



ORDINANCE NO. 6013

AN ORDINANCE AMENDING ORDINANCE 5877, WHICH AMENDED ALBANY MUNICIPAL CODE (AMC) TITLE 18 BUILDING CODE ADMINISTRATION AND PROPERTY MAINTENANCE, RELATING TO BUILDING CODE ADMINISTRATION.

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

WHEREAS, the regulatory requirements have been updated since the adoption of Title 18; and

WHEREAS, the property maintenance component of 18.30 has been repealed; and

WHEREAS, from time to time it is appropriate to amend the AMC based on changing conditions;

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

Section 1: The findings included in the staff memo are hereby adopted in support of this decision.

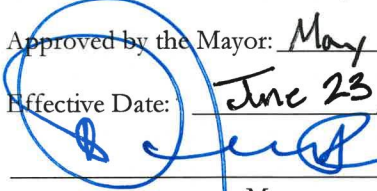
Section 2: The text of Title 18 of the AMC is hereby amended as shown in Exhibit A of this ordinance.

Section 3: This ordinance becomes effective on June 23, 2023.

Passed by the Council: May 24, 2023

Approved by the Mayor: May 24, 2023

Effective Date: June 23, 2023



Mayor

ATTEST:



Allison Kessie

City Clerk

Chapter 18.04 ADMINISTRATION

Sections:

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18.04.010 Title.

This title shall be known as the “building regulations,” and may be so cited and pleaded and is referred to herein as “this title.” (Ord. 5647 § 1 (Exh. A), 2006).

18.04.020 Severability.

If any section, paragraph, subdivision, clause, sentence, or provision of this title shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this title or this code, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this title notwithstanding the parts to be declared unconstitutional and invalid. (Ord. 5647 § 1 (Exh. A), 2006).

18.04.030 Purpose.

The purpose of this title is ~~is, consistent with available resources,~~ to establish uniform performance, minimal standards, enforcement procedures, and administrative standards in order to provide reasonable safeguards for the health, safety, welfare, comfort and security of the residents of this jurisdiction, and to provide for the use of modern methods, devices, materials, techniques, practicable maximum energy conservation standards, and fire and life safety features in the construction and use of structures. (Ord. 5647 § 1 (Exh. A), 2006).

18.04.040 Scope.

This title shall apply to new ~~and existing~~ construction ~~and premises,~~ and construction-related activities ~~within existing structures~~ including, but not limited to, installation of: electrical, plumbing, mechanical, energy, ~~grading,~~ ~~disability access~~ ~~accessibility,~~ alteration, moving, demolition, repair, ~~maintenance,~~ fire and life safety, and work associated with any building, structure, ~~premises,~~ property, or license regulated by this title, mandated under ~~any of the Oregon Construction Specialty Building Codes,~~ rules, or statutes, and/or regulated by various other codes of the City of Albany, ~~including zoning~~

~~or land use regulations.~~ The City of Albany enforces the [State-Oregon](#) Building Code as per ORS Chapter [455](#) and the rules adopted thereunder.

Pursuant to ORS [455.020](#)(4) and adopted by local ordinance, the scope of the [State Oregon](#) Building Code has been amended to include the following local requirements and shall be permitted and inspected pursuant to this title and the [OregonState](#) Building Code.

(1) Chapter 32 of the Oregon Structural Specialty Code, titled: "Encroachments into the Public Way."

(2) Freestanding, pole-mounted, and other signs not attached to or supported by a regulated building.

(3) Retaining walls that are over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall or any retaining wall supporting a surcharge.

(4) Ground-mounted flagpoles, antennas, and similar items that exceed 25 feet in height.

(5) Cellular phone, radio, television, and other telecommunication and broadcast towers that are not attached to or supported by a regulated building.

(6) Tanks located exterior to and not attached to or supported by a building and having a capacity that exceeds 1,000 gallons (3,785 L); having a ratio of height to diameter that exceeds two to one; or containing hazardous or flammable material. (Ord. 5934 § 2 (Exh. A), 2019; Ord. 5647 § 1 (Exh. A), 2006).

18.04.050 Conflicting provisions.

Where, in any specific case, different sections of this title specify different materials, methods of construction or other requirements, the most restrictive shall govern, except in cases where the minimum/maximum provisions of the [OregonState](#) Building Code apply. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. (Ord. 5647 § 1 (Exh. A), 2006).

18.04.060 Codes.

(1) [State-Oregon](#) Building Code. The provisions of the ~~State-of~~ Oregon Building Code, as provided in ORS [455.010](#), are hereby adopted by reference. The [specialty codes, comprising the State-Oregon](#) Building Code, ~~is-are~~ on file in the Community Development Department of the City of Albany.

(2) Fire Code. Where requirements of this title do not provide necessary regulation or are not fully detailed with regard to processes, methods, specifications, equipment testing, and maintenance, standards of design, performance, and installation, and other pertinent criteria, the applicable standards and requirements of the [State-Oregon](#) Fire Code shall apply, copies of which are on file in the Fire Department of the City of Albany. ~~Said volumes and all subsequent editions of these codes, including all amendments, are hereby incorporated in this title by reference.~~

(3) Development Code. Nothing in this title is intended to permit the establishment or conversion of any structure or use of any land in any zone which is not in accordance with the applicable sections of the Albany ~~development~~ [Development codeCode](#). [The Albany Development Code is on file in the Community Development Department of the City of Albany](#) (Ord. 5647 § 1 (Exh. A), 2006).

18.04.070 Definitions.

The definitions contained within the Oregon Building Code shall apply Ffor the purpose of this title. Items not defined within the Oregon Building Code, or in this section, shall have their ordinary accepted meanings. the following definitions shall apply:

(1) "Adjacent property" means property that has a common border with another property or tax lot. ~~Does not include property separated by roads, rivers or other such separations.~~

(2) "Approved" means approved by the Building Official.

~~(3) "Attractive nuisance" means a condition that may attract and injure children, vagrants, or other unauthorized trespassers.~~

(34) "Basement" means that portion of a building which is partly or completely below grade.

(54) "Bathroom" means a room containing plumbing fixtures including a toilet, lavatory, and may or may not include a bathtub or shower.

(65) "Bedroom" means a room which is designated as a bedroom on the applicable plans and includes the life and safety features required for such use. or documents or which, in the reasonable opinion of the Building Official, is likely to be regularly used for sleeping purposes. In making this determination, the Building Official shall consider the following factors, the presence or absence of which shall not be conclusive:

~~(a) The presence of a closet (usually found in a bedroom);~~

~~(b) The presence of an exterior window (usually found in a bedroom);~~

~~(c) The size of the room (bedrooms are usually less than 350 square feet);~~

~~(d) The presence of plumbing (usually absent in a bedroom);~~

~~(e) The presence of heating (usually found in a bedroom);~~

~~(f) The number of other designated bedrooms relative to the size of the entire structure (typically, homes over 1,000 square feet in size have three bedrooms and homes over 2,000 square feet in size have more than three bedrooms).~~

(76) "Building" means a structure used or intended for supporting or sheltering a use or occupancy.

(87) "Building Official" shall mean the Albany Building Official Manager or Deputy thereof, with powers granted by ORS 455.153.

(98) "Building service equipment" means all support systems/equipment such as piping, ducts, vents, and other components of systems other than portable appliances that are permanently in place to serve the building.

(109) "Certificate of occupancy" means a certificate allowing occupancy of a structure of approval issued by the Building Official after all provisions of the building code, laws, codes and conditions of approval enforced by the Building Official are met for a commercial building all required inspections have been completed and does not find violations of the provisions of Oregon Building Code, or other rules or laws enforced by the city of Albany. The certificate of occupancy for a residential building is considered the same as the final approval of the permit after the building is constructed and all corrections have been completed.

(1110) "Concurrent plan review" means a review of a construction permit application, regulated by this title, and by one or more other divisions-departments at the same time

the building inspection plans reviewer is reviewing the application for compliance with the State Oregon Building Code.

~~(1211)~~ "Condemnation" means to adjudge unfit for occupancy.

~~(13)~~ "Dwelling unit" means one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with housekeeping facilities for living, sleeping, cooking, and eating.

~~(14)~~ "Dwelling unit, quad" means a dwelling, which for purposes of this code shall count as two dwelling units, which has separate sleeping and living quarters for four individuals but which is centered around a common kitchen facility.

~~(15)~~ "Dwelling unit, quint" means a dwelling, which for purposes of this code shall count as two and one-half dwelling units, which has separate sleeping and living quarters for five individuals but which is centered around a common kitchen facility.

~~(1612)~~ "Easement" means that portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.

~~(1713)~~ "Enforcement action" means an action in which an order to correct has been issued, or which seeks or results in a civil penalty.

~~(18)~~ "Exterior property" means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

~~(19)~~ "Extermination" means the control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

~~(20)~~ "Garbage" means food waste, animal and vegetable waste, dead animal carcasses, refuse, rubbish, trash, or other useless or discarded material.

~~(21)~~ "Guard" means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

~~(22)~~ "Habitable space" means space in a structure approved for living, sleeping, eating or cooking. Bathrooms, toilet rooms, garages, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

~~(23)~~ "Housekeeping unit" means a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

~~(2414)~~ "Imminent danger" or "imminent hazard" means a condition which could cause serious or life-threatening injury or death at any time.

~~(25)~~ "Infestation" means the evidence, within or contiguous to a structure or premises, of insects, rats, vermin, or other pests.

~~(26)~~ "Inoperable motor vehicle" means a vehicle which cannot be driven upon the public streets for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

~~(27)~~ "Junk" means all inoperable motor vehicles, in which multiple major components are defective or removed for more than 30 consecutive days; any motor vehicle which has been unlicensed for more than 30 consecutive days; defective motor vehicle parts, abandoned automobiles, used tires, inoperable and defective machinery, or parts thereof, inoperable and defective appliances and parts thereof, metal portions of

~~inoperable machinery, broken glass, empty glass, plastic or metal containers, scrap lumber, broken furniture, other wastes and/or discarded materials.~~

~~(28) "Labeled" means devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.~~

(2915) "Let for occupancy" or "let" means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises, or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

~~(30) "Nonconforming" means any building, premises, or structure which lawfully existed prior to the effective date of the ordinance codified in this code, but which, due to the requirements adopted herein, no longer complies with one or more provisions of this code.~~

(3416) "Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.

(3217) "Occupant" means any individual, using, living, or sleeping in a building, or building; or having possession of a space within a building.

~~(33) "Openable area" means that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.~~

(3418) "Operating plan" is a means a state-mandated document, ~~as~~ required by OAR 918-020-0080, ~~created and maintained by the Building Official~~, that outlines policies, procedures, rules, timelines, hours of operation and general administrative procedures describing the operation of the building division.

~~(3519) "Operator" means any person who has charge, care or control of a structure or premises which is let or offered for occupancy. "Oregon Building Code" means the State Building Code, as defined by Oregon Revised Statute.~~

(3620) "Owner" means any person, agent, firm, or corporation having a legal or equitable interest in a property; or recorded in the official records of the state, county or municipality as holding title to a property; or otherwise having control of a property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

(3721) "Permit" means an official document authorizing work to occur in accordance with the requirement of this title ~~or certificate~~ issued by the Building Official authorizing performance of a specified activity.

~~(38) "Person" means a natural person, heir, executor, administrator or assign, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.~~

(3922) "Portable structure" means a structure that is easily moveable, is of a size which accommodates portability/relocation, does not have attachments to the ground and is placed for not more than 180-days, ~~and~~ is otherwise constructed for easy

~~movement, and does not take the place of permanent structures; including but not limited to tents, trailers, motorhomes, RVs, and cargo containers. Portable structures are typically regulated by state agencies and are not built in a location where the structure is intended to remain permanently.~~

~~(40) "Premises" means any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For premises consisting of more than one unit, premises may be limited to the unit or the portion of the premises on which any nuisance activity has occurred or is occurring, but includes areas of the premises used in common by all units of property including, without limitation, other structures erected on the property and areas used for parking, loading, and landscaping.~~

~~(41) "Public way" means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.~~

~~(4223) "Rooming house" means a building arranged or occupied for lodging, with or without meals, for compensation, and not occupied as a one- or two-family dwelling structure.~~

~~(4324) "Rooming unit" means any room or group of rooms forming a single habitable unit occupied, or intended to be occupied, for sleeping or living, but not for cooking purposes.~~

~~(44) "Rubbish" means combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.~~

~~(45) "State Building Code" means all of the combined specialty codes together, including the electrical, plumbing and mechanical codes, as provided in ORS 455.010(8).~~

~~(46) "Strict liability offense" means an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.~~

~~(4725) "Structure" means 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.~~

~~(4826) "Substandard" means in violation of any of the minimum requirements as set out in this title or in the building code in effect at the time the structure was built.~~

~~(4927) "Temporary buildings or structures" means buildings and/or structures erected for use of very limited duration for a maximum of 180 days and not taking the place of permanent buildings or structures; including, but not limited to, buildings, carports, garages, membrane covered tents, trailers, motor homes, RVs, sheds, and cargo containers, boxes, crates, pallets, and hooches.~~

~~(5028) "Tenant" means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.~~

~~(51) "Toilet room" means a room containing a water closet or urinal, at minimum, but may also include a lavatory, bathtub, or shower.~~

~~(5229) "Valuation" or "value," as applied to a building and its or building servicemechanical equipment, shall be the estimated cost to build or replace alter the building and/or its buildinginstall or replace the mechanical systems service equipment in kind, based upon current costs including labor and material.~~

~~(53) "Ventilation" means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.~~

~~(54) "Workmanlike" means executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.~~

~~(55) "Yard" means an open space on the same lot with a structure. (Ord. 5647 § 1 (Exh. A), 2006).~~

18.04.080 Alternate materials and methods.

(1) The provisions of this title are not intended to prevent the use of any alternate material, design or method of construction not specifically prescribed by this title, provided such alternate material, design, or method has been approved and its use authorized by the Building Official as specified in the Oregon Building Code.

~~(2) The Building Official may approve any such alternate material, design or method, provided the Building Official finds that the proposed material, design or method complies with the provisions and intent of this title and that it is, for the purpose intended, at least the equivalent of that prescribed in this title in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.~~

~~(3) The Building Official may require that evidence or proof be submitted to substantiate any claims that may be made regarding the use of such alternate material, design, or method. The details of any approval of any alternate material, design, or method shall be recorded and entered in the files of the City. (Ord. 5647 § 1 (Exh. A), 2006).~~

18.04.090 Modifications.

When there are practical difficulties in carrying out the provisions of the technical codes or this title, the Building Official may grant modifications ~~for~~ after finding special individual cases reason(s) that makes the strict letter of this title impractical, provided the Building Official finds that the modification is in conformance with the intent and purpose of the technical codes or this title and that said modification does not lessen create an unsafe or dangerous condition of any health, life safety, or fire-protection requirements, nor any degree of structural integrity. (Ord. 5647 § 1 (Exh. A), 2006).

18.04.100 Tests.

(1) Whenever there is insufficient evidence of compliance with the provisions of this title or the technical codes, or that any material, method or design does not conform to the requirements of this title or the technical codes, the Building Official may require tests or engineering reports as proof of compliance to be made at no expense to this jurisdiction.

(2) Test methods shall be as specified by this title, the technical codes, or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the Building Official shall determine test procedures.

(3) All tests shall be made by a testing agency approved by the Building Official. The Building Official shall retain reports of such tests for the period required for the retention of public records. (Ord. 5647 § 1 (Exh. A), 2006).

18.04.110 Unsafe buildings.

All buildings described in Chapter [18.28](#) AMC are declared to be unsafe buildings for the purposes of this section. All such unsafe buildings are public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures described in Chapter [18.28](#) AMC. (Ord. 5647 § 1 (Exh. A), 2006).

Chapter 18.06 PERMITS

Sections:

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18.06.010 Permits – Generally.

It is unlawful for any person, firm or corporation to engage in any work, conduct, or activity for which a permit, ~~certificate, label, or other formal authorization~~ is required by this title or other regulation without first obtaining such permit, ~~certificate, label, or other formal authorization~~. Permits are required for any work that is regulated under the [State Oregon Building Code](#), as per ORS Chapter [455](#) and the rules adopted thereunder, as well as any work, activity, use, or review required by any code, policy, or procedure within this jurisdiction that is enforced by the Building Official, which may include occupancy reclassifications, ~~grading~~, signs, demolition, new parking lots, ~~regrading~~ and parking lot resurfacing/stripping, ~~or land use activity regulated by the Albany Municipal Code or development code~~. (Ord. 5647 § 1 (Exh. A), 2006).

18.06.020 Application for a building permit.

To obtain a permit, the applicant shall first apply to the City of Albany Building Division. 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~~ calculations, and specifications, and other data as required ~~in this chapter~~ by the Building Official;
- (5) State the valuation of any new building or structure, or any addition, remodeling, or alteration to an existing building, or the valuation of mechanical systems or medical gas systems;
- ~~(6) Be signed by the owner, or the owner's authorized agent;~~
- ~~(7) Provide satisfactory proof of ownership or agency;~~

(86) Provide plans showing all rights-of-way, easements, covenants, and other such interests in the land that may be impacted by construction; and

~~(9) Give such other data and information as may be required by the Building Official.~~
(Ord. 5647 § 1 (Exh. A), 2006).

18.06.030 Submittal documents.

(1) Plans, site 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 title. (Ord. 5647 § 1 (Exh. A), 2006).

18.06.040 Permit issuance.

(1) The application, plans, specifications, ~~computations~~ calculations, and other data filed by an applicant for permit shall be reviewed by the Building Official or ~~his/her~~ their designee. Such plans ~~may~~ shall be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the Building Official, after review by other departments, 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 title and the technical codes and other pertinent laws and ordinances, and that the applicable fees specified in ~~Chapter 18.12~~ the AMC have been paid, the Building Official shall issue a permit therefor to the applicant.

(2) When the Building Official issues a permit where plans are required, the Building Official shall endorse in writing or stamp the plans and specifications "Reviewed for Code Compliance" or "APPROVED." Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this title shall be done in accordance with the approved plans. (Ord. 5647 § 1 (Exh. A), 2006).

18.06.050 Deferred submittals and phased construction.

(1) Deferred submittal of plans ~~and phased construction~~ may be permitted by the Building Official, as specified in the Oregon Building Code, Oregon Administrative Rule, or Oregon Revised Statute. ~~when the deferred submittals or phasing of construction is not likely to result in mistakes, faulty construction, or violation of any local or state codes or laws.~~ Construction associated with ~~phased, partial, or~~ deferred submittals and permits shall be done at the permit holder's risk. shall not begin until such submittals have been reviewed and approved.

(2) The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure

have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this title. If the holder of a partial permit elects to proceed, they shall do so without assurance that the permit for the entire building or structure will be granted. Construction associated with phased permits shall be done at the permit holder's risk and shall not exceed the work approved within such phase. ~~Additional costs for partial permits and/or deferred submittals shall be determined and assessed by the Building Official and charged to the applicant for the permit.~~ (Ord. 5647 § 1 (Exh. A), 2006).

18.06.060 Retention of plans, permits and documentation.

~~One set of approved~~ The approved plans, specifications, ~~computations~~ calculations, and permits shall be retained by the Building Official, ~~shall not be used as field plans,~~ and shall be stored as required by the State Archivist. ~~One set of~~ The approved plans and specifications shall be ~~returned to~~ retained by the ~~applicant, and applicant and~~ said set shall be kept in good order and in clean, legible condition on the site of the building or work at all times during which the work authorized thereby is in progress. ~~If the applicant needs additional copies of approved plans, the Building Official may review and approve additional copies, charging the applicant the review cost plus overhead charges for providing the additional plan copies.~~ (Ord. 5647 § 1 (Exh. A), 2006).

18.06.070 Validity of permit.

(1) The issuance of a permit ~~or and the~~ approval of plans, specifications, and ~~computations~~ calculations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this title or of any other code of the jurisdiction, or any other federal, state, or local law, statute, rule, regulation, or code. Permits presuming to give authority to violate or cancel the provisions of this ~~code~~ Title 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, requiring additional engineering data, or from preventing building operations being carried on thereunder when in violation of this title or of any other codes of this jurisdiction. (Ord. 5647 § 1 (Exh. A), 2006).

18.06.080 Expiration of plan review application.

Applications for which no permit is issued within 180 days following the date of the 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 upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once, ~~unless expressly authorized by the Building Official.~~ In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. When an applicant applies for concurrent plan review, the applicant assumes the responsibility and risk of obtaining all approvals required by other departments within the 180-day period. (Ord. 5647 § 1 (Exh. A), 2006).

18.06.090 Permit expiration.

(1) Every permit issued by the Building Official, under the provisions of this title and ~~the technical codes~~, shall expire by limitation and become null and void 36 months after the date of permit issuance, or 180 days from the date of such permit issuance if the building or work authorized by such permit is not commenced, or pursuant to any time limits designated by conditions of approval, or after the building or work authorized by such permit ~~is suspended or abandoned for~~ has not received a required inspection within the last 180 consecutive days ~~at any time after the work is commenced. The work shall not be considered suspended or abandoned where the permittee has pursued activities deemed by the Building Official to indicate the intent to start and complete the project. The Building Official may require the permittee to document these activities.~~

(2) Any permittee holding an unexpired permit may apply to the Building Official for an extension ~~of the time within which work is to be completed under that permit~~ when the permittee is unable to complete 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 on written request by the permittee, ~~showing that circumstances beyond the control of the permittee have prevented work from being completed.~~ No permit shall be extended more than once, unless expressly authorized by the Building Official following application and submission of supporting documentation showing that circumstances beyond the control of the permittee have prevented the work under the permit from being completed.

(3) Where a permit has expired, the permit may be reinstated and the work authorized by the original permit can be recommenced, provided the following are met:

(a) The building code, land use regulations, ~~and fees~~ under which the original permit was issued, and other laws ~~or fees which are enforced or collected by the Community Development Department~~ have not been amended in any manner which affects the work authorized by the original permit.

(b) No changes have been made or will be made in the ~~original~~ plans and specifications for such work.

(c) The original permit expired less than one year from the request to reinstate.

(4) The fee for a reinstated permit shall be one-half the amount required for a new permit plus any costs incurred as a result of investigations. Where the request for reinstatement does not comply with the preceding criteria, a new permit, at full permit fees and review, shall be required. (Ord. 5647 § 1 (Exh. A), 2006).

18.06.100 Investigation.

(1) Whenever any work for which a permit is required by this title ~~or the technical codes~~ has been commenced without first obtaining said permit, an investigation shall be made before a permit may be issued for such work. This investigation is subject to the fees described ~~below, and below and~~ may or may not result in a penalty.

(2) The Building Official may require an investigation in order to ascertain whether a party is in possession of a state license, and/or is in compliance with other state-mandated requirements.

(3) Unless waived by the Building Official, an investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The amount of the investigation fee shall be the average or actual additional cost of ensuring that a building, structure, or system is in conformance with State Oregon

Building Code requirements that results from the person not obtaining a required permit before work for which the permit is required commences. A party aggrieved by the imposition of ~~a special an~~ investigation fee may appeal the imposition of the ~~special~~ investigation fee ~~to the Albany Building Board of Appeals~~ in the manner prescribed in Chapter ~~18.14~~ AMC. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this title ~~or the technical codes~~, nor from any penalty prescribed by law. (Ord. 5877 § 1, 2016; Ord. 5647 § 1 (Exh. A), 2006).

18.06.110 Not transferable.

A permit issued to one person or firm is not transferable. ~~The permittee and~~ shall not permit any other person or firm to perform any work thereunder unless specifically approved by the Building Official. (Ord. 5647 § 1 (Exh. A), 2006).

18.06.120 Suspension/revocation.

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this title ~~and the technical codes~~ whenever the permit is issued in error on the basis of incorrect information supplied, or if its issuance, or activity thereunder, is in violation of any state or local statute, code, or regulation, or if the permittee violates any term or condition of the permit or this title. (Ord. 5647 § 1 (Exh. A), 2006).

18.06.130 Swimming pools – Permit required. (REPEALED)

~~Any person, firm or corporation desiring to construct a private swimming pool in the City of Albany, prior to commencing of construction, is hereby required to obtain a building permit. (Ord. 5647 § 1 (Exh. A), 2006).~~

Chapter 18.08 INSPECTIONS

Sections:

18.08.010	Inspections – Generally.
18.08.020	Inspection requests.
18.08.030	Inspections required.
18.08.040	Reinspections.
18.08.050	Inspection record card.
18.08.060	Other inspections.
18.08.070	Special inspections.
18.08.080	Approval required.
18.08.090	Certificate of occupancy.
18.08.100	Proceeding without inspection or approval.

18.08.010 Inspections – 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. [No work shall be covered until approved and signed off for that stage of the project or work.](#) In addition, certain types of construction shall have special or continuous inspection as specified in the [State Oregon](#) Building Code.

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

(3) [Inspection and approval by the Building Official is not to be construed as relieving the permit holder of their responsibility to correct any deficiencies that are later discovered, even though they may have existed at the time of the original inspection and approval.](#)

(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 ~~expense~~[the expense](#) entailed in the removal or replacement of any material required to allow inspection.

~~(45)~~ 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. (Ord. 5647 § 1 (Exh. A), 2006).

18.08.020 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, and to make provision for access during normal business hours. The Building Official may require that every request for inspection be filed at least ~~one~~[two](#) working days before such inspection is desired.

(2) It shall be the duty of the person requesting any inspections required by this title to provide safe access to and means for inspection of such work, [including providing any necessary ladders, walkways, lighting, carpet runners for protection of carpet or other](#)

equipment necessary for safe access and inspection. Neither the Building Official, deputies, nor the jurisdiction shall be liable for expense entailed in the removal, cleaning or replacement of any equipment or material required to allow inspection, including any and all required special equipment, tools, ladders, belts, clothes, or other protective equipment or devices.

(3) It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary, or otherwise required, in a timely manner and in the format specified by the Building Official, to provide access to the site, and to provide all equipment as may be deemed necessary or appropriate by the Building Official. The permit holder shall not proceed with construction activity until authorized to do so by the Building Official.

~~(4) Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection record card, if required, such as to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained at the worksite in good order and in clean, legible condition by the permit holder until final approval has been granted by the Building Official. (Ord. 5647 § 1 (Exh. A), 2006).~~

18.08.030 Inspections required.

(1) All construction or work for which a permit is required shall be subject to inspection by the Building Official and all such construction or work shall remain accessible and exposed for inspection and test purposes until approved by the Building Official. No work shall be covered until approved and signed off for that stage of the project or work, as required in the Oregon Building Code.

~~(2) It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes including providing any necessary ladders, walkways, lighting, carpet runners for protection of carpet or other equipment necessary for safe access and inspection. Neither the Building Official, deputies nor the jurisdiction shall be liable for expense entailed in the removal, cleaning or replacement of any equipment or material required to allow inspection.~~

~~(3) Inspection and approval by the Building Official is not to be construed as relieving the permit holder of their responsibility to correct any deficiencies that are later discovered, even though they may have existed at the time of the original inspection and approval.~~

~~(4) Unless waived by the Building Official, a survey of the lot and the placing of, or revealing of, property pins shall be required to verify that the structure is located in accordance with the approved plans. (Ord. 5647 § 1 (Exh. A), 2006).~~

18.08.040 Reinspections.

(1) A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called requested is not complete or when corrections called for are not made. ~~This subsection is not to be interpreted as necessarily requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this title, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.~~

(2) Reinspection fees may be assessed when the inspection record card is not posted or is otherwise unavailable 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.

(3) In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid, unless authorized by the Building Official. (Ord. 5647 § 1 (Exh. A), 2006).

18.08.050 Inspection record card. (REPEALED)

~~It is the responsibility of the permit holder to post or otherwise make available an inspection record card, such as to allow the Building Official to conveniently make the required entries thereon regarding inspection results of the work at the time of the inspection. It is the responsibility of the permit holder to refer to this card for the status of the inspections. This card shall be maintained at the worksite in good order and in clean, legible condition by the permit holder until final approval has been granted by the Building Official. (Ord. 5647 § 1 (Exh. A), 2006).~~

18.08.060 Other inspections.

In addition to the ~~called~~ inspections specified above, the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of this title and other laws which are enforced by the City. (Ord. 5647 § 1 (Exh. A), 2006).

18.08.070 Special inspections.

Special inspections shall be conducted as required by the ~~State Oregon~~ Building Code. In addition, additional inspections may be determined necessary and required by the Building Official. The Building Official shall approve any special inspector prior to any inspections. All special inspections shall be conducted as required by the Building Division's operational plan and prior to the regular and corresponding city inspection. It shall be the responsibility of the permit holder to ensure that the results of the special inspection are made available to the Building Official and the city inspector at the job site prior to, and at the time of, the city inspection. (Ord. 5647 § 1 (Exh. A), 2006).

18.08.080 Approval required.

(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 title. Any portions which do not comply shall be corrected and such portion(s) shall not be covered or concealed until authorized by the Building Official.

(2) ~~Unless an alternate method of notification is approved by the Building Official, the form of notification shall be a minimum of a written notice left at the job site.~~ Any work that does not comply with this title ~~and/or the technical codes~~ shall be corrected and such work shall not be covered or concealed until authorized by the Building Official.

(3) ~~Prior Final inspections shall be requested and inspected for each permit prior to requesting any occupancy or use of a structure. to occupancy, there shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.~~ (Ord. 5647 § 1 (Exh. A), 2006).

18.08.090 Certificate of occupancy.

(1) Except for work exempt from permits and residential accessory buildings, no building or structure shall be used or occupied, and no change in the existing character, use, or occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy.

~~(2) The certificate of occupancy for buildings other than single-family dwellings and U occupancies shall be posted in a conspicuous place and shall not be removed except by the Building Official.~~

(32) In cases where there are outstanding corrections and/or deficiencies that do not present a hazard or immediate public concern, and do not violate any other rules or laws enforced by the City, the building official may grant a temporary certificate of occupancy. When granting a temporary certificate of occupancy, the Building Official shall may provide the permit holder with conditions and time restrictions for compliance and final approval. Unless approved by the Building Official following submission of supporting documentation showing that circumstances beyond the control of the permittee have prevented the work outstanding from being completed, no structure shall be occupied under a temporary certificate of occupancy for more than 180 days.

(43) Upon failure to obtain final approval and a certificate of occupancy, when applicable, and/or upon the expiration of the permit, the Building Official, in addition to other remedies, may shall file a notice of noncompliance with the County Recorder. To remove the notice, proof of compliance must be provided and all enforcement costs, recording costs, and filing costs determined by the Building Official must be paid by the permit holder.

~~(5) Changes in the character or use of a building shall not be made except as specified in the Building Code.~~

(64) Issuance of a certificate of occupancy shall not be construed as an approval of a violation to the provisions of this code or of other City ordinances. The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this title 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, regulation, or the provisions of this title. (Ord. 5877 § 2, 2016; Ord. 5647 § 1 (Exh. A), 2006).

18.08.100 Proceeding without inspection or approval.

Work performed without approval shall be required to be exposed for inspection, and any costs due to damage, such as the repair to sheetrock, masonry, concrete, siding, and any investigation or penalties shall be the responsibility of the permittee and/or owner. Where authorized by the Building Official, the Building Official may authorize alternate inspection techniques where it is impractical to require the work to be exposed and the requirements of this title and the Oregon Building Code can be verified. (Ord. 5647 § 1 (Exh. A), 2006).

Chapter 18.10
COMPLIANCE AND ENFORCEMENT
Sections:

18.10.010 Creation of enforcement program.

As required by ORS ~~455.150(3)~~, there is hereby established in this jurisdiction a code enforcement program which shall be under the administrative and operational control of the Building Official. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.020 Designated authority. ~~(REPEALED)~~

~~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 technical codes, it shall be construed to mean the Building Official designated by the appointing authority of this jurisdiction, as per ORS 455.150(3). (Ord. 5647 § 1 (Exh. A), 2006).~~

18.10.030 Powers and duties of Building Official.

(1) The Building Official is authorized and directed to enforce all provisions of this title ~~and the referenced technical codes~~. For such purposes, the Building Official shall have the powers of a law enforcement officer, including the power to issue citations for violations of this title and/or the State-Oregon Building Code as permitted under ORS ~~455.153~~, to grant modifications, and to secure property based upon probable cause even though the violation is not committed in the Building Official's presence.

(2) ~~Per ORS 455.148(3), t~~The Building Official shall have the authority to render written and oral interpretations of this title ~~and the referenced technical codes~~, and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such modifications, interpretations, rules, and regulations shall be in conformance with the intent and purpose of this title and the State-Oregon Building Code.

(3) For purposes of the State-Oregon Building Code and the Albany ~~D~~development ~~C~~code, in furtherance of public health, safety, and welfare, the Building Official shall have the authority to abate conditions which are contrary to, or in violation of, this title ~~or the referenced technical codes~~, or which otherwise make the building or premises ~~substandard~~, unsafe, dangerous, uninhabitable, or hazardous. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.040 Deputies.

In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint technical officers and inspectors, other employees, and contractors to carry out the functions of the enforcement of this title ~~and the referenced technical codes~~. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.050 Right of entry.

(1) When necessary to make an inspection to enforce the provisions of this title ~~or the referenced technical codes~~, or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to, or in violation of, this title, ~~or which otherwise makes the building or premises substandard, unsafe, dangerous or hazardous~~, the Building Official may enter said building or premises at reasonable times to inspect or to perform the duties imposed by this title.

(2) The Building Official may request entry of said building or premises when there are reasonable grounds to believe the property is ~~substandard~~, unsafe, dangerous, hazardous, or when there are reasonable grounds to believe that there has been work done that would otherwise require a permit. If such building or premises be occupied, credentials shall first be presented to the occupant and entry requested. If such building or premises are unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry.

(3) If entry is refused or the owner cannot be located, the Building Official, ~~or any duly appointed representative of the City~~ their designee, may appear before any judge empowered to issue warrants, including the Municipal Judge of the City of Albany, and request such judge to issue an inspection warrant, directing it to any peace officer, as defined in ORS ~~161.161.015~~, to enter the described property to remove any person or obstacle and assist the Building ~~Inspector or representative of the department inspecting the property~~ Official in any way as necessary to complete the inspection. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.060 Stop work orders.

When work is being done contrary to the provisions of this title, the ~~State-Oregon Building Code~~, or other pertinent laws or ordinances, including the Albany ~~development Development Code~~, ~~implemented through the enforcement of this title~~, 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. 5647 § 1 (Exh. A), 2006).

18.10.070 Occupancy violations.

When a building, structure, premises, or building service equipment therein is being used contrary to the provisions of this title, the ~~State-Oregon Building Code~~, or the certificate of occupancy, the Building Official may order such use discontinued, and the structure or premises vacated, 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 notice to make the structure, premises, or portion thereof comply with the requirements of this title, ~~the referenced codes~~, and the certificate of occupancy. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.080 Authority to disconnect utilities.

(1) Where necessary to eliminate an immediate hazard to life or property, or enforce this title, the ~~State Oregon~~ Building Code, or the Albany ~~Ddevelopment~~ ~~Ccode~~, the Building Official or ~~the Building Official's authorized~~~~their representative designee~~ shall have the authority to order the disconnection of a utility service supplied to a building, structure, premises, or building service equipment ~~therein which is regulated by this title, the State Building Code, or the Albany Ddevelopment Ccode,~~ or when necessary to eliminate a danger to public health, safety, or welfare.

(2) The Building Official shall, whenever possible, notify the owner and/or the occupant(s) of the building, structure, premises, or building service equipment of the decision to disconnect prior to taking such action, and shall notify such owner and/or occupant of the building, structure, premises, or building service equipment, in writing, of such disconnection within a reasonable time thereafter. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.090 Authority to condemn building service equipment.

(1) When the Building Official ascertains that building service equipment, or any portion thereof, regulated by this title ~~or the technical codes~~, has become hazardous to life, health, or property, or has become unsanitary, the Building Official may order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, as deemed appropriate by the Building Official. If it is determined that the equipment presents an immediate hazard to health, safety, or welfare, the Building Official may order it disconnected immediately. The written notice itself shall fix a time limit for compliance with such order. The use of such defective building service equipment shall not be maintained after receiving such notice.

(2) When such equipment or installation is to be disconnected, a written notice of such disconnection and the causes therefor shall be given within a reasonable time thereafter to the owner and/or the occupant of such building, structure, or premises.

(3) When any building service equipment is maintained in violation of this title ~~, the technical codes,~~ or a notice issued pursuant to the provisions of this section, the Building Official may institute appropriate action to prevent, restrain, correct, or abate the violation. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.100 Connection after order to disconnect.

Persons shall not make connections from an energy, water, fuel, or power supply, nor supply energy or fuel to building service equipment regulated by this title ~~or the referenced codes~~ 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. 5647 § 1 (Exh. A), 2006).

18.10.110 Liability.

(1) The Building Official, or ~~his/her deputies~~their designees, charged with the enforcement of this title ~~and the technical codes~~, acting in good faith and without malice in the discharge of their 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 deputy because of such act or omission performed by the Building Official ~~or deputy~~ in the enforcement of the provisions of such codes or other pertinent laws or codes implemented through the enforcement of this title or ~~enforced by the Code Enforcement Agency~~the Albany Development Code shall be defended by the City of Albany until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the City of Albany.

(2) This title 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 City of Albany be held as assuming such liability by reason of the inspections authorized by this title or permits or certificates issued under this title. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.120 Unlawful acts.

(1) It shall be unlawful for a person, firm, or corporation to be in conflict with, or in violation of, any of the provisions of this title.

(2) Nothing contained in this title shall impose any duty upon the City of Albany, or any agent, official, or employee thereof, to abate, enjoin, prevent, or correct any defect, violation, or condition regulated or prohibited by this chapter. The City shall exercise discretion to determine whether any particular circumstance warrants or requires an official response. In making such determinations, the appropriate employees and officials shall consider all known facts and circumstances including, but not limited to, the likelihood of injury, the seriousness of the violation, the availability of City resources, both staff and financial, to address the concern, and direction from the City Council. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.130 Notice of violation.

(1) Whenever the Building Official determines that there has been a violation of the ~~State Oregon~~ Building Code, this title, or any provisions of the Albany ~~D~~development Cecode, or has grounds to believe that a violation has occurred, the Building Official may serve a correction notice in accordance with the ~~State Oregon~~ Building Code, or a stop work order in accordance with AMC 18.10.060.

(2) In instances of continued noncompliance regarding substandard or nonconforming conditions relating to buildings, premises, or structures, or in instances of dangerous buildings, premises, or structures, notice of violation and order shall be served in accordance with AMC ~~18.10.140 and 18.10.150 and 18.10.160~~. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.140 Order to vacate.

(1) If the Building Official has determined that the building, structure, or premises must be vacated, the notice and order shall require that it be vacated within a time certain from the date of the order, as determined by the Building Official to be reasonable.

(2) Every notice to vacate shall, in addition to being served as provided in AMC 18.10.160, be posted at or upon each exit of the building. Such posting shall not be removed except by the Building Official.

18.10.1540 Form of notices and orders.

Such notices and orders prescribed in AMC [18.10.130](#) and [18.10.140](#) shall be in accordance with all of the following:

- (1) Be in writing [or digital format](#);
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the violation(s), a brief and concise description of the conditions found, [code citation](#), and why the notice and/or order is being issued;
- (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the structure or premises into compliance with the provisions of this code;
- (5) Include a statement advising that if any required repair or demolition work is not commenced within the time specified, the Building Official will order the building vacated and posted to prevent further occupancy until the work is completed, and may proceed to cause the work to be done and charge the costs thereof against the property or its owner;
- (6) Include a statement of the City's right to file a lien, in accordance with AMC [18.12.030](#), and/or a notice of substandard or nonconforming conditions, in accordance with AMC ~~18.10.180~~[18.10.190](#); and
- (7) Inform the property owner(s) or responsible party of the right to appeal and the appeal process. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.1650 Method of service.

Such notices and orders shall be deemed to be properly served if a copy thereof is:

- (1) Delivered personally;
- (2) Sent by certified or first-class mail addressed to the last known address of the property owner(s) or responsible party;
- (3) Sent by certified or first-class mail addressed to the listed address of the property owners(s) or responsible party as shown by the records of the Oregon Department of Motor Vehicles, United States Post Office, county tax records, or other similar governmental source; or

(4) ~~If notice and/or order is returned showing that the letter was not delivered, a~~ copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice and/or order. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.1~~60~~ Enforcing compliance.

To enforce any of the requirements of this title, the ~~State Oregon~~ Building Code, or the Albany ~~De~~velopment ~~De~~code, the Building Official may gain compliance by:

- (1) Instituting an action as set out in this chapter below;
- (2) Causing appropriate action to be instituted in a court of competent jurisdiction; or
- (3) Taking other action as the Building Official, in the exercise of the Building Official's discretion, deems appropriate. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.~~170-180~~ Prosecution of violation.

Any person failing to comply with a notice of violation or order, served in accordance with AMC ~~18.10.150~~18.10.160, shall be deemed guilty of a misdemeanor, unless the City requests that the violation be treated as an infraction, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Building Official may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any abatement costs, including overhead, staff time, and other administrative costs incurred by the City, shall be charged against the real estate upon which the structure is located, and shall be a lien upon such real estate, as described in AMC 18.12.030. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.~~180-190~~ Recording notice of substandard or nonconforming condition(s).

In instances of continued noncompliance with any provisions of this title, and after notice has been given by the Building Official regarding deficient, substandard, noncomplying or nonconforming condition(s) relating to the property, premises, or structures, the Building Official may, in addition to other remedies, record upon the title of the property a notice of substandard or nonconforming condition(s). Any such notice shall include a detailed description of the substandard or nonconforming condition(s) and may only be removed once the substandard or nonconforming condition(s) is/are abated. Enforcement costs shall be paid prior to any removal of liens or notices resulting from enforcement action. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.~~190-200~~ Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit, property, or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the ~~code~~Building ~~code~~ Official and shall furnish to the ~~code~~Building ~~code~~ Official a signed and

notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. (Ord. 5647 § 1 (Exh. A), 2006).

18.10.~~200-210~~ 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 Offense. Where one or multiple violations are committed by a person, business, or corporation, a civil penalty up to \$1,000 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 calendar years from the date of the citation.

(ii) Second Offense. Where subsequent violation(s) by a person, business, or corporation occurs within three years of their first offense, a civil penalty of \$2,500 per violation shall be assessed. If the violation is corrected within the date(s) specified in the citation, a maximum of \$1,250 of the civil penalty may be stayed. The stayed amount shall become due if additional violations occur within three calendar years from the date of the citation.

(iii) Subsequent Offenses. Where subsequent violation(s) by a person, business, or corporation occurs within three years of their second offense, a civil penalty of \$5,000 per violation shall be assessed. If the violation is corrected within the date(s) specified in the citation, a maximum of \$2,500 of the civil penalty may be stayed. The stayed amount shall become due if additional violations occur within three 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 subsections (2)(a)(ii) and (iii) of this section 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.

(i) 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 \$5,000 per offense.

(ii) The civil penalty amount shall not be stayed.

(c) In the case of a violation of Chapter [18.28](#) AMC or the Albany development code:

(i) A civil penalty of \$500 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 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 Chapter [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](#) AMC or the Albany development code, the violation procedures of Chapter [1.05](#) 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 \[City Community Development Department's\]\(#\) 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. 5952 § 1 (Exh. A), 2020; Ord. 5647 § 1 (Exh. A), 2006).

Chapter 18.12
FEES AND COST RECOVERY
Sections:

[18.12.010](#) Fees – Generally.

[18.12.020](#) Fee refunds.

[18.12.030](#) Cost recovery.

18.12.010 Fees – Generally.

(1) Fees charged under this title shall be as adopted by resolution.

(2) [A](#)) The Building Official shall make the determination of value or valuation under any provisions of this title. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work and may include all finish work, parking lots, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

[B](#)) Permit fee valuations and fee structure shall be as specified in OAR 918-50-100

[C](#)) Plan review and inspection fees shall be based on valuation, but the minimum fee shall be no less than the actual costs plus overhead of the plan review and the actual costs plus overhead of the inspections.

(3) Each activity, enforcement action, or program shall be provided with its own funding source and one program shall not support another, as required by ORS [455.770](#) and [455.210](#)(3)(c). (Ord. 5647 § 1 (Exh. A), 2006).

18.12.020 Fee refunds.

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

(2) The Building Official may authorize refunding ~~of not more than 80 percent~~ [a portion](#) of the permit fee paid when no work has been done under a permit issued in accordance with this title. [Such a refund shall be subject to an administrative charge adopted by resolution.](#)

(3) The Building Official may authorize refunding ~~of not more than 80 percent~~ [a portion](#) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended. [Such a refund shall be subject to an administrative charge adopted by resolution.](#)

(4) The Building Official may 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, ~~unless written application is otherwise waived by the Building Official.~~
(Ord. 5647 § 1 (Exh. A), 2006).

18.12.030 Cost recovery.

(1) Recovery of costs for investigations and/or enforcement actions deemed necessary and taken by the City to correct violations of this title, the [State Oregon Building Code](#), the Albany Municipal Code, the [Albany Development Code](#), or violations of other laws or codes enforced by the City shall be paid by the responsible person(s) and/or the owner(s) of the property where said substandard or nonconforming condition or violation exists/existed. The Building Official shall keep an itemized account of the expense, including staff costs, materials, and third-party costs, incurred by this jurisdiction in the investigation and abatement of said conditions or violations, including the repair or demolition of any structure, done pursuant to this code. Upon completion of the City's abatement of the condition, the Building Official shall prepare a statement specifying the work done, the itemized and total cost of the work, a description of the real property on which the building or structure is or was located, and the names and addresses of the persons entitled to notice. Said statement shall be hand-delivered or mailed by first-class mail, postage prepaid, at the address shown in the records of the City Building Division or, in the absence of such records, as revealed on the tax assessment records of Linn or Benton County, to the responsible person for payment.

(2) The property owner, or other person(s) responsible for enforcement costs or penalties, may appeal in the manner provided in Chapter [18.14](#) AMC. The issues on appeal shall be limited to the following:

(a) Whether or not a violation of this title occurred, other than a decision of the Building Official appealable pursuant to AMC [18.14.030](#) [18.14.040](#); and

(b) The reasonableness of the amount of time and/or other expenses charged by the City in response to said violation. This consideration shall apply only to cost recovery and not to the amount of a penalty.

(3) If payment or notice of appeal has not been made within 60 days of the date notice was mailed or delivered, the Building Official, or designee, shall provide a statement identifying the property and structure, the amount of the costs, fees, and/or penalties plus additional charges to cover overhead and administrative costs to the City Recorder, who shall record all such costs in the City lien docket and shall provide notice of the lien to the County Recorder for the county in which the property is located. The County Recorder shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

(4) Immediately on its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall continue until the assessment and all interest due and payable thereon are paid.

(5) The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same

penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

(6) All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of nine percent per annum from and after said date.

(7) All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of this jurisdiction, who shall credit the same to the ~~Division of Building Inspection repair and demolition fund~~Community Development Department's Building Division.

(8) The lien shall be removed when all costs, fees, penalties, and interest have been paid and all violations noted and the original and subsequent notices of violations have been corrected. (Ord. 5647 § 1 (Exh. A), 2006).

Chapter 18.16

DEMOLITION

Sections:

- [18.16.010](#) Demolition – Permit – Required.
- [18.16.020](#) Demolition – Permit – Expiration.
- [18.16.030](#) Demolition – Permit – Suspension or revocation.
- [18.16.040](#) Demolition – Notification of utilities.
- [18.16.050](#) Demolition – Cleanup.

18.16.010 Demolition – Permit – Required.

~~Unless waived by the Building Official, any~~ demolition of any [residential, commercial, industrial, or historic](#) structure requires a [demolition](#) permit. [A demolition permit is not required for residential accessory structures or structures exempt from building permits under this title.](#) The cost of the [demolition](#) permit shall be ~~determined by the Building Official and shall be based on factors such as the number of inspections required and the value of the work adopted by resolution.~~ (Ord. 5647 § 1 (Exh. A), 2006).

18.16.020 Demolition – Permit – Expiration.

Every demolition permit issued by the Building Official under the provisions of this title shall expire by limitation and become null and void if the demolition work is not commenced within 180 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.~~ (Ord. 5647 § 1 (Exh. A), 2006).

18.16.030 Demolition – Permit – Suspension or revocation.

The Building Official may, in writing, suspend or revoke a demolition permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any code or regulation or any of the provisions of this chapter. (Ord. 5647 § 1 (Exh. A), 2006).

18.16.040 Demolition – Notification of utilities.

All utility companies, such as telephone, power, water, sewer, gas, and TV, shall be notified by the applicant to disconnect all of such services from the main lines to the building. (Ord. 5647 § 1 (Exh. A), 2006).

18.16.050 Demolition – Cleanup.

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 within 30 days of completion of demolition. (Ord. 5647 § 1 (Exh. A), 2006).

Chapter 18.18 MOVING BUILDINGS

Sections:

18.18.010	Permit – Required.
18.18.020	Permit – Conditions.
18.18.040	Permit – Application – Contents.
18.18.060	Permit – Issuance conditions.
18.18.090	Permit – Revocation.
18.18.120	Litter.
18.18.130	Liability.

18.18.010 Permit – Required.

A building permit is required for moving any building regulated by the [State-Oregon Building Code](#), ~~per ORS 455.410~~. (Ord. 5647 § 1 (Exh. A), 2006).

18.18.020 Permit – Conditions.

The permit shall specify:

- (1) The route for the building;
- (2) The time in which the moving is to be completed;
- ~~(3) Whatever additional conditions the Building Official deems necessary to rehabilitate the building to the minimum requirements of state and local codes.~~ (Ord. 5647 § 1 (Exh. A), 2006).

18.18.040 Permit – Application – Contents.

An application for a permit to move a building will be submitted to the Building Official and so state the following information:

- (1) The location for which the building is proposed to be moved;
- (2) A site plan of the proposed site of the building, including setbacks;
- (3) The proposed route for moving the building, including the location of any trees that may be impacted as a result of the move;
- (4) The dimensions of the building;
- (5) The type of construction of the building;
- (6) The approximate age of the building;
- ~~(7) New foundation details; and~~
- ~~(8) Such additional information as the Building Official deems necessary.~~ (Ord. 5647 § 1 (Exh. A), 2006).

18.18.060 Permit – Issuance conditions.

The Building Official shall issue such permit applied for:

- (1) If the building at its new site will conform to the land use requirements of the City.
- (2) The building shall meet all of the requirements of the [State-Oregon Building Code](#) and ~~local building, fire, land use, electrical and sanitation codes and ordinances, as required by ORS 455.410~~ all applicable rules and laws. (Ord. 5647 § 1 (Exh. A), 2006).

18.18.090 Permit – Revocation.

A permit issued pursuant to this chapter may be summarily revoked in the event that the permittee violates any term of the permit or this chapter. (Ord. 5647 § 1 (Exh. A), 2006).

18.18.120 Litter.

The party moving a building pursuant to a permit authorized by this chapter shall promptly remove from public thoroughfares and private property all litter produced by the moving and shall clean up and leave the site from which the building is moved in a sightly condition. (Ord. 5647 § 1 (Exh. A), 2006).

18.18.130 Liability.

Permits shall not constitute authorization for damaging property. Permits shall constitute no defense against whatever liability the permittee incurs for personal injury or property damage caused by the moving. (Ord. 5647 § 1 (Exh. A), 2006).

18.20.010 Temporary ~~and Portable~~ Structures.

(1) Approval. A temporary or portable structure may not be constructed or placed upon real property without ~~prior~~ approval by the City as specified in 18.06.10, unless such approval is not required under the Oregon Building Code, Albany Development Code, and Oregon Fire Code. The City's approval ~~may~~ shall:

- ~~a) limit~~ Specify the duration of time during which the structure may be sited, used, or occupied, not to exceed 180 days;
- ~~b) Specify the approved use and occupancy class of the structure;~~
- ~~c) Ensure compliance with the aforementioned codes; and~~
- ~~a)d) _____~~ The approval ~~will~~ shall be site-specific and ~~the~~ a temporary structure ~~may~~ shall not be relocated to any other site or location within the site without a new approval having been obtained.

(2) Connections. ~~T~~ No temporary or portable structures shall not be permanently connected to any utilities. ~~A~~ and all utility connections ~~should~~ shall be disconnected and removed immediately upon removal of the ~~temporary~~ structure or expiration of the placement approval. The Building Official ~~may~~ shall require water and sanitation facilities when necessary for public health considerations.

(3) Placement. Temporary or portable structures shall not be placed in parking lots, required setbacks, fire separation areas, easements, or areas not specifically approved for such use.

Portable structures shall not be used in place of permanent structures unless said structure complies with the applicable requirements specified in the Oregon Building Code, Albany Development Code, and the Oregon Fire Code and permitted and inspected as a permanent structure. (Ord. 5647 § 1 (Exh. A), 2006).

18.20.020 ~~Portable structures.~~

(1) Approval. ~~A portable structure may not be constructed or placed upon real property without prior approval by the City, unless such approval is not required under the Oregon Building Code, Albany Development Code, and Oregon Fire Code. The City's approval may shall:~~

- ~~— limit~~ Specify the duration of time during which the structure may be sited, used, or occupied;
- ~~— . Specify the approved use and occupancy of the space;~~
- ~~— Ensure compliance with the aforementioned codes; and~~
- ~~a) The approval will~~ shall be site-specific and ~~a the~~ portable structure ~~may~~ shall not be relocated to any other site or location within the site without a new approval having been obtained.

(2) Connections. ~~P~~ No portable structures shall not be permanently connected to any utilities. ~~A~~ and all utility connections ~~should~~ shall be disconnected and removed immediately upon removal of the portable structure or expiration of the placement approval. The Building Official ~~may~~ shall require water and sanitation facilities when necessary for public health considerations.

(3) Placement. Portable Structures such as cargo containers and other preconstructed structures shall not be placed in parking lots, required setbacks, fire separation areas, easements, or areas not specifically approved for such use, and Portable structures shall not be used in place of permanent structures, unless said

structure complies with the applicable requirements specified in the Oregon Building Code, Albany Development Code, and the Oregon Fire Code for permanent structures. (Ord. 5647 § 1 (Exh. A), 2006).