

ORDINANCE NO. 3825

AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, CONVERSION, DEMOLITION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF BUILDINGS AND/OR STRUCTURES; REGULATING THE DESIGN, CONSTRUCTION, INSTALLATION, QUALITY OF MATERIALS, LOCATION, OPERATION AND MAINTENANCE OF HEATING, VENTILATING, COMFORT COOLING, REFRIGERATION SYSTEMS, INCINERATORS AND OTHER MISCELLANEOUS HEAT-PRODUCING APPLIANCES; REGULATING THE INSTALLATION, ALTERATION OR REPAIR OF PLUMBING AND DRAINAGE SYSTEMS; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREFOR; DECLARING AND ESTABLISHING FIRE ZONES; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ORDINANCE NO. 3608, ORDINANCE NO. 3316, ORDINANCE NO. 3264, ORDINANCE NO. 3058 AND ALL OTHER ORDINANCES IN CONFLICT HERewith.

The People of the City of Albany Do Ordain as follows:

Section 1. ADOPTION OF STATE BUILDING AND MECHANICAL CODES: The State of Oregon Structural Specialty Code and Fire and Life Safety Code, together with the State of Oregon Mechanical Specialty Code and Mechanical Fire and Life Safety Code, together with all acts and amendments applicable to cities which are now or hereafter enacted as set forth in ORS 456.750 to 456.890, inclusive, are hereby adopted by reference and made a part of this ordinance and shall also include The Standards for Volume I of the Uniform Building Code, 1973 Edition as published by the International Conference of Building Officials.

Section 2. ADMINISTRATIVE RULES: Except as hereinafter noted, Chapters 1, 2 and 3 of the State of Oregon Structural Specialty Code shall be the administrative rules for the City of Albany.

Sec. 2.1 There shall be no permit fee for roofing permits for owner occupied, single family residential structures. All other overroofs and all overroofs required by the Building Code to be fire-retardant shall pay a normal building permit fee.

Sec. 2.2 There shall be no permit required for painting except where fire-retardant paints are being used to protect structural members.

Replacement of doors or window panes, including large storefront glass shall not require a permit, unless a fire-resistive window or door assembly is replaced, repaired or changed, in which case a permit shall be required.

Minor repair of concrete on the lot or building site shall not require a permit, but any concrete work within a public right-of-way or the construction of new walks in excess of 100'sq. shall require a permit.

Sec. 2.3 ALTERNATE METHODS AND MATERIALS: The Building Official may approve a material or a method of construction not specifically prescribed by this ordinance provided he finds that the proposed design is satisfactory and that the material, method or work offered is for the purpose intended, at least equivalent to that prescribed by this ordinance in quality, effective-

ness, fire resistance, durability, safety and energy conservation and that the Director of the Department of Commerce has not issued a report disapproving the material or method for the purpose. The Building Official may refer the proposed design to the City Board of Appeals as provided in Sec. 204 (a). A person affected by a ruling of the Building Official may appeal such ruling to the Board of Appeals within 30 days of the date of the ruling. The provisions of this section shall not be interpreted to preclude a person from requesting a ruling from the Director of the Department of Commerce prior to submitting an application to the City for a permit or after withdrawing a previously submitted application.

Sec. 2.4 (a) INSPECTIONS: The Building Official or his assistants may require a minimum of four hours notice, excluding Saturdays, Sundays and holidays, after notification that a permittee is ready for any inspection required by the Building Official to insure compliance with this ordinance.

(b) ROOF DRAINS AND GUTTERS: All buildings and structures shall have an approved roof drainage system including gutters and downspouts. Such system shall be connected to an approved drainage system. Splashblocks are expressly prohibited on all dwellings constructed after the date of this ordinance.

(c) CONSTRUCTION IN FLOOD PLAINS: All habitable buildings, dwellings or mobile homes shall comply with applicable flood plain regulations adopted by the City of Albany.

Sec. 2.5 UNSAFE BUILDINGS: All buildings described in Chapter 18.16 of the Albany Municipal Code are hereby declared to be unsafe buildings for the purposes of this Section. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures described in Chapter 18.16 of the Albany Municipal Code.

Sec. 2.6 APPEALS BOARD:

(a) In order to determine the suitability of alternate materials and methods of construction and to provide reasonable interpretations of the provisions of this Code, there shall be and is hereby created a Board of Appeals, consisting of not less than five members who are qualified by experience and training to pass upon matters pertaining to building construction, heating, ventilating, and mechanical installations. The Building Official shall be an ex-officio member and shall act as Secretary of the Board. The Board of Appeals shall be appointed by the Mayor and approved by the City Council. The Board shall adopt reasonable rules and regulations

for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant.

Sec. 2.7 VIOLATIONS AND PENALTIES:

(a) It shall be unlawful for any person, firm, or corporation to engage in any conduct or activity for which a permit, certificate, label or other formal authorization is required by this ordinance or other regulation without first obtaining such permit, certificate, label or other formal authorization.

Sec. 2.8 SIDEWALKS AND DRIVEWAYS:

(a) Sidewalks shall be constructed in the public right-of-way providing access to all buildings with the construction of such walks conforming to the Standard Specifications of the City of Albany.

EXCEPTION: Buildings constructed for industrial use on a site adjacent to an industrial service street, as designated in the City's official arterial street plan, are not required to construct a sidewalk along such street unless the construction of a sidewalk is necessary to provide a continuous pedestrian way connecting existing walks. Dwellings constructed on a building site which has a frontage of 200 feet or more are not required to construct a sidewalk in the adjacent street right-of-way unless the construction of such sidewalk is necessary to provide a continuous pedestrian way connecting existing walks.

(b) Paved driveways shall be constructed leading from public streets or accessways to the required off-street parking area. The construction of such paved driveways shall conform to the Standard Specifications of the City of Albany for similar construction, and shall include a driveway apron.

Sec. 2.9 In the case where an applicant proposes to construct the same plan several times and where such plan has received the prior approval of the Administrator of the State of Oregon Structural Specialty Code or the City of Albany Building Official, including approval of alternates being offered such as heating alternates, kitchen layouts, appliances and the like, a permit may be issued for each building or structure after the additional

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review and approval of plot plans including review of zoning, drainage requirements, landscaping and fire regulations.

Sec. 2.10 ~~EXCEPTION:~~ In the case where an applicant proposes to construct the same basic plan under the conditions specified in Sec. 2.9 of this ordinance, he shall pay one plan check fee only.

Sec. 2.11 SPECIAL FEES: In addition to the fees specified in Sec. 303 (a) and Sec. 303 (b), the following fees shall be paid for each permit listed:

1. Moving of Buildings or Structures: \$20.00 each
2. Demolition of Building of Structure: \$ 5.00 each  
except that a fee shall not be required for small, detached accessory buildings of 600 square feet in area or less.
3. Housing Code Inspection and issuance of a certificate of occupancy at request of the owner: \$35.00 each

Sec. 2.12 REFUND OF PERMIT FEES:

(a) Should a permit holder determine that he cannot proceed with the work for which a permit has been issued, he may request a partial refund of his building permit fee. Such request shall be in writing and must be received within 60 days from the date of issuance of any such permit and prior to beginning any work. The Building Official shall approve all such requests.

(b) A service charge of \$10.00 shall be retained by the City of Albany and there shall be no refund of any fee of \$10.00 or less.

(c) The Building Permit and Inspection Card shall be surrendered to the Building Official prior to any refund.

(d) There shall be no refund of any plan check fee paid.

### Section 3. REGULATIONS FOR DEMOLISHING BUILDINGS AND STRUCTURES:

Sec. 3.1 (a) PERMITS REQUIRED: No person, firm or corporation shall demolish, or cause to be demolished, any building or structure in the City without first obtaining a separate demolition permit for each such building or structure from the Building Official.

(b) APPLICATION: To obtain a demolition permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

(1) Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed work.

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

(3) Show the use or occupancy of all parts of the building. In the case of residential buildings or structures, the number of dwelling units shall be specified.

(4) Be signed by the permittee, or his authorized agent who may be required to submit evidence to indicate such authority.

(5) Give such other information as reasonably may be required by the Building Official.

(c) PLANS: The Building Official may require each application for a demolition permit to be accompanied by a drawing showing the outside dimensions of the building to be demolished and their location within the property lines, the overall height of the buildings and the type of construction. In addition, the location of buildings adjacent to the demolition site shall also be indicated on the drawing.

Sec. 3.2 (a) CASH DEPOSIT : A permit shall not be issued unless the permittee shall first post with the Building Official the sum of \$100 as a deposit to guarantee completion within the time specified in the permit.

Sec. 3.3 (a) SUSPENSION: The application and drawings filed by an applicant for a demolition permit shall be checked by the Building Official. Such plans may be reviewed by other departments of the City to check compliance with the laws and ordinances under their jurisdiction. If the Building Official is satisfied that the work described in an application for a demolition permit conforms to the requirements of this Code and other pertinent laws and ordinances, and that the fee specified has been paid, and after a time limit has been established by the Building Official, he shall issue a demolition permit therefor to the applicant.

(b) EXPIRATION:

(1) Every demolition permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void, if the demolition work is not commenced within 60 days from the date of such permit, or if the work authorized by such demolition permit is not completed within the time limit established by the Building Official. The Building Official may grant an extension of time limit if it is apparent that the permit holder has made every effort to meet the time limit and will be unable to do so because of unusual or difficult conditions.

(2) In the event that the permit holder should fail to meet the time limit specified by the demolition permit because of failure to prosecute the work, the City Council may declare the building an unsafe or substandard building under the terms of this Ordinance or a dangerous building under the terms of Section 18.16 of the Albany Municipal Code and may cause the demolition of the building to be completed by following the procedures outlined in said Section 18.16.

(c) SUSPENSION OR REVOCATION: The Building Official may, in writing, suspend or revoke a demolition permit issued under provisions of this ordinance whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Ordinance.

Sec. 3.4 PROTECTION OF PUBLIC UTILITIES: Street lights, parking meters, fire or police alarm boxes, hydrants, catch basins, manholes and other public facilities shall be protected as required in Section 4405 of the Building Code.

Sec. 3.5 PROTECTION FOR PEDESTRIANS: Walkways, railings, fences and canopies shall be provided for the protection of pedestrians as specified by Section 4405 of the Building Code.

Sec. 3.6 (a) PROTECTION OF PUBLIC SIDEWALKS: Public sidewalks shall be protected from damage by a pad of solid planking not less than two inches (2") thick.

(b) REPLACEMENT AND REPAIR OF STREETS AND SIDEWALKS: Any sidewalk or street which is damaged or broken during the demolition work shall be immediately replaced as directed by the City Engineer.

Sec. 3.7 NOTIFICATION OF UTILITIES:

(a) All utility companies, such as telephone, power, gas, T.V. shall be notified to disconnect all of such services from the main lines to the building.

(b) A written statement from the City of Albany Fire Marshal and the gas utility stating that the gas is shut off from the main line and that all interior gas lines are approved for removal shall be filed with the demolition permit application.

Sec. 3.8 (a) BASEMENT WALLS. Where basements or cellars are involved in the demolition of a building or structure, the basement or cellar walls shall be maintained in a structurally sound condition in all areas adjacent to public sidewalks in order that such sidewalks may be adequately supported. If the basement or cellar wall adjacent to a public sidewalk is not adequate to support such sidewalk, a wall or bulkhead shall be provided according to specifications provided by the Building Official.

(b) FENCES.

(1) A temporary fence along the inside edge of a public sidewalk shall be maintained during demolition work to protect pedestrians from basements or cellars. As soon as the demolition work is completed, a fence shall be erected or installed according to specifications provided by the Building Official to protect from hazards remaining as a result of excavation.

(2) All permanent fences shall be maintained in a neat and attractive manner at all times.

Sec 3.9 (a) SITE PREPARATION. All debris, stumps, broken concrete, brick and other material shall be completely removed from the premises. All ground surfaces shall be raked clean and graded evenly.

(b) SEWER LATERALS: Each and every sewer lateral shall be tightly plugged against the entrance of ground water. The Building Official shall be notified when the sewer lateral is ready to be plugged and shall be given an opportunity to inspect the plug and to obtain the necessary data to relocate said lateral if necessary.

Section 4. REPEAL CLAUSE: Ordinance Nos. 3608, 3316, 3264 and 3058 of the City of Albany and all other ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed excepting that Ordinance No. 3252 of the City of Albany is continued with all its terms and provisions in full force and effect.

Section 5. SEVERABILITY: If any provision, section, sentence or phrase of this Ordinance shall for any reason be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment or decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED BY THE COUNCIL December 23, 1974

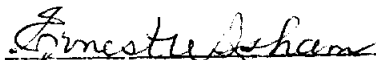
APPROVED BY THE MAYOR December 23, 1974

EFFECTIVE DATE January 22, 1975



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Mayor of the City of Albany  
Linn County, Oregon

ATTEST:



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Ernest W. Isham, Recorder of the  
City of Albany, Linn County,  
Oregon