

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 400

An ordinance amending Multnomah County Code Chapter 9.10

Section 1 Findings MCC 9.10

The Board of County Commissioners finds that citizens appealing Building Code staff interpretation or obtaining approval of alternate materials and types of construction will be better served through a revision to the Building Code Board of Appeals organizational structure. The Board of County Commissioners also finds that fee adjustments are necessary and convenient for carrying out the purpose of the ordinances.

Section 2 MCC 9.10 Amended as Follows:

9.10.005

9.10.005 Title: Area of Application. This chapter shall be known as the Building Code Ordinance of Multnomah County, may be so pleaded and referred to and shall apply to the unincorporated areas of Multnomah County.

9.10.020 Policy. The Board of County Commissioners has determined that it is necessary to provide for the regulation of building construction and administration of standards, including enforcement, of the State Building Code adopted by the State of Oregon and that this chapter is necessary for the protection of the public health, safety and general welfare of the residents of Multnomah County.

9.10.030 Adoption of State Building Code by Reference. Those portions of the State Building Code, as defined in subsection (8) of ORS 456.750, constituting the structural specialty code, fire and life safety code and the mechanical specialty code, are hereby adopted and by this reference incorporated as part of this chapter as though fully set forth.

9.10.040 Building Code Board of Appeals; Membership; Duties.

(A) There is created 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 chapter [.] and chapter 9.30.

(B) The Board of Appeals shall consist of [seven] nine members [and three alternated members] who are qualified by experience and training to pass upon matters pertaining to building construction, which membership 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; and
- (5) Building designer.]

- (1) Oregon registered professional engineer (civil);
- (2) Oregon registered professional engineer (mechanical);
- (3) Oregon registered professional engineer (structural);
- (4) Oregon registered architect;
- (5) General Contractor;
- (6) Home builder;
- (7) Building designer;
- (8) Plumber; and
- (9) Fire protection specialist.

(C) Members shall be appointed to the board of appeals under the Charter of Multnomah County and shall serve for such period as may be provided by the appointment.

(D) Any member of the board of appeals who fails to attend three consecutive meetings of the board of appeals, whether regular or special, shall, upon recommendation of a majority of the board of appeals members and approval of the County Executive, forfeit their office. The County Executive shall immediately appoint a successor.

(E) A quorum for the transaction of business shall consist of four (4) members.

~~[(D)]~~ (F) The board of appeals 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 a decision to be delivered to the applicant involved.

9.10.050 Powers of Board of Appeals. The Building Code Board of Appeals may do the following:

- (A) Provide interpretations of this chapter;
- (B) Determine the suitability of proposed alternate methods of construction;
- (C) Determine the suitability of proposed alternate materials;
- (D) Provide recommendations to the Board of County Commissioners for such ordinances and rules as may be consistent with the purposes of this chapter;
- (E) Grant alternatives to provisions of this chapter in specific instances where the Building Code Board of Appeals has determined to its satisfaction and by unanimous vote that practical difficulties, unnecessary hardship or consequences inconsistent with the general purposes of this chapter may result from literal interpretation and enforcement of this chapter, provided, however, that the board of appeals may impose such conditions and safeguards upon approval of alternatives as it determines are consistent with the general purpose, intent and spirit of this chapter and which assure protection of the public safety and welfare;
- (F) Grant temporary permits as provided by this chapter; and
- (G) Perform any other function assigned to it by ordinance, order, resolution or rule.

9.10.060 Determination of Buildings as Unsafe. Any building or structure which has any of the conditions or defects described in this section shall be considered unsafe, if the conditions of defects are found to endanger the life, health, property or safety of the public or the occupants. Any building or structure found to be unsafe under this chapter is declared to be a public nuisance and shall be

abated by repair, rehabilitation, demolition or removal. A building is unsafe whenever:

- (A) 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.
- (B) Stress in any structural materials or member or portion of a member, due to all loads, both vertical and lateral, is more than one and one-half times the working stress or stresses allowed by this chapter for new buildings of similar construction, purpose or location.
- (C) Any portion has been damaged by fire, earthquake, wind, flood, deterioration or such other cause as to result in wracking, warping, buckling or settling of any portion of the structure so as to reduce structural strength or stability 33 percent or more for supporting members, or 50 percent or more for nonsupporting members, below the minimum strength requirements of this chapter for all buildings of similar construction, purpose or location.
- (D) Any portion, 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 therefor reasonably likely to fall, become detached or dislodged, or collapse and cause injury to persons or damage to property.
- (E) Exterior or interior bearing walls or other vertical structural members list, lean or buckle to the extent that a plumb line passing through the center of gravity does not fall within the middle one-third of the base of the vertical component.
- (F) 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 facility, 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.
- (G) Any building or structure determined by a fire marshal to be a fire hazard.

9.10.070 Notice to Owner of Unsafe Building; Contents.

- (A) Upon determination by the Building Official that any building or structure is unsafe as provided in MCC 9.10.060, the Building Official shall furnish to the owner and the person in charge of the building or structure, written notice of the determination and its

basis. 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 for that work.

(B) Service of the notice provided under subsection (A) of this section shall be as required for service of process by law, upon the owner of record, and if the owner is not found within the county, notice may be served by registered mail return receipt. If that service is ineffective, service may be had by publication as provided by ORS 15.120. The time prescribed for the unsafe building nuisance to be abated, as provided in subsection (A) of this section, shall commence to run upon service of notice or, in the case of service by publication, upon the first day of publication.

9.10.080 Limited Use of Unsafe Building.

(A) 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.

(B) Posting of unsafe buildings shall be by appropriate displayed notice, as prescribed by the Building Official, at the entrance to the building and shall prohibit entry, occupancy or use to such extent as in the judgement of the Building Official is necessary under the circumstances. The notice shall remain posted until removal is authorized in writing by the Building Official. The Building Official may authorize entry by persons the Building Official considers necessary to effect abatement of the unsafe building nuisance.

9.10.090 Hearing; Abatement of Unsafe Building Nuisance.

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 the nuisance. Notice of a hearing shall be served, not less than 10 days prior to the hearing, upon the owner of the building and any person in possession in the manner prescribed by subsection (B) of MCC 9.10.070. After hearing and upon determination by the board that a nuisance exists, the board may order abatement of the nuisance and prosecution of the owner for violation of this chapter. The board's order shall constitute authority for the Building Official to proceed to abate the nuisance by performance of any specific act necessary, including entry upon the land and removal of the unsafe structure. Any expense incurred shall be authorized by the board to be paid by the county, and the costs shall be levied

against the real property and charged to its owner in the manner of, and collected as provided for, special assessments under ORS 311.255.

9.10.100 Fees. The following fee schedule shall apply under this chapter in addition to those provided in the State Building Code:

(A) Exempt area fire inspection - 40 percent of the required building permit fee.

(B) Pre-move and pre-sale <u>residential</u> inspection fee	[\$30.00]	<u>\$35.00</u>
(C) Demolition of structure	[\$20.00]	<u>\$35.00</u>
(D) Temporary permit <u>or temporary certificate of occupancy</u>	[\$20.00]	<u>\$35.00</u>
(E) Hearing fee - board of appeals	[\$25.00]	<u>\$35.00</u>
<u>(F) Certificate of Occupancy (new permit not required)</u>		<u>\$35.00</u>
<u>(G) [F] Automatic sprinkler system</u>		
(1) Minimum charge	[\$30.00]	<u>\$35.00</u>
(2) Per sprinkler head for first 100	\$.50	
(3) Per sprinkler head in excess of first 100	\$.30	
(4) Permit fee surcharge 4%		

9.10.110 Permits for temporary buildings or structures.

(A) In addition 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 90 days, The board of appeals may approve the permits for periods in excess of 90 days, but not to exceed one year.

(B) Temporary buildings and structures shall comply with provisions of this chapter only to the extent required by the Building Official or board of appeals as may be considered necessary to prevent injury to persons or damage to property and shall be consistent with the intent and purpose of this chapter.

ADOPTION

Adopted this 13th day of October, 1983, being the date of its second reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By 
Presiding Officer

Authenticated by the County Executive this 16th day of October, 1983.

(SEAL)


County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY
County Counsel for
Multnomah County, Oregon

By 