

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR  
MULTNOMAH COUNTY, OREGON  
ORDINANCE NO. 164

An Ordinance providing for adoption of portions of the State of Oregon Building Code and enacting local provisions for administration and enforcement thereof, and repealing Ordinance No. 62.

Multnomah County ordains as follows:

Section 1. Title and Pleading.

This Ordinance shall be known as the Building Code Ordinance of Multnomah County, may be so pleaded, shall be referred to herein as "this ordinance" and shall apply to the unincorporated areas of Multnomah County.

Section 2. Policy.

The Board has determined that it is necessary to provide for the regulation of building construction and administration of standards, including enforcement, of certain of those regulations promulgated by the State of Oregon, hereinafter called the "State Building Code" or "SBC", and that said ordinance is necessary for the protection of the public health, safety and general welfare of the residents of Multnomah County.

Section 3. Adoption of State Building Code.

Those portions of the State of Oregon Building Code, as defined in ORS 456.750(8), constituting the Structural Specialty Code, Fire and Life Safety Code and the Mechanical Specialty Code, except as fees provided within said Mechanical Specialty Code, and as promulgated and from time to time duly revised, pursuant to ORS 456.750 to 456.885, are hereby adopted and by this reference incorporated herein as part of this ordinance as though fully set forth.

Section 4. Board of Appeals.

There is created by this ordinance the Multnomah County Building Code Board of Appeals, whose function shall be to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretation of this ordinance.

- A. Membership. The Board of Appeals shall consist of seven (7) members and three (3) alternate members who are qualified by experience and training to pass upon matters pertaining to building construction, and its members shall include at least one each of the following occupations:
1. Oregon registered professional engineer;
  2. Oregon registered architect;
  3. General contractor;
  4. Home builder;
  5. Building designer.
- B. Appointment. Members shall be appointed to the Board of Appeals pursuant to the Charter of Multnomah County and shall serve for such period as may be provided by such appointment.
- C. Duties. The Board shall adopt rules for the conduct of its business and shall render all findings and decisions in writing to the Building Official for Multnomah County, who shall cause a copy of such decision to be delivered to the applicant.
- D. Powers. The Board of Appeals shall be empowered to do the following:
1. Provide interpretations of this ordinance;
  2. Determine the suitability of proposed alternate methods of construction;

3. Determine the suitability of proposed alternate materials;
4. Provide recommendations to the Board of County Commissioners for such ordinances, rules and regulations as may be consistent with the purposes of this ordinance;
5. Grant alternatives to provisions of this ordinance in specific instances where the Board has determined to its satisfaction and by unanimous vote that practical difficulties, unnecessary hardship or consequences inconsistent with the general purposes of this ordinance may result from literal interpretation and enforcement thereof; provided that the Board may impose such conditions and safeguards upon approval of alternatives as it may determine are consistent with the general purpose, intent and spirit of this ordinance and to assure protection of the public safety and welfare;
6. Grant temporary permits as provided by this ordinance; and
7. Any other function assigned to it by ordinance, order, resolution, rule or regulation.

Section 5. Unsafe Buildings.

- A. Determination. Any building or structure which has any of the conditions or defects hereinafter described shall be deemed to be unsafe, if such conditions or defects are found to endanger the life, health, property or safety of the public or occupants thereof. Any building or structure found to be unsafe, as provided herein, is declared to be

a public nuisance and shall be abated by repair, rehabilitation, demolition or removal. A building is unsafe whenever:

1. Any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Stress in any structural materials, member or portion thereof, due to all loads, both vertical and lateral, is more than one and one-half times the working stress or stresses allowed by this ordinance for new buildings of similar construction, purpose or location.
3. Any portion thereof has been damaged by fire, earthquake, wind, flood, deterioration or such other cause as to result in wacking, warping, buckling or settling of any portion of the structure so as to reduce structural strength or stability 33% or more for supporting members, or 50% or more for nonsupporting members, below the minimum strength requirements of this ordinance for all buildings of similar construction, purpose or location.
4. Any portion thereof, or any member, appurtenance or ornamentation, either interior or exterior, is not of sufficient strength or stability, or is not anchored, attached or fastened in place securely and is therefore reasonably likely to fall, become detached or dislodged, or collapse and cause injury to persons or damage to property.
5. Exterior or interior bearing walls or other vertical

structural members list, lean or buckle to such extent that a plumb line passing through the center of gravity does not fall within the middle one-third of the base of such vertical component.

6. Any building or structure which at the time of construction may have been in compliance with all existing applicable laws and ordinances is determined to have any non-supporting part, member or portion thereof that is less than 50%, or any supporting part, member or portion thereof that is less than 66%, of (i) fire-resistive or (ii) weather-resistive qualities or characteristics required by this ordinance for newly constructed buildings of like area, height and occupancy as though placed in the same location as the existing building or structure.
7. Any building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, is determined by the Supervising Sanitarian for Multnomah County to be unsanitary, unfit for human habitation or to be in such condition as would likely cause sickness or disease.
8. Any building or structure determined by a Fire Marshal to be a fire hazard.

B. Enforcement.

1. Upon determination by the Building Official that any building or structure is unsafe, as defined in this ordinance, he shall furnish to the owner, and the person in charge thereof, written notice of such

determination and the basis therefor. The notice shall require repair, improvement, demolition, removal or elimination of the causes creating the unsafe condition, which may include immediate vacation of the building, structure or any portion thereof, and shall also require the commencement within 48 hours of any work necessary to abate the nuisance and provide a completion date therefor.

2. Service of notice, as provided herein, shall be as required for service of process by law, upon the owner of record, and if he is not found within the county, notice may be served by registered mail return receipt. Should such service be ineffective, service may be had by publication as provided by ORS 15.120. The time prescribed by which the unsafe building nuisance shall be abated, as provided hereinabove, shall commence to run upon service of notice or, in the case of service by publication, upon the first day of publication.
3. Any building, structure or portion thereof vacated upon order of the Building Official shall not be reoccupied until the required corrections have been completed, inspected and approved by the Building Official.
4. Posting of unsafe buildings shall be by appropriate displayed notice, as prescribed by the Building Official, at the entrance to such building and shall prohibit entry, occupancy or use to such extent as in the judgment of the Building Official is necessary under the circumstances of the case; and such notice shall remain

posted until removal thereof is authorized in writing by the Building Official. The Building Official shall have discretion to authorize entry by persons he deems necessary to effect abatement of the unsafe building nuisance.

5. Upon determination and notice to the owner that an unsafe building nuisance exists and failure or refusal of the owner to abate the nuisance, the Building Official shall cause the matter to be presented to the Board of County Commissioners for Multnomah County for a hearing to show cause why an unsafe building nuisance should not be declared to exist and to order abatement of such nuisance. Notice of any such hearing shall be served not less than ten (10) days prior thereto upon the owner of the building and any person in possession thereof in the manner prescribed by subsection B.2. of this section. After hearing and upon determination by the Board that a nuisance exists, the Board may order abatement thereof and prosecution of the owner for violation of this ordinance. The Board's order shall constitute authority for the Building Official to proceed to abate the nuisance by performance of any specific act necessary thereto, including entry upon the land and removal of the unsafe structure. Any expense incurred thereby shall be authorized by the Board to be paid by the County, and such costs shall be levied against the real property and charged to the owner thereof in the manner of, and collected as provided for, special assessments, pursuant to ORS 311.255.

Section 6. Fees.

The following fee schedule shall apply under this ordinance in addition to those provided in Section 303 of the Structural Specialty Code and Fire and Life Safety Code:

- a. Fire Inspection - 40% of the required building permit fee
- b. Moving of Structure - \$25.00
- c. Demolition of Structure - \$5.00
- d. Temporary Permit - \$5.00
- e. Hearing Fee - Board of Appeals - \$10.00
- f. Automatic Sprinkler System Minimum - \$15.00
  - (1) Per Sprinkler Head for First 100 - 25¢
  - (2) Per Sprinkler Head in Excess of First 100 - 15¢

Section 7. Permits.

- A. Additional to those permits provided in Section 302 of the Structural Specialty Code and Fire and Life Safety Code, the Building Official may approve permits for buildings or structures of a temporary nature, not to exceed ninety (90) days; the Board of Appeals may approve such permits for periods in excess of ninety (90) days, but not to exceed one (1) year.
- B. Temporary buildings and structures shall comply with provisions of this ordinance only to the extent required by the Building Official or Board of Appeals as may be deemed necessary to prevent injury to persons or damage to property and shall be consistent with the intent and purpose of this ordinance.

Section 8. Repeal.

Upon the effective date of this ordinance, Multnomah County Ordinance 62 and all amendments thereto, are repealed, provided, however, that nothing herein shall affect or prohibit any legal proceeding which has been or may be initiated in respect to any violation of said ordinance occurring before the effective date of this ordinance.

Section 9. Adoption.

This ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this 11th day of May, 1978, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By Donald S. Work  
Chairman

APPROVED AS TO FORM:

JOHN B. LEAHY  
County Counsel for  
Multnomah County, Oregon

By Paul G. Mackey  
Paul G. Mackey  
Deputy County Counsel