



ORDINANCE NO. 5952

AN ORDINANCE AMENDING ORDINANCE 5647, WHICH ADOPTED ALBANY MUNICIPAL CODE TITLE 18 RELATING TO BUILDING CODE ADMINISTRATION, BY REPLACING SECTION 18.10.200.

WHEREAS, Title 18 of the Albany Municipal Code contains the administrative provision governing the local building inspection program delegated by the state; and

WHEREAS, civil penalties related to the building inspection program are subject to the requirements of ORS 455.895(2); and

WHEREAS, the statutory requirements have changed since the adoption of Title 18; and

WHEREAS, the Albany City Council determined that increasing the civil penalties is essential to public safety; and

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Section 18.10.200 of the Albany Municipal Code is hereby replaced, as shown in Exhibit A of this ordinance.

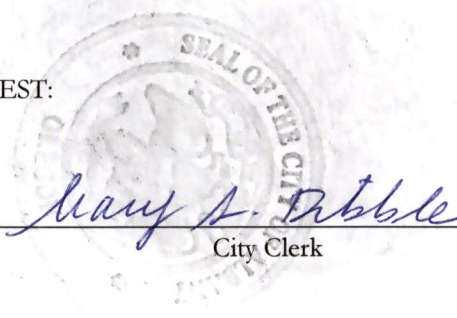
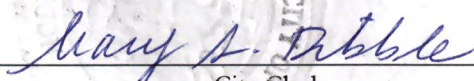
Passed by the Council: 12/16/2020

Approved by the Mayor: 12/16/2020

Effective Date: 1/15/2021


Mayor

ATTEST:



City Clerk

18.10.200 Penalties.

Any person or business entity which violates any term or provision of this title shall be subject to any or all of the following penalties:

- (1) Investigative Fee.
 - (a) In case of work performed without permits, as required in this title and the state Building Code, such work shall be subject to the investigation fee(s) adopted pursuant to AMC 18.12.010, unless waived by the Building Official.
- (2) Civil Penalties.
 - (a) In the case of a violation of this title or the state Building Code, each violation shall be subject to the following civil penalties:
 - i. First Offence - Where one or multiple violations are committed by a person, business, or corporations, a civil penalty up to \$1000 per violation shall be assessed. If the violation is corrected within the date(s) specified in the citation, a maximum of \$750 of the civil penalty may be stayed. The stayed amount shall become due if additional violations occur within three (3) calendar years from the date of the citation.
 - ii. Second Offence - Where subsequent violation(s) by a person, business, or corporation occurs within three years of their first offence, a civil penalty of \$2500 per violation shall be assessed. If the violation is corrected within the date(s) specified in the citation, a maximum of \$1250 of the civil penalty may be stayed. The stayed amount shall become due if additional violations occur within three (3) calendar years from the date of the citation.
 - iii. Subsequent Offences - Where subsequent violations by a person, business, or corporation occurs within three years of their second offence, a civil penalty of \$5000 per violation shall be assessed. If the violation is corrected within the date(s) specified in the citation, a maximum of \$2500 of the civil penalty may be stayed. The stayed amount shall become due if additional violations occur within three (3) calendar years from the date of the citation.
 - iv. Continued Violations- Violations not corrected by the date specified in the notice of violation or the citation may be subject to an additional penalty of \$1,000 per day, per offense.
 - v. Civil penalties for offenses under (ii) and (iii) above are intended for new violation(s) of this title that occur after resolution of the preceding offense.
 - (b) Violations Which Present an Imminent Life Safety Hazard.
 - (a) In those cases where the Building Official determines that the violation presents an imminent risk of serious physical injury or death to any person, civil penalties shall be doubled. The civil penalty shall not exceed \$5000 per offence.
 - (b) The civil penalty amount shall not be stayed.
 - (c) In the case of a violation of Chapter [18.28](#) or [18.30](#) AMC or the Albany development code:
 - i. A civil penalty of \$500.00 per violation shall be assessed. If the violation has been corrected within 10 working days of the issuance of the citation, the civil penalty may be reduced to \$250.00 per violation.

- ii. Repeat Violations- In the case of subsequent violations of this title by the same person, business, or corporation within 12 consecutive months, the civil penalty for each subsequent violation shall be doubled. The doubled penalty amount will remain due even if correction is achieved within 10 working days.
- (3) Hearings.
- (a) Civil penalties related to this title and the state Building Code shall be subject to the noticing and hearings requirements of ORS 183. For the purpose of this section, "Hearings Officer" shall mean the City Manager, or their delegate; and the "Court of Appeal" shall mean the Albany Municipal Court.
 - (b) In the case of a violation of Chapter 18.28 or 18.30 AMC or the Albany development code, the violation procedures of Chapter 1.05 of the AMC will apply.
- (4) Application of Collected Cost Recovery and Penalties.
- (a) When abatement of a violation is resolved without issuing a citation, all funds collected by the City pursuant to this section will be paid to such accounts as the City may maintain for the support of the City Building Division.
 - (b) When abatement of a violation is achieved by issuing a citation, 30 percent of the funds collected by the City pursuant to this section will be paid to the court for overhead costs, and the remaining 70 percent will be paid to Building Division accounts.
- (5) The penalties provided herein are in addition to any other remedies available. The imposition of the penalties herein shall not preclude the Building Official from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the building, structure, or premises.
- (6) Every day, or portion thereof, during which any violation of any provision of this title is committed, continued or permitted, may be a separate offense. (Ord. 5647 § 1 (Exh. A), 2006).