

ORDINANCE NO. 713

AN ORDINANCE PERTAINING TO THE CONSTRUCTION, ALTERATION, REPAIR AND MOVING OF BUILDINGS WITHIN THE CITY OF CANBY, OREGON; ADOPTING POLICIES OF FIRE SAFETY STANDARDS AND STANDARDS OF BUILDING CONSTRUCTION; PROVIDING PENALTIES FOR VIOLATIONS; REPEALING ORDINANCE NOS. 336 AND 684; AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: CONFORMITY TO STATE STANDARDS AFFECTING BUILDING.

(a) The policy of the City of Canby is that fire safety standards in the City of Canby be as high as the standards of fire safety prescribed by state law. Notwithstanding any lesser standard of fire safety indicated by a city ordinance, any standard of fire safety prescribed by ORS 476 or by the State Fire Marshall in the Oregon Administrative Rules under ORS 476.030 applies as a city requirement in the same manner as that standard applies as a state requirement.

(b) The policy of the City of Canby is that the standards of building construction and related activities in the City of Canby be at all times in compliance with the state building code standards, the 1979 edition of Uniform Sign Code, published by the International Conference of Building Officials, the 1979 edition of Uniform Code for the Abatement of Dangerous Buildings published by the International Conference of Building Officials and the 1979 edition of the Uniform Building Code standards published by the International Conference of Building Officials. Notwithstanding any standard affecting construction contained in a City of Canby ordinance, any standard in the state building code applies as a city requirement in the same manner as that standard applies as a state requirement. If a standard established by the City of Canby

is in conflict with the State Building Code, the state standard shall prevail.

(c) No person may engage in construction or other activity not meeting the state standards or other requirements of this Ordinance as the standards provide at the time of the activity.

Section 2: LOCAL ADMINISTRATION OF BUILDING CODE. The City of Canby shall provide for specialty code administration, including plan checking with fire and life safety plan review, permit issuing and inspection for structural and mechanical work, but not for other work, such as plumbing and electrical.

Section 3: OTHER REQUIREMENTS APPLICABLE TO STRUCTURES. The following are adopted:

(a) The State of Oregon Structural Specialty Code and Fire and Life Safety Code.

(b) The State of Oregon Mechanical Specialty Code and Mechanical Fire and Life Safety Code.

(c) The Oregon Code for solar heating, cooling and hot water systems.

Section 4: BOARD OF APPEALS. The Canby City Council shall serve as the Board of Appeals whenever the "Board of Appeals" is referred to in the Uniform Sign Code and the Uniform Code for the Abatement of Dangerous Buildings.

Section 5: ENFORCEMENT AGAINST VIOLATOR.

(a) A person shall not:

(1) Violate or aid in the violation of a final order concerning the application of a state building code provision

in a particular case made by the city administrative officer, appeals board, building official or inspector.

(2) Engage in or aid a person in an activity for which an authorization is required by a specialty code or other regulation established by this ordinance without first obtaining authorization.

(b) A violation of subsection (a) is an infraction and punishable by fine not to exceed \$100 for each violation. In the case of a continuing violation, every day's continuance of the violation is a separate violation.

(c) The building official or enforcement official designated by the building official may sign a complaint for an infraction.


Section 6: REMEDIES FOR THE CITY. In case of violations of any code adopted by this ordinance, the city may institute an appropriate court suit or action to enjoin the use and/or occupancy, or threatened use and/or occupancy of a building or structure until an occupancy permit is issued and approved by the city council. In such case the city shall be entitled to recover from the defendant(s) in such suit or action and in addition to statutory costs, its reasonable attorneys fees to be fixed by the trial court and such further sum as may be fixed by the appellate court in case of an appeal.

Section 7: VALIDITY OF ORDINANCE. If any section, subsection, sentence, clause or phrase of this ordinance or codes adopted by this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance or the codes adopted by this ordinance.


Section 8: REPEAL OF ORDINANCE NOS. 336 and 684. Ordinance No. 336 known as the "Abatement of Dangerous Buildings" enacted January 22, 1943 and Ordinance No. 684 known as the "City of Canby Building Code" enacted November 5, 1980, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 10: EMERGENCY. Inasmuch as this ordinance is necessary for the immediate preservation of the health, peace and safety of the City of Canby and the inhabitants thereof, an emergency is hereby declared to exist; and this ordinance shall take effect immediately upon its final reading and enactment by the council.


SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, February 3, 1982, ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof on Wednesday, the 3rd day of March, 1982, commencing at the hour of 7:30 o'clock P.M. at the Council Meeting Chambers at the Canby City Hall in Canby, Oregon.

  
Harold A. Wyman, City Recorder

ENACTED by the Canby City Council on the 3rd day of March, 1982, by the following vote: YEAS 5. NAYS 0.

  
Robert A. Swayze, Mayor

ATTEST:

  
Marilyn K. Perkett, City Recorder Pro Tem