

ORDINANCE NO. 634

AN ORDINANCE REQUIRING CERTIFICATE OF OCCUPANCY; PROVIDING FOR ENFORCEMENTS; REPEALING ORDINANCE NO. 621 AND DECLARING AN EMERGENCY.

WHEREAS, Canby City Ordinance No. 576 enacted by the City Council November 5, 1973, and approved by the Mayor November 6, 1973, adopted as the "City of Canby Building Code" various Uniform Codes as referred to in said Ordinance; and

WHEREAS, a Certificate of Occupancy is required, according to Section 306 of the 1973 Edition of the Uniform Building Code for buildings or structures in Groups A through H inclusive, and the City Council has now determined that a Certificate of Occupancy should also be required for buildings or structures in Group I (dwellings and lodging houses) and that a Certificate of Occupancy should not be granted in any case until additional requirements are met or completed as specified in this Ordinance; now, therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: CERTIFICATE OF OCCUPANCY REQUIRED. No building or structure in Groups A to I (as defined in the 1973 Edition of the Uniform Building Code or any revisions of that Code) shall be used or occupied, and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the Building Official has issued a Certificate of Occupancy therefor as provided in said Building Code and a Certificate

of Approval has also been issued by the City Superintendent of Public Works as required in the following Section 2.

Section 2: CERTIFICATE OF APPROVAL FOR OCCUPANCY REQUIRED BY CITY SUPERINTENDENT OF PUBLIC WORKS.

A. In subdivisions, the Certificate of Approval by the City Superintendent of Public Works shall be given if said officer finds that:

- (a) The Planning Commission has approved the final plat as required by Section 17 of the City's Subdivision Ordinance No. 443.
- (b) All improvements have been installed in accordance with the improvement procedures of Subdivision Ordinance No. 443, and all improvements have been installed as required by Section 32 of said Ordinance except as otherwise provided in the following Section 3 of this Ordinance.

B. In areas of the City other than subdivisions, the Certificate of Approval by the Superintendent of Public Works shall be given if said officer finds that:

- (a) Service lines for all required utilities have been installed and approved.
- (b) The building has had final inspection and approval by the Building Official.
- (c) The building is located on or has access to a dedicated street or other public thoroughfare.

Section 3: REQUIREMENTS FOR COMPLETION OF STREETS IN SUBDIVISIONS. If all improvement procedures have been followed and all improvements have been installed as required by Ordinance except the seal or binder course of crushed rock and the wearing surface necessary for completion of streets, the City Superintendent of Public Works may give a Certificate of Approval for Occupancy

providing the developer, owner or contractor furnishes evidence satisfactory to said officer that said work will be fully completed within 60 days after said occupancy permit is issued, and that all costs therefor have been or will be fully paid by someone other than the City. Any request for additional time beyond the 60 days shall be filed with the City Council whose determination shall be final.

Section 4: FILING APPLICATION FOR OCCUPANCY PERMIT. An application for an occupancy permit shall be filed in the office of the Superintendent of Public Works on forms prepared or approved by such official.

Section 5: ENFORCEMENT PROVISIONS. If any building or structure is occupied without a Certificate of Occupancy issued by the Building Official and approved by the Superintendent of Public Works, the City may, without liability, disconnect such building or structure from City utility services until such permit is issued; and the City may also institute an appropriate Court suit to enjoin the use or occupancy of such building or structure until such occupancy permit is issued and approved by the Superintendent of Public Works. In such case, the City shall be entitled to recover from the defendant(s) in such suit its reasonable attorney's 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 6: CIVIL PENALTY FOR VIOLATIONS. Any person, firm or corporation who uses or occupies a building or structure without

a required occupancy permit approved by the Superintendent of Public Works shall be deemed guilty of a civil violation; and upon conviction thereof, shall be fined in an amount not exceeding \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Section 7: Ordinance No. 621 enacted May 4, 1977 is hereby repealed.

Section 8: FINDING OF EMERGENCY. This Ordinance is passed as an emergency measure, and the Council does by the vote by which this Ordinance is passed, hereby declare that an emergency exists which makes it imperative that this Ordinance should become effective forthwith in order that the public health, welfare and safety might most effectively be provided for.

Passed on its first reading at a regular meeting of the Canby City Council held on the 7th day of September, 1977; ordered posted in three (3) public and conspicuous places in the City of Canby for a period of two (2) full calendar weeks as provided by the City Charter; and to come up for final reading and action of the Council at a regular meeting thereof to be held on the 5th day of October, 1977, at the hour of 7:30 o'clock p.m. at the Council's regular meeting chambers at the Canby City Hall.

  
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ROBT E. RAPP - Mayor

ATTEST:

  
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HAROLD A. WYMAN - City Recorder

Passed on final reading of the Canby City Council at a  
meeting thereof held on the 5<sup>th</sup> day of October, 1977  
by the following vote: Yeas 6. Nays 0.

x Robt E. Rapp  
ROBT E. RAPP - Mayor

ATTEST:

Harold A. Wyman  
HAROLD A. WYMAN - City Recorder