of energy, fuel, or power to building service equipment which is regulated by the *Specialty Codes* and for which a permit is required by this code until approved by the Building Official.

(B) *Temporary connections.* The Building Official may authorize the temporary connection of the building service equipment to a source of energy, fuel, or power for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy.

(Ord. 150, passed 11-14-96) Penalty, see § 151.999

§ 151.029 CERTIFICATE OF OCCUPANCY.

(A) *Required.*

(1) (a) Buildings or structures shall not be used or occupied nor shall a change in the existing

occupancy classification of a building or structure or portion thereof be made until the Building Official has issued a certificate of occupancy therefor as provided herein.

(b) Group R, Division 3, and Group M Occupancies shall be excepted from the requirement in (a).

(2) Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

(B) *Change in use.* Changes in the character or use of a building shall not be made except as specified in the Building Code.

(C) *Certificate issued.* After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws which are enforced by the Code Enforcement Agency, the Building Official shall issue a certificate of occupancy which shall contain the following:

- (1) The building permit number;
- (2) The address of the building;
- (3) The name and address of the owner;
- (4) A description of that portion of the building for which the certificate is issued;
- (5) A statement that the described portion of the building has been inspected for compliance with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified;
- (6) The name of the Building Official.

(D) *Temporary certificate.* If the Building Official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or structure.

(E) *Posting.* The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

(F) *Revocation.* The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code when the certificate is issued in error or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of an ordinance, a regulation, or the provisions of this code. (Ord. 150, passed 11-14-96) Penalty, see § 151.099

EXCAVATION AND GRADING

§ 151.040 PURPOSE.

The purpose of this subchapter is to safeguard life, limb, property, and the public welfare by regulating grading on private property.

(Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96)

Cross-reference:

Permit for public and private excavations; bond, see § 90.10

§ 151.041 SCOPE.

(A) This subchapter sets forth rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments, establishes the administrative procedure for issuance of permits, and provides for approval of plans and inspection of grading construction.

(B) (1) The standards listed below are recognized standards. (See Sections 3503 and 3504 of the appendix to the 1997 Uniform Building Code.)

(2) Testing:

(a) ASTM D 1557. Moisture-density Relations of Soils and Soil Aggregate Mixtures.

(b) ASTM D 1556. In Place Density of Soils by the Sand-Cone Method.

(c) ASTM D 2167. In Place Density

of Soils by the Rubber-Balloon Method.

(d) ASTM D 2937. In Place Density of Soils by the Drive-Cylinder Method.

(e) ASTM D 2922 and D3017. In Place Moisture Contact and Density of Soils by Nuclear Methods.

(Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96)

§ 151.042 PERMITS REQUIRED.

(A) *Requirement.* Except as specified in division (B) of this section, no person shall do any grading without first having obtained a grading permit from the Building Official.

(B) *Exempted work.* A grading permit is not required for the following:

(1) When approved by the Building Official, grading in an isolated, self-contained area, if there is no danger to private or public property.

(2) An excavation below the finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five feet (1,524 mm) after the completion of such structure.

(3) Cemetery graves.

(4) Refuse disposal sites controlled by other regulations.

(5) Excavations for wells or tunnels or utilities.

(6) Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided that such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

(7) Exploratory excavations for sewage disposal, water test holes, wells, and soil investi-

gations.

(8) An excavation that is less than two feet (610 mm) in depth or does not create a cut slope greater than five feet (1,524 mm) in height and steeper than one unit vertical in 1-1/2 units horizontal (66.7% slope).

(9) A fill less than one foot (305 mm) in depth and placed on natural terrain with a slope flatter than one unit vertical in five units horizontal (20% slope) or less than three feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage course.

(C) *Shoreland zone.* A person must obtain a permit to excavate or grade in any shoreland zone. This excavation or grading must be done in compliance with this subchapter, the comprehensive plan, and the vegetation removal ordinance (Chapter 154 of this code of ordinances). There will be no mechanized earth moving or heavy equipment, with the exception of pile drivers with a permit, allowed below 25 feet from the high water line.

(D) *Effect of exemption.* Exemption from the permit requirements of this subchapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this subchapter or any other laws or ordinances of this jurisdiction.

(Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96) Penalty, see § 151.999

§ 151.043 HAZARDS.

Whenever the Building Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of the property, upon receipt of notice in writing from the Building Official, shall within the period specified therein repair or eliminate the excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this subchapter. (Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96) Penalty, see § 151.999

§ 151.044 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVAL. The proposed work or completed work conforms to this subchapter in the opinion of the Building Official.

AS-GRADED. The extent of surface conditions on completion of grading.

BEDROCK. In-place solid rock.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

BORROW. Earth material acquired from an off-site location for use in grading on a site.

CIVIL ENGINEER. A professional engineer registered in the state to practice in the field of civil works.

CIVIL ENGINEERING. The application of the knowledge of the forces of nature, principles or mechanics, and the properties of materials to the evaluation, design, and construction of civil works.

COMPACTION. The densification of a fill by mechanical means.

EARTH MATERIAL. Any rock, natural soil, or fill or any combination thereof.

ENGINEERING GEOLOGIST. A geologist experienced and knowledgeable in engineering geology.

ENGINEERING GEOLOGY. The application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water, or ice.

EXCAVATION. The mechanical removal of

earth material.

FILL. A deposit of earth material placed by artificial means.

GEOTECHNICAL ENGINEER. See **SOILS ENGINEER.**

GRADE. The vertical location of the ground surface.

EXISTING GRADE. The grade prior to grading.

FINISH GRADE. The final grade of the site that conforms to the approved plan.

ROUGH GRADE. The stage at which the grade approximately conforms to the approved plan.

GRADING. Any excavating or filling or combination thereof.

KEY. A designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

PROFESSIONAL INSPECTION. The inspection required by this subchapter to be performed by the civil engineer, soils engineer, or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

SITE. Any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

SLOPE. An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOIL. Naturally occurring superficial deposits overlying bedrock.

SOILS ENGINEER or **GEOTECHNICAL ENGINEER.** An engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.

SOILS ENGINEERING or **GEOTECHNICAL**

ENGINEERING. The application of the principles of soils mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

TERRACE. A relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.
(Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96)

§ 151.045 GRADING PERMIT REQUIREMENTS.

(A) *Permits required.* Except as exempted in § 151.04(B), no person shall do any grading without first obtaining a grading permit from the Building Official. A separate permit shall be obtained for each site and may cover both excavations and fills.

(B) *Application.* The provisions of Section 106.3.1 of the appendix to the 1997 Uniform Building Code are applicable to grading. Additionally, the application shall state the estimated quantities of work involved.

(C) *Grading designation.* Grading in excess of 5,000 cubic yards (3,825 m³) shall be performed in accordance with the approved grading plan prepared by a civil engineer and shall be designated as "engineered grading." Grading involving less than 5,000 cubic yards (3,825 m³) shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading or the Building Official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

(D) *Engineered grading requirements.*

(1) Application for a grading permit shall be accompanied by two sets of plans and specifications and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications when required by the Building Official.

(2) Specifications shall contain information

covering construction and material requirements.

(3) Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this subchapter and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

(4) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with or as a part of the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains.

(5) Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 25 feet (7,620 mm) of the property or that may be affected by the proposed grading operations.

(6) Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the Building Official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.

(7) The dates of the soils engineering and engineering geology reports, together with the names, addresses, and phone numbers of the firms or individuals who prepared the reports.

(E) *Soils engineering report.* The soils engineering report required by division (D) of this section shall include data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures, and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

(F) *Engineering geology report.* The engineering geology report required by division (D) of this section shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

(G) *Liquefaction study.* The Building Official may require a geotechnical investigation in accordance with Sections 1804.2 and 1804.5 of the appendix to the 1997 Uniform Building Code, when, during the course of an investigation, all of the following conditions are discovered, and the report shall address the potential for liquefaction:

- (1) Shallow ground water, 50 feet (15,240 mm) or less.
- (2) Unconsolidated sandy alluvium.
- (3) Seismic zones 3 and 4.

(H) *Regular grading requirements.*

(1) Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner, and the name of the person who prepared the plan.

(2) The plan shall include the following information:

- (a) General vicinity of the proposed site.
- (b) Limiting dimensions and depth of cut and fill.
- (c) Location of any buildings or structures where work is to be performed and the location of any buildings or structures within 15 feet (4,572 mm) of the proposed grading.

(I) *Issuance.*

Dunes City - Land Usage

(1) The provisions of Section 106.4 of the appendix to the 1997 Uniform Building Code are applicable to grading permits. The Building Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

(2) The Building Official may require professional inspection and testing by the soils engineer. When the Building Official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

(Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96) Penalty, see § 151.999

§ 151.046 GRADING FEES.

(A) *General.* Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the current fee schedule adopted by the city.

(B) *Plan review fees.* When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in this subchapter. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater. The plan review fee shall be:

- (1) 50 cubic yards (38.2 m³): no fee.
- (2) 51 to 100 cubic yards (40 m³ to 76.5 m³): \$23.50
- (3) 101 to 1,000 cubic yards (77.2 m³ to 764.6 m³): \$37.
- (4) 1,001 to 10,000 cubic yards (765.3 m³ to 7,645.5 m³): \$49.25.
- (5) 10,001 to 100,000 cubic yards (7,646.3 m³ to 76,455 m³): \$49.25 for the first 10,000 cubic yards (7,645.5 m³), plus \$24.50 for each additional 10,000 cubic yards (7,645.5 m³) or fraction thereof.

(6) 100,001 to 200,000 cubic yards (76,456 m³ to 152,911 m³): \$269.75 for the first 100,000 cubic yards (76,455 m³), plus \$13.25 for each additional 10,000 cubic yards (7,645.5 m³) or fraction thereof.

(7) 200,001 (152,912 m³) or more: \$402.25 for the first 200,000 cubic yards (152,911 m³), plus \$7.25 for each additional 10,000 cubic yards (7,645.5 m³) or fraction thereof.

(8) Other fees: additional plan review required by changes, additions, or revisions to approved plans: \$50.50 per hour (minimum charge, one-half hour) or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

(C) *Grading permit fees.* The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this subchapter. There shall be no separate charge for standard terrace drains and similar facilities. A fee for each grading permit shall be paid to the Building Official as follows:

- (1) 50 cubic yards (38.2 m³): \$23.50.
- (2) 51 to 100 cubic yards (40 m³ to 76.5 m³): \$37.
- (3) 101 to 1,000 cubic yards (77.2 m³ to 764.6 m³): \$37 for the first 100 cubic yards (76.5 m³), plus \$17.50 for each additional 100 cubic yards (76.5 m³) or fraction thereof.
- (4) 1,001 to 10,000 cubic yards (765.3 m³ to 7,645.5 m³): \$194.50 for the first 1,000 cubic yards (764.6 m³), plus \$14.50 for each additional 1,000 cubic yards (764.6 m³) or fraction thereof.

(5) 10,001 to 100,000 cubic yards (7,646.3 m³ to 76,455 m³): \$325 for the first 10,000 cubic yards (7,645.5 m³), plus \$66 for each additional 10,000 cubic yards (7,645.5 m³) or fraction thereof.

(6) 100,001 (76,456 m³) or more: \$919 for the first 100,000 cubic yards (76,455 m³), plus \$36.50 for each additional 10,000 cubic yards (7,645.5 m³) or fraction thereof.

(7) Other inspections and fees shall be as follows, or the total hourly cost (including supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved) to the jurisdiction, whichever is the greatest (minimum charge, one-half hour):

(a) Inspections outside of normal business hours: \$50.50 per hour.

(b) Reinspection fees assessed under provisions of Section 108.3 of the appendix to the 1997 Uniform Building Code: \$50.50 per hour.

(c) Inspections for which no fee is specifically included: \$50.50 per hour. (Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96; Am. Res. 01-14-99(A), passed 1-14-99)

§ 151.047 BONDS.

(A) The Building Official may require bonds in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

(B) In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the Building Official in an amount equal to that which would be required in the surety bond. (Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96)

§ 151.048 CUTS.

(A) *General.*

(1) Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

(2) In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

(B) *Slope.* The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than one unit vertical in two units horizontal (50% slope) unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

(C) *Site boundary.* No grading or excavating shall be done within ten feet of any site boundary except as needed for ingress and egress and utility access.

(D) *Revegetation.* No graded or excavated surface shall be left or abandoned without revegetation for more than one year. If the cut is deeper than four feet and the intended construction is not begun or completed within one year of completion of grading or excavation, the area shall be restored to the natural grade existing prior to commencement of the activity and shall be revegetated subject to city approval. Under no circumstances are graded areas to be abandoned without regard to safety, erosion, or aesthetics, regardless of depth. The above is subject to extension, subject to the direction of the city.

(E) *Lateral support.* Grading operations shall not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

(F) *Hazards.* Barriers shall be erected around any open pit, quarry, cistern, or other like excavation to prevent injury to any person, specifically children. This division shall also apply to any such hazards existing at the time of adoption of this subchapter. (Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96) Penalty, see § 151.999

§ 151.049 FILLS.*(A) General.*

(1) Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section.

(2) In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

(B) Preparation of ground. Fill slopes shall not be constructed on natural slopes steeper than one unit vertical in two units horizontal (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil, and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than one unit vertical in five units horizontal (20% slope) and the height is greater than five feet (1,524 mm), by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than one unit vertical in five units horizontal (20% slope) shall be at least ten feet (3,048 mm) wide. The area beyond the toe of fill shall be sloped for sheet overflow, or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least ten feet (3,048 mm) wide, but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

(C) Fill material.

(1) Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the Building Official, no rock or similar irreducible material with a maximum dimension greater than 12 inches (305 mm) shall be buried or placed in fills.

(2) Exception: The Building Official may permit placement of larger rock when the soils engineer properly devises a method of placement and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

(a) Prior to issuance of the grading

permit, potential rock disposal areas shall be delineated on the grading plan.

(b) Rock sizes greater than 12 inches (305 mm) in maximum dimension shall be 10 feet (3,048 mm) or more below grade, measured vertically.

(c) Rocks shall be placed so as to assure filling of all voids with well-graded soil.

(D) *Compaction.* All fills shall be compacted to a minimum of 90% of maximum density.

(E) *Slope.* The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than one unit vertical in two units horizontal (50% slope).

(Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96) Penalty, see § 151.999

§ 151.050 SETBACKS.

(A) *General.* Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown as follows:

SETBACK DIMENSIONS

(B) *Top of cut slope.* The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of two feet (610 mm) and a maximum of ten feet (3,048 mm). The setback may need to be increased for any required interceptor drains. Under no circumstances shall a top of a cut slope be made nearer than ten feet (3,048 mm) to any site boundary line.

(C) *Toe of fill slope.*

(1) The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of two feet (610 mm) and a maximum of 20 feet (6,096 mm).

(2) Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Building Official deems necessary to protect the adjoining property from damage as a result of the grading. These precautions may include but are not limited to:

- (a) Additional setbacks.
- (b) Provision for retaining or slough walls.
- (c) Mechanical or chemical treatment of the fill slope surface to minimize erosion.
- (d) Provisions for the control of surface waters.

(D) *Modification of slope location.* The Building Official may approve alternate setbacks. The Building Official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied. (Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96) Penalty, see § 151.999

§ 151.051 DRAINAGE AND TERRACING.

(A) *General.* Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than one unit vertical in three units horizontal (33.3% slope).

(B) *Terrace.*

(1) Terraces at least six feet (1,829 mm) in width shall be established at not more than 30-foot (9,144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris, except that where only one terrace is required, it shall be at midheight. For cut or fill slopes greater than 60 feet (18,288 mm) and up to 120 feet (36,576 mm) in vertical height, one terrace at approximately midheight shall be 12 feet (3,658 mm) in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet (36,576 mm) in height shall be designed by the civil engineer and approved by the Building Official. Suitable access shall be provided to permit proper cleaning and maintenance.

(2) Swales or ditches on terraces shall have a minimum gradient of 5% and must be paved with reinforced concrete not less than three inches (76 mm) in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of one foot (305 mm) and a minimum paved width of five feet (1,524 mm).

(3) A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1,254.2 m²) (projected) without discharging into a down drain.

(C) *Subsurface drainage.* Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

(D) *Disposal.*

(1) All drainage facilities where practicable shall be designed to contain water on the property. In no event shall drainage be allowed to cross a site boundary unless it is to access a drainage ditch, culvert, or dry well.

(2) Where such water drainage cannot be contained on the property, the water shall be directed into a drywell or into a system approved by the Building Official which will effectively attenuate phosphorus pollution in the water runoff.

(3) Regarding water runoff from driveways, patios, and other similar structures, the water shall be collected and directed into a drywell. All

drywells discussed under this division shall be a sufficient size and capacity to absorb a 100-year maximum of 24-hour rainfall.

(E) *Interceptor drains.* Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet (12,192 mm) measured horizontally. Interceptor drains shall be paved with a minimum of three inches (76 mm) of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches (305 mm) and a minimum paved width of 30 inches (762 mm) measured horizontally across the drain. The slope of drain shall be approved by the Building Official. (Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96) Penalty, see § 151.999

§ 151.052 EROSION CONTROL.

(A) *Slopes.* The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

(B) *Other devices.* Where necessary, check dams, cribbing, riprap, or other devices or methods shall be employed to control erosion and provide safety. (Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96) Penalty, see § 151.999

§ 151.053 GRADING INSPECTION.

(A) *General.* Grading operations for which a permit is required shall be subject to inspection by the Building Official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, and the engineering geologist retained to provide such services in accordance with division (E) of this section for engineered grading and as required by the Building Official for regular grading.

(B) *Civil engineer.* The civil engineer shall provide professional inspection within the engineer's area of technical specialty, which shall consist of

observation and review as to the establishment of line, grade, and surface drainage of the development area. If revised plans are required during the course of the work, they shall be prepared by the civil engineer.

(C) *Soils engineer.* The soils engineer shall provide professional inspection within the engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this subchapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, Building Official, and the civil engineer.

(D) *Engineering geologist.* The engineering geologist shall provide professional inspection within the engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

(E) *Permittee.* The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this subchapter, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the Building Official. In the event of changed conditions, the permittee shall be responsible for informing the Building Official of the change and shall provide revised plans for approval.

(F) *Building Official.* The Building Official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

(G) *Notification of noncompliance.* If, in the course of fulfilling their respective duties under this subchapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being

done in conformance with this subchapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the Building Official.

(H) *Transfer of responsibility.* If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official in writing of the change prior to the recommencement of the grading. (Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96) Penalty, see § 151.999

§ 151.054 COMPLETION OF WORK.

(A) *Final reports.* Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable:

(1) An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with § 151.053(E), showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations, and details of subsurface drains shall be shown as reported by the soils engineer. Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.

(2) A report prepared by the soils engineer retained to provide such services in accordance with § 151.053(C), including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this subchapter.

(3) A report prepared by the engineering geologist retained to provide such services in accordance with § 151.053(E), including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this subchapter.

(4) The grading contractor shall submit in a form prescribed by the Building Official a statement of conformance to the as-built plan and the specifications.

(B) *Notification of completion.* The permittee shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices and all erosion-control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted. (Ord. 135, passed 8-14-92; Am. Ord. 150, passed 11-14-96) Penalty, see § 151.999

ADMINISTRATION AND ENFORCEMENT

§ 151.070 CODE ENFORCEMENT AGENCY; BUILDING OFFICIAL.

(A) *Code Enforcement Agency.* There is hereby established in this jurisdiction a Code Enforcement Agency which shall be under the administrative and operational control of the Building Official.

(B) *Building Official.*

(1) *Generally.* Whenever the term or title “administrative authority,” “responsible official,” “building official,” “chief inspector,” “code enforcement officer,” or other similar designation is used herein or in any of the *Specialty Codes*, it shall be construed to mean the building official designated by the appointing authority of this jurisdiction.

(2) *Powers and duties of Building Official.*

The Building Official is hereby authorized and directed to enforce all the provisions of this code and the referenced *Specialty Codes*. For such purposes, the Building Official shall have the powers of a law enforcement officer.

(Ord. 150, passed 11-14-96)

§ 151.071 DEPUTIES.

In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The Building Official may deputize such inspectors or employees as may be necessary to carry out the functions of the Code Enforcement Agency.

(Ord. 150, passed 11-14-96)

§ 151.072 RIGHT OF ENTRY.

When necessary to make an inspection to enforce any of the provisions of this code and the *Specialty Codes*, or when the Building Official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous, or hazardous, the Building Official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied, credentials shall 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 persons having charge or control of the building or premises and request entry. Should entry be refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

(Ord. 150, passed 11-14-96)

§ 151.073 STOP WORK ORDERS.

When work is being done contrary to the provisions of this code, the *Specialty Codes*, or other pertinent laws or ordinances implemented through the enforcement of this code, the Building Official may order the work stopped by notice in writing served on

persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop the work until authorized by the Building Official to proceed with the work.

(Ord. 150, passed 11-14-96)

§ 151.074 USE VIOLATIONS.

When a building or structure or building service equipment therein regulated by this code and the *Specialty Codes* is being used contrary to the provisions of such codes, the Building Official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes.

(Ord. 150, passed 11-14-96)

§ 151.075 AUTHORITY TO DISCONNECT UTILITIES IN EMERGENCIES.

The Building Official or the Building Official's authorized representative shall have the authority to disconnect utility service or energy supplied to the building, structure, or building service equipment therein regulated by this code or the *Specialty Codes* in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall whenever possible notify the serving utility and the owner and occupant of the building, structure, or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility and the owner and occupant of the building, structure, or building service equipment, in writing, of such disconnection immediately thereafter.

(Ord. 150, passed 11-14-96)

§ 151.076 AUTHORITY TO CONDEMN BUILDING SERVICE EQUIPMENT.

(A) When the Building Official ascertains that building service equipment regulated in the *Specialty Codes* has become hazardous to life, health, or property or has become insanitary, the Building Official shall order in writing that such notice itself shall fix a time limit for compliance with such order. Defective

building service equipment shall not be maintained after receiving such notice.

(B) When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefor shall be given within 24 hours to the serving utility and the owner and occupant of such building, structure, or premises.

(C) When any building service equipment is maintained in violation of the *Specialty Codes* and in violation of a notice issued pursuant to the provisions of this section, the Building Official shall institute appropriate action to prevent, restrain, correct, or abate the violation.

(Ord. 150, passed 11-14-96)

§ 151.077 CONNECTION AFTER ORDER TO DISCONNECT.

Persons shall not make connections from an energy, fuel, or power supply nor supply energy or fuel to building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

(Ord. 150, passed 11-14-96) Penalty, see § 151.999

§ 151.078 LIABILITY.

(A) The Building Official charged with the enforcement of this code and the *Specialty Codes*, acting in good faith and without malice in the discharge of his or her duties, shall not thereby be rendered personally liable for damage that may accrue to persons or property as a result of an act or omission in the discharge of the assigned duties. A suit brought against the Building Official or employee because of such act or omission performed by the Building Official or employee in the enforcement of the provisions of this code or enforced by the Code Enforcement Agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

(B) This code shall not be construed to relieve from or lessen the responsibility of any person owning,

operating, or controlling a building, structure, or building service equipment therein for damages to persons or property caused by defects, nor shall the Code Enforcement Agency or its parent jurisdiction be held as assuming such liability by reason of the inspections authorized by this code or permits or certificates issued under this code.

(Ord. 150, passed 11-14-96)

§ 151.079 COOPERATION OF OTHER OFFICIALS AND OFFICERS.

The Building Official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this code or other pertinent laws or ordinances.

(Ord. 150, passed 11-14-96)

§ 151.080 UNSAFE BUILDINGS, STRUCTURES, AND BUILDING SERVICE EQUIPMENT.

(A) *Buildings and structures.* Buildings or structures regulated by this code and the *Specialty Codes* which are structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe buildings.

(B) *Building service equipment.* Building service equipment regulated by such codes which constitutes a fire, electrical, or health hazard or an insanitary condition or is otherwise dangerous to human life is, for the purpose of this section, unsafe.

(C) *Use.* Use of buildings, structures, or building service equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is, for the purpose of this section, an unsafe use.

(D) *Appendages.* Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are hereby designated as unsafe building

appendages.

§ 151.999 PENALTY.

(E) *Nuisance declared.* Unsafe buildings, structures or appendages, and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the Building Official or other employee or official of this jurisdiction as designated by the governing body may institute other appropriate action to prevent, restrain, correct, or abate the violation. (Ord. 150, passed 11-14-96)

Cross-reference:

Nuisances affecting public safety; unsafe buildings, see § 91.11

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, structure, or building service equipment or cause or permit the same to be done in violation of this code and the *Specialty Codes*. The penalty for any such violations shall be in an amount of not more than \$1000 for each offense or, in the case of a continuing offense, not more than \$1,000 for each day of the offense.

(Ord. 150, passed 11-14-96)

Cross-reference:

Violations, see § 150.10 et seq.

§ 151.081 BOARD OF APPEALS.

(A) *Generally.* In order to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretations of the *Specialty Codes*, there shall be and is hereby created a Board of Appeals consisting of the members of the City Council of this jurisdiction. The Building Official shall be an ex officio member and shall act as Secretary to said Board but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

(B) *Limitations of authority.* The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code or the administrative provisions of the *Specialty Codes* nor shall the Board be empowered to waive requirements of either this code or the *Specialty Codes*.

(Ord. 150, passed 11-14-96)

BUILDING REGULATIONS APPENDIX: FEES

Section

1. Building permit fees
2. Mechanical permit fees
3. Plumbing permit fees
4. Grading plan review fees
5. Grading permit fees
6. Manufactured dwelling and cabana
installation fees
7. Manufactured dwelling park permit fees
8. Recreational vehicle park permit fees

§ 1 BUILDING PERMIT FEES.

PERMIT FEES

<i>Total Valuation</i>	<i>Fee</i>
\$1 to \$500	\$22
\$501 to \$2,000	\$22 for the first \$500 plus \$2.75 for each additional \$100 or fraction thereof, to and including \$2000
\$2,001 to \$25,000	\$63 for the first \$2,000 plus \$12.50 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$352 for the first \$25,000 plus \$9 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$580 for the first \$50,000 plus \$6.25 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$895 for the first \$100,000 plus \$5 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$2,855 for the first \$500,000 plus \$4.25 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$4,955 for the first \$1,000,000 plus \$2.75 for each additional \$1,000 or fraction thereof

OTHER FEES

- Inspections outside of normal business hours (minimum charge: two hours)\$42 per hour*
- Reinspection fees assessed under provisions of § 151.025(H).....\$42 per hour*
- Inspections for which no fee is specifically indicated (minimum charge: one-half hour).....\$42 per hour*
- Additional plan review required by changes, additions, or revisions to plans (minimum charge: one-half hour)
\$42 per hour*
- For use of outside consultants for plan checking, inspections, or both Actual costs**

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, and hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

(Ord. 150, passed 11-14-96)

§ 2 MECHANICAL PERMIT FEES.

PERMIT ISSUANCE

For the issuance of each mechanical permit.....	\$22
For issuing each supplemental permit for which the original permit has not expired, been canceled, or finalized	\$6.50

UNIT FEE SCHEDULE

(Note: The following do not include the permit-issuing fee.)

FURNACES

For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h (29.3 kW)	\$13.25
For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3 kW).....	\$ 16.25
For the installation or relocation of each floor furnace, including vent	\$ 13.25
For the installation or relocation of each suspended heater, recessed wall heater, or floor-mounted unit heater	\$ 13.25

APPLIANCE VENTS

For the installation, relocation, or replacement of each appliance vent installed and not included in an appliance permit	\$6.50
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REPAIRS OR ADDITIONS

For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by the Mechanical Code.....	\$12.25
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BOILERS, COMPRESSORS, AND ABSORPTION SYSTEMS

For the installation or relocation of each boiler or compressor to and including three horsepower (10.6 kW), or each absorption system to and including 100,000 Btu/h (29.3 kW)	\$13.15
For the installation or relocation of each boiler or compressor over three horsepower (10.6 kW) to and including 15 horsepower (52.7 kW), or each absorption system over 100,000 Btu/h (29.3 kW) to and including 500,000 Btu/h (146.6 kW)	\$24.25
For the installation or relocation of each boiler or compressor over 15 horsepower (52.7 kW) to and including 30 horsepower (105.5 kW), or each absorption system over 500,000 Btu/h (146.6 kW) to and including 1,000,000 Btu/h (293.1 kW)	\$33.25
For the installation or relocation of each boiler or compressor over 30 horsepower (105.5 kW) to and including 50 horsepower (176 kW), or each absorption system over 1,000,000 Btu/h (293.1 kW) to and including 1,750,000 Btu/h (512.9 kW)	\$49.50
For the installation or relocation of each boiler or compressor over 50 horsepower (176 kW), or each absorption system over 1,750,000 Btu/h (512.9 kW)	\$82.75

Building Regulations Appendix: Fees

AIR HANDLERS

For each air-handling unit to and including 10,000 cubic feet per minute (cfm) (4719 L/s), including ducts attached thereto.....\$9.50

(Note: This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler, or absorption unit for which a permit is required elsewhere in the Mechanical Code.)

For each air-handling unit over 10,000 cfm (4719 L/s).....\$16.50

EVAPORATIVE COOLERS

For each evaporative cooler other than portable type.....\$9.50

VENTILATION AND EXHAUST

For each ventilation fan connected to a single duct.....\$6.50

For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit.....\$9.50

For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood.....\$9.50

INCINERATORS

For the installation or relocation of each domestic-type incinerator.....\$16.25

For the installation or relocation of each commercial or industrial-type incinerator.....\$66.50

MISCELLANEOUS

For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which no other fee is listed in the table.....\$66.50

OTHER FEES

Inspections outside of normal business hours, per hour (minimum charge: two hours).....\$44.25 per hour*

Reinspection fees assessed under provisions of § 151.025(H), per inspection.....\$44.25 per hour*

Inspections for which no fee is specifically indicated, per hour (minimum charge: one-half hour).....\$44.25 per hour*

Additional plan review required by changes, additions, or revisions to plans or to plans for which an initial review has been completed (minimum charge: one-half hour).....\$44.25 per hour*

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, and hourly wages and fringe benefits of the employees involved.

(Ord. 150, passed 11-14-96)

§ 3 PLUMBING PERMIT FEES.

INSPECTION FEES

DEFINITION. For the purposes of this rule *FIXTURES* includes but is not limited to the following:

- (1) Area drain;
- (2) Backflow prevention devices (other than atmospheric vacuum breakers);
- (3) Bathtubs;
- (4) Bidets;
- (5) Catch basins;
- (6) Clothes washers;
- (7) Dental units or cuspidors;
- (8) Drinking fountains;
- (9) Floor drains;
- (10) Hose bibbs or sill cocks;
- (11) Interceptors;
- (12) Laundry tubs;
- (13) Receptors;
- (14) Showers;
- (15) Sinks;
- (16) Trough drains;
- (17) Urinals;
- (18) Water closets;
- (19) Water heaters.

GENERALLY.

Notwithstanding any provision of this rule which could result in a lower fee, the minimum inspection fee is \$40

PART A - ONE AND TWO FAMILY DWELLING (DWELLINGS) INSPECTION FEES.

Dwelling inspection fees for construction, remodel operation, or repair including drain, waste, and vent piping and water distribution piping, but excluding building sanitary, storm, or combination sewer service piping and potable water service piping:

- (1) For plumbing not included in subdivisions (2) and (3) (per fixture)\$15
- (2) Dwelling, each bath (new construction only).....\$60
- (3) Dwelling, each one-half bath (new construction only).....\$30

Dwelling, sanitary and storm or combination sewer installation.....\$28

Dwelling, water service installation\$28

Dwelling, water treatment equipment; alternate heating system connection to potable water supply; solar connection to potable water supply; water heater replacement; water service replacement; connection of appliance to plumbing system; alteration or repair of existing water piping; installation of backflow protection devices other than atmospheric type vacuum breakers; and alteration or repair of existing drainage waste or vent piping.....\$40

PART B - MANUFACTURED DWELLINGS INSPECTION FEES.

Manufactured dwelling inspection fees for:

- (1) Connecting existing sanitary, storm, or combination sewer and water or sewer or water service\$40
- (2) Installing water service.....\$28
- (3) Installing sanitary, storm, or combination sewer\$28

PART C - RECREATIONAL VEHICLE AND MANUFACTURED DWELLING PARKS INSPECTION FEES.

Recreational vehicle and manufactured dwelling park inspection fees are a combination of:

- (1) A base fee:
 - (a) Five or fewer spaces\$190
 - (b) Six to 19 spaces\$33 per space
 - (c) Twenty or more spaces\$23 per space
- (2) A fixture fee multiplying the fixtures in each structure or accessory building and storm sewer system by \$15

PART D - COMMERCIAL AND INDUSTRIAL INSPECTION FEE.

- (1) Inspection fees for plumbing installations in commercial and industrial and multi-family dwellings that are not one- or two-family dwellings:
 - (a) Less than four fixtures.....\$50
 - (b) Four to ten fixtures\$123
 - (c) More than ten fixtures\$123 base fee plus the number of fixtures over ten times \$15
- (2) A separate fee for each water service, building storm, sanitary, or combination sewer:
 - (a) Up to first 100 feet\$40
 - (b) Each additional 100 feet or fraction.....\$40 for the first 100 feet plus \$22 times each additional 100 feet or fraction

PART E - PREFABRICATED STRUCTURE INSPECTIONS.

Inspection fee for initial installation of prefabricated structure and connection of new plumbing services or existing services covered in a single inspection.....\$40

Inspections for connections to existing prefabricated structures to new water service, building storm, sanitary or combination sewer are charged under Part D(2) of this rule.

PART F - MISCELLANEOUS INSPECTION FEES.

Charges for inspections requested by a governmental agency under O.R.S. 190.003 through 190.110 are negotiable and subject to revisions project-to-project:

- (1) Reinspection of violations found at a second or later inspection\$40
- (2) Specially requested inspections or surveys..... \$40 per hour or any portion of an hour

(Ord. 150, passed 11-14-96)

§ 4 GRADING PLAN REVIEW FEES.

PLAN REVIEW FEES

<i>Volume</i>	<i>Fee</i>
50 cubic yards (38.2 m ³) or less	No fee
51 to 100 cubic yards (40 to 76.5 m ³)	\$22
101 to 1,000 cubic yards (77.2 to 764.6 m ³)	\$33
1,001 to 10,000 cubic yards (765.3 to 7645.5 m ³)	\$44
10,001 to 100,000 cubic yards (7646.3 to 76,455 m ³)	\$44 for the first 10,000 cubic yards (7645.5 m ³) plus \$22 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof
100,001 to 200,000 cubic yards (76,456 to 152,911 m ³)	\$242 for the first 100,000 cubic yards (76,455 m ³) plus \$13 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof
200,001 cubic yards (152,912 m ³) or more	\$359 for the first 200,000 cubic yards (152,911 m ³) plus \$6.50 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof

OTHER FEES

Additional plan review required by changes, additions, or revisions to plans or to plans for which an initial review has been completed.....\$45 per hour*

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, and hourly wages and fringe benefits of the employees involved.
(Ord. 150, passed 11-14-96)

§ 5 GRADING PERMIT FEES.

PERMIT FEES

(Note: The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.)

<i>Volume</i>	<i>Fee</i>
50 cubic yards (38.2 m ³) or less	\$22
51 to 100 cubic yards (40 to 76.5 m ³)	\$33
101 to 1,000 cubic yards (77.2 to 764.6 m ³)	\$33 for the first 100 cubic yards (76.5 m ³) plus \$15.50 for each additional 100 cubic yards (76.5 m ³) or fraction thereof
1,001 to 10,000 cubic yards (765.3 to 7645.5 m ³)	\$172 for the first 1,000 cubic yards (764.6 m ³) plus \$13 for each additional 1,000 cubic yards (764.6 m ³) or fraction thereof
10,001 to 100,000 cubic yards (7646.3 to 76,455 m ³)	\$289.50 for the first 10,000 cubic yards (7645.5 m ³) plus \$59 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof
100,001 to 200,000 cubic yards (76,456 m ³) or more	\$820.50 for the first 100,000 cubic yards (76,455 m ³) plus \$32.50 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof

OTHER FEES

Inspection outside of normal business hours, per hour (minimum charge: two hours)\$45 per hour*
 Reinspection fees assessed under provisions of § 151.025(H), per inspection\$45 per hour*
 Inspections for which no fee is specifically indicated, per hour (minimum charge: one-half hour)
\$45 per hour*

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, and hourly wages and fringe benefits of the employees involved.

(Ord. 150, passed 11-14-96)

Dunes City - Land Usage

§ 6 MANUFACTURED DWELLING AND CABANA INSTALLATION FEES.

Manufactured dwelling and cabana installation permit fee	\$105
Plumbing fees as required by the <i>One and Two Family Dwelling Specialty Code</i>	
Water/sewer connection	\$40
New water service	\$28
New sanitation/storm sewer	\$28
Reinspection	\$40 per hour*
Other fees.....	\$40 per hour*
Electrical fees as required by O.A.R. 918-260:	
Service connection.....	\$40
Feeder connection.....	\$40
Re-inspection	\$35 per hour*
Other fees.....	\$55 per hour*
Statewide fee as required by O.R.S. 455.220(2) to be collected by the jurisdiction and remitted to the BCD	
.....	\$20

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, and hourly wages and fringe benefits of the employees involved.

(Ord. 150, passed 11-14-96)

§ 7 MANUFACTURED DWELLING PARK PERMIT FEES.

PERMIT FEES

<i>Total Valuation</i>	<i>Fee</i>
\$1 to \$500	\$22
\$501 TO \$2,000	\$22 for the first \$500 plus \$2.75 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$63 for the first \$2,000 plus \$12.50 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$352 for the first \$25,000 plus \$9 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$580 for the first \$50,000 plus \$6.25 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$895 for the first \$100,000 plus \$5 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$2,855 for the first \$500,000 plus \$4.25 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$4,955 for the first \$1,000,000 plus \$2.75 for each additional \$1,000 or fraction thereof

OTHER FEES

Inspections outside of normal business hours (minimum charge: two hours)	\$42 per hour*
Reinspection fees assessed under provisions of § 151.025(H).....	\$42 per hour*
Inspections for which no fee is specifically indicated (minimum charge: one-half hour).....	\$42 per hour*
Additional plan review required by changes, additions, or revisions to plans (minimum charge: one-half hour).....	\$42 per hour*
For use of outside consultants for plan checking and inspections or both	Actual costs**

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, and hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

(Ord. 150, passed 11-14-96)

§ 8 RECREATIONAL VEHICLE PARK PERMIT FEES.

PERMIT FEES

<i>Total Valuation</i>	<i>Fee</i>
\$1 to \$2000	\$22
\$501 to \$2,000	\$22 for the first \$500 plus \$2.75 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$63 for the first \$2,000 plus \$12.50 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$352 for the first \$25,000 plus \$9 for each additional 1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$580 for the first \$50,000 plus \$6.25 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$895 for the first \$100,000 plus \$5 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$2,855 for the first \$500,000 plus \$4.25 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$4,955 for the first \$1,000,000 plus \$2.75 for each additional \$1,000 or fraction thereof

OTHER FEES

Inspections outside of normal business hours (minimum charge: two hours)	\$42 per hour*
Reinspection fees assessed under provisions of § 151.025(H).....	\$42 per hour*
Inspections for which no fee is specifically indicated (minimum charge: one-half hour).....	\$42 per hour*
Additional plan review required by changes, additions, or revisions to plans (minimum charge: one-half hour).....	\$42 per hour*
For use of outside consultants for plan checking and inspections or both	Actual costs**

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, and hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

(Ord. 150, passed 11-14-96)

CHAPTER 152: PLANNING

Section

152.01 Comprehensive Plan adopted by
reference

Cross-reference:

Planning Commission, see § 32.60 et seq.

§ 152.01 COMPREHENSIVE PLAN ADOPTED BY REFERENCE.

(A) The revised city comprehensive plan, passed by the Council 9-16-97 and incorporated herein by reference, is adopted as the Comprehensive Land Use Plan of the city, controlling development and use of all land and waters within the physical boundaries of the city.

(B) A complete text of the comprehensive plan is on file for public reference in the office of the City Recorder.

(Ord. 61, passed 6-28-79; Am. Ord. 151, passed 1-23-97; Am. Ord. 156, passed 9-16-97)

CHAPTER 153: FLOOD DAMAGE PREVENTION

Section

General Provisions

- 153.01 Statutory authorization
- 153.02 Findings
- 153.03 Purpose
- 153.04 Methods of reducing flood losses
- 153.05 Definitions
- 153.06 Applicability of provisions
- 153.07 Basis for establishing areas of special flood hazard; Flood Insurance Rate Map
- 153.08 Abrogation and greater restrictions
- 153.09 Interpretation
- 153.10 Warning and disclaimer of liability

Provisions for Flood Hazard Reduction

- 153.20 General standards
- 153.21 Specific standards
- 153.22 Floodways

Permits; Administration

- 153.35 Permit for development required
- 153.36 Permit application
- 153.37 Building Official role
- 153.38 Permit review
- 153.39 Use of other base flood data
- 153.40 Information to be obtained and maintained by Building Official
- 153.41 Alteration of watercourses; action by Building Official

- 153.99 Penalty

Cross-reference:

Violations, see § 150.10 et seq.

GENERAL PROVISIONS

§ 153.01 STATUTORY AUTHORIZATION.

The legislature of the state has in O.R.S. 221.410(2) delegated the responsibility to local government units to take all action necessary or convenient for the government of their local affairs, and in O.R.S. 227.010 et seq. delegated the responsibility to cities to enact zoning ordinances and regulations pertaining to the development of land. (Ord. 118, passed 6-11-87)

§ 153.02 FINDINGS.

(A) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. (Ord. 118, passed 6-11-87)

§ 153.03 PURPOSE.

Dunes City - Land Usage

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (A) To protect human life and health;
 - (B) To minimize expenditure of public money and costly flood control projects;
 - (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (D) To minimize prolonged business interruptions;
 - (E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in areas of special flood hazard;
 - (F) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
 - (G) To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
 - (H) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (Ord. 118, passed 6-11-87)

§ 153.04 METHODS OF REDUCING FLOOD LOSSES.

Methods for reducing flood losses include the following:

- (A) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (B) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Controlling the alteration of natural flood

plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(D) Controlling filling, grading, dredging, and other development which may increase flood damage; and,

(E) Preventing or regulating the construction of flood barriers which unnaturally divert flood waters or may increase flood hazards in other areas.
(Ord. 118, passed 6-11-87)

§ 153.05 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPEAL. A request for a review of the local Building Official or City Recorder's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING. A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

AREA OF SPECIAL FLOOD HAZARD. The land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year. Designation on maps always includes the letters "A" or "V."

BASE FLOOD. The flood having a 1% chance of being equalled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters "A" or "V."

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.

FLOOD or FLOODING. A general or temporary

condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found at § 153.21(A)(2).

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term **MANUFACTURED HOME** also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term **MANUFACTURED HOME** does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for

rent or sale.

NEW CONSTRUCTION. Structures for which the “start of construction” commenced on or after the effective date of this chapter.

START OF CONSTRUCTION. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The **ACTUAL START** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE. A walled and roofed building including a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL IMPROVEMENT.

(1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

(a) Before the improvement or repair is started, or

(b) If the structure has been damaged and is being restored, before the damage occurred.

(2) For the purposes of this definition **SUBSTANTIAL IMPROVEMENT** is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

Dunes City - Land Usage

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE. A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.
(Ord. 118, passed 6-11-87)

§ 153.06 APPLICABILITY OF PROVISIONS.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.
(Ord. 118, passed 6-11-87)

§ 153.07 BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD; FLOOD INSURANCE RATE MAP.

The most recent Flood Insurance Rate Map for the city, which designates areas of special flood hazard identified by the Federal Insurance Administration, is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map is on file at the City Hall.
(Ord. 118, passed 6-11-87)

§ 153.08 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. 118, passed 6-11-87)

§ 153.09 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and,

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.
(Ord. 118, passed 6-11-87)

§ 153.10 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
(Ord. 118, passed 6-11-87)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 153.20 GENERAL STANDARDS.

In all areas of special flood hazards, the following standards are required:

(A) *Anchoring.*

(1) All new construction and substantial improvements shall be anchored to prevent flotation.

(2) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference

FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

(B) Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(C) Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for

(E) Review of building permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (§ 153.39), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(Ord. 118, passed 6-11-87) Penalty, see § 153.99

§ 153.21 SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 153.07 or § 153.39, the following provisions are required:

(A) Residential construction.

(1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(B) *Nonresidential construction.*

(1) New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this division based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the official as set forth in § 153.40(B).

(2) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in division (A)(2).

(Ord. 118, passed 6-11-87) Penalty, see § 153.99

§ 153.22 FLOODWAYS.

Located within areas of special flood hazard established in § 153.07 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(A) Encroachments shall be prohibited, including fill, new construction, substantial improvement, and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) If division (A) of this section is satisfied, all

new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this subchapter.

(Ord. 118, passed 6-11-87) Penalty, see § 153.99

PERMITS; ADMINISTRATION**§ 153.35 PERMIT FOR DEVELOPMENT REQUIRED.**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 153.07. The permit shall be for all structures, including manufactured homes, as set forth in § 153.05, and for all development including fill and other activities, also as set forth in § 153.05.

(Ord. 118, passed 6-11-87)

§ 153.36 PERMIT APPLICATION.

Application for a development permit shall be made on forms furnished by the City Recorder and may include but not be limited to: two plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(A) Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;

(B) Elevation, in relation to mean sea level, to which any structure has been floodproofed;

(C) Certification by a registered professional engineer or architect that the floodproofing methods of any nonresidential structure meet the floodproofing criteria in § 153.21(B); and

(D) A description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(Ord. 118, passed 6-11-87)

§ 153.37 BUILDING OFFICIAL ROLE.

The City Building Official is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.
(Ord. 118, passed 6-11-87)

§ 153.38 PERMIT REVIEW.

The Building Official shall:

(A) Review all development permits to determine that the permit requirements of this chapter have been satisfied;

(B) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required;

(C) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of § 153.22(A) are met.
(Ord. 118, passed 6-11-87)

§ 153.39 USE OF OTHER BASE FLOOD DATA.

When base flood elevation data has not been provided in accordance with § 153.07, the City Recorder may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer §§ 153.21 and 153.22.
(Ord. 118, passed 6-11-87)

§ 153.40 INFORMATION TO BE OBTAINED AND MAINTAINED BY BUILDING OFFICIAL.

The Building Official shall:

(A) Where base flood elevation data is provided through the Flood Insurance Study or required as in § 153.39, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, whether or not the structure contains a basement;

(B) For all new or substantially improved floodproofed structures:

(1) Verify and record the actual elevation (in relation to mean sea level); and

(2) Maintain the floodproofing certifications required in § 153.36(C);

(C) Maintain for public inspection all records pertaining to the provisions of this chapter.
(Ord. 118, passed 6-11-87)

§ 153.41 ALTERATION OF WATERCOURSES; ACTION BY BUILDING OFFICIAL.

The Building Official shall:

(A) Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration;

(B) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
(Ord. 118, passed 6-11-87)

§ 153.99 PENALTY.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 118, passed 6-11-87)

CHAPTER 154: SOIL EROSION CONTROL AND VEGETATION REMOVAL

Section

- 154.01 Conservation Committee established
- 154.02 Definitions
- 154.03 Permit for vegetation removal required; exceptions
- 154.04 Permit procedure
- 154.05 Soil erosion control
- 154.06 Re-vegetation of cleared areas
- 154.07 Vegetation cutting and removal in public rights-of-way
- 154.08 Violations

- 154.99 Penalty

Cross-reference:

Violations, see §§ 150.10 et seq.

Excavation and grading, see §§ 151.040 through 151.054

§ 154.01 CONSERVATION COMMITTEE ESTABLISHED.

The Conservation Committee shall consist of three members appointed by the City Council to serve for three-year terms except that the initial appointments to the Committee shall be for one one-year term expiring 12-31-97; one two-year term expiring 12-31-98; and one three-year term expiring 12-31-99. A member of the Council shall be selected to act as the non-voting Chair of the three-member Committee. The Committee may call upon the State Forester, Biologists, and Soil Conservationists for advice.

(Ord. 154, passed 4-10-97)

§ 154.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MAINTENANCE, PRUNING, and LIMBING. Periodic limbing, pruning, and maintenance of existing cleared areas, limbing and pruning not to exceed 25% of any one tree and trimming of other natural vegetation no closer to the ground than three feet.

NATURAL VEGETATION. Any trees, shrubs,

brush, plants, or grasses existing within the shoreland zone or riparian corridor.

ORIGINAL VEGETATION INVENTORY. All vegetation in the shoreland zone or riparian corridor for the lifetime of vegetation based on what vegetation has grown and is growing. (Stumps and other evidence of prior vegetation removal shall be considered in the determination of the **ORIGINAL VEGETATION INVENTORY**.)

PUBLIC RIGHT-OF-WAY. Any city right-of-way, whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory control over each right-of-way, whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure, or other means.

RIPARIAN CORRIDOR. Riparian corridor boundaries shall be 50 feet from the top of the bank of all fish-bearing streams. (For further information, see Ord. 153, an amendment to the City Zoning Ordinance (Ord. 50), for regulations defining and protecting significant riparian and wetland areas.)

SHORELAND ZONE. The shoreland zone includes all city lands within 50 feet measured horizontally from the ordinary high water line of all lakes and below.

SOIL EROSION. The result of any act which permits any condition to remain which will cause soil to be worn away or carried away by the elements.

(Ord. 154, passed 4-10-97)

Cross-reference:

Jurisdiction and control over public rights-of-way, see § 90.01

§ 154.03 PERMIT FOR VEGETATION REMOVAL REQUIRED; EXCEPTIONS.

(A) *Generally.*

(1) A vegetation removal permit is required if any vegetation/tree is to be removed from the

shoreland zone or riparian corridor, except as provided in divisions (B)(1) through (3) below.

(2) No vegetation shall be removed under a vegetation removal permit except as follows:

(a) Vegetation within 15 feet of the ordinary high water mark in the shore land zone or the top of the bank in riparian corridors may be removed if necessary for the development of water-dependent or water-related uses.

(b) 1. As much as 25% of the “original vegetation inventory” of the land area in any shoreland zone or riparian corridor that is more than 15 feet but less than 50 feet from the ordinary high water line may be trimmed or cleared of natural vegetation with an approved vegetation removal permit provided that such action will not result in soil erosion.

2. The “original vegetation inventory” is to be determined by counting stumps and other evidence of prior vegetation removal, based on what has been removed and what is growing. (The intent of this is to prevent subsequent property owners from each taking 25% until the shoreland could be stripped.)

(c) Vegetation which must be removed in conjunction with development otherwise allowed in the shoreland zone and riparian corridors.

(B) *Exceptions to permit requirement.*

(1) A vegetation removal permit is not required for:

(a) Periodic maintenance as defined in § 154.02;

(b) Removal of non-native vegetation or noxious weeds such as tansy-ragwort, Canadian thistle, gorse, or wild Scotch broom;

(c) Any tree that is determined to be a sudden or immediate threat to life, structures, or property. Such a tree may be removed without fee upon notification to the city requesting an inspection by a member of the Conservation Committee or other city designate for determination.

(Ord. 154, passed 4-10-97)

Cross-reference:

Excavation and grading, see §§ 151.040 through 151.054

§ 154.04 PERMIT PROCEDURE.

(A) Permit applications should be made through the City Recorder, utilizing the appropriate form.

(B) The application shall include a map of the property, including dimensions, legal description, the original vegetation inventory as defined in § 154.02, and an inventory of existing vegetation, indicating that which is proposed for removal.

(C) The application shall state reasons for vegetation removal and what steps will be taken to prevent soil erosion and minimize impacts on wildlife habitat, scenic values, and water quality.

(D) Upon receiving an application, the City Recorder will immediately notify the Chairperson of the Conservation Committee who will arrange a visit to the site and prepare a written report for the Planning Commission's next regular meeting.

(E) The Planning Commission shall consider the following criteria:

(1) The Oregon Coastal Shorelands Goals;

(2) The effect the proposed changes will have on scenic values from adjoining properties and bodies of water;

(3) The effect the proposed changes will have on fish and wildlife habitat, soil erosion, and water quality.

(F) The Planning Commission will modify, approve, or deny the proposal.

(G) An appeal of the Planning Commission decision may be made to the City Council by the

Dunes City - Land Usage

applicant or an interested person, or by the City Council's own motion. Such appeal shall be taken no later than 10 days after the Planning Commission's action.

(1) The appeal notice shall be filed in written form with the City Council and shall include a concise statement of the grounds upon which the appellant claims the decision appealed was erroneous.

(2) The city shall notify the appellant by letter confirming the receipt of the appeal and stating the appeal procedures and date the appeal will be heard by the City Council.

(Ord. 154, passed 4-10-97)

Cross-reference:

Planning Commission, see § 32.60 et seq.

§ 154.05 SOIL EROSION CONTROL.

It shall be considered detrimental to the safety, health, and welfare of the citizens of the city to allow the products of soil erosion to:

(A) Intrude into any public body of water;

(B) Intrude onto any right-of-way;

(C) Cross any property line onto land owned by persons other than the owners of the property from which the products of erosion originate.

(Ord. 154, passed 4-10-97)

§ 154.06 RE-VEGETATION OF CLEARED AREAS.

(A) Any parcel that has been logged under a permit from the State Forestry Department and has been removed from the jurisdiction of the State Forestry Department before it is reforested by reason of application for change of land use will not be granted any development permits unless:

(1) It is reforested to the specifications of the State Forestry Department; or

(2) A re-vegetation plan is approved by the City Council.

(B) In reviewing a re-vegetation plan required in

division (A) of this section, the City Council shall consider the following criteria:

(1) The provisions of the Oregon Coastal Shorelands Goal;

(2) City citizens' desire as stated in the preamble to Ord. 154;

(3) Any other provisions of this chapter. (Ord. 154, passed 4-10-97)

§ 154.07 VEGETATION CUTTING AND REMOVAL IN PUBLIC RIGHTS-OF-WAY.

(A) No tree or vegetation shall be cut or removed from any public right-of-way without recommendation by the Road Commission and permission of the City Council.

(B) The following practices are exempt from this section:

(1) Weed and brush control on gravel shoulders;

(2) Weed and brush control in drainage ditches;

(3) Vegetation control operations conducted by the Public Utility District, the telephone company, and cable TV franchises in areas within public easements pursuant to providing franchise services to the citizens of the city;

(4) Maintenance trimming up to three feet in width on either side of improved public roadways.

(Ord. 154, passed 4-10-97)

Cross-reference:

Road Commission, see § 32.40 et seq.

§ 154.08 VIOLATIONS.

(A) Upon receipt of a signed, written complaint of any city citizen, the city shall abate a violation of this chapter as a nuisance pursuant to the city's general nuisance abatement ordinance.

(B) In reviewing a soil erosion or illegal vegetation removal complaint, the City Council will

consider the following factors and actions:

§ 154.99 PENALTY.

(1) The standards and criteria embodied in this chapter;

(A) A violation of a provision of this chapter is punishable as provided in § 10.99.

(2) Implementation and requirements of the Oregon Shorelands Goal;

(B) Each day's violation of this chapter constitutes a separate offense. The abatement of the nuisance is not a penalty for violating this chapter, but is an additional remedy. Imposition of a penalty does not relieve a person of the duty to abate the nuisance. (Ord. 154, passed 4-10-97)

(3) Immediate structural control of the problem if weather conditions preclude vegetative control;

(4) A stop work order;

(5) An order requiring necessary work to be done with costs to be borne by the owner of the offending property.
(Ord. 154, passed 4-10-97)

Cross-reference:

Nuisances, see Chapter 91

Violations, see § 150.10 et seq.