

ORDINANCE NO. 661

AN ORDINANCE PERTAINING TO THE CONSTRUCTION, OCCUPANCY, ALTERATION, REPAIR AND MOVING OF BUILDINGS WITHIN THE CITY OF CANBY, OREGON; PROVIDING FOR PERMITS AND FEES THEREFOR; PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF; REPEALING ORDINANCE NO. 634 AND ORDINANCE NO. 576; AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Adoption and Execution of the Code. The State of Oregon Structural Specialty Code and Fire & Life Safety Code, the Uniform Building Code, as amended, together with the current edition of the State of Oregon Mechanical Specialty Code, Uniform Code for the Abatement of Dangerous Buildings, and the Uniform Sign Code, including the amendments set forth below, the appendixes and all reservations pertaining thereto, is hereby adopted as the building code for the City of Canby, Oregon, and shall be known as the "City of Canby Building Code." The City of Canby Building Code shall be executed in accordance with the provisions as set forth in Chapter Two, "Organization and Enforcement," Sections 201 and 205 of the current edition of the Uniform Building Code.

Section 2: Amendments to the Code. The State of Oregon Structural Specialty Code and Fire & Life Safety Code are hereby amended in the following particulars:

(A) Section 303(e) to read as follows:

"In any case, a building permit fee shall be not less than \$5.00, and a permit fee for moving a building shall be not less than \$10.00."

(B) Subsection (a) of Section 1601, entitled "Fire Zones Defined," is hereby amended to read as follows:

"Section 1601(a) Fire Zones Defined. For the purpose of this code, the entire city of Canby is hereby established as a fire district. The entire fire district shall be known and designated as Fire Zone 1, Fire Zone 2 and Fire Zone 3. The fire zones shall be those portions of the city described as follows:

"Fire Zone 1 shall be those sections of the city which are now or hereafter zoned as C-1 (Light Commercial) and C-2 (Highway Commercial), as shown by the zoning map for the city of Canby and as the same may be amended from time to time.

"Fire Zone 2 shall be those sections of the city which are now or hereafter zoned as M-1 (Light Industrial) and M-2 (Heavy Industrial), as shown on said city zoning map with the exception of that property described as:

A parcel of land located in Section 33, Township 3 South, Range 1 East of the Willamette Meridian. Said parcel also being the Northeasterly portion of Tax Lot 500 Map 3 1E 33 AD, and the Southeasterly portion of Tax Lot 100 Map 3 1E 33, Deed Records of Clackamas County, Oregon. Both parcels being owned by Clackamas County, and being more particularly described as follows:

Beginning at a concrete monument at 1/4 corner of Sections 33 and 34, Township 3 South, Range 1 East, Willamette Meridian. Said section corner also being a point at the intersection of the Northeasterly line of Southern Pacific Railroad right-of-way, and the North-South center line of North Pine Street, and running thence North 89°51'00" West 314.70 feet along 1/4 section line to the point of beginning; thence continuing North 89°51'00" West 125.50 feet; thence South 37°53'21" East 74.12 feet; thence South 27°43'26" East 6.28 feet; thence South 26°56'00" East 84.50 feet; thence North 63°04'00" West 45.00 feet; thence North 00°14'00" East 119.70 feet to point of beginning.

which is designated as Fire Zone 3.

"Fire Zone 3 shall be for the remainder of the city not heretofore specified."

Section 3: Wiring and Plumbing. All electrical wiring in the City of Canby shall conform to the provisions of the Oregon State Electrical Code as provided for in Oregon Revised Statutes Chapter 479, and all amendments thereto; and all plumbing shall conform

to the provisions of the Oregon State Plumbing Code as provided for in Oregon Revised Statutes Chapter 447, and all amendments thereto; and all water supply and sewage disposal facilities shall comply with the requirements for water supply and sewage disposal as they are now or hereafter may be prescribed by or pursuant to ordinances of the City of Canby or laws of the state of Oregon; and provided also, that all buildings hereafter constructed in the City of Canby shall have a water system cutoff at the building.

Section 4: Certificate of Occupancy Required. No building or structure in Groups A, E, I, H, B & R, Divisions 1 & 3, (as defined in the 1976 Edition of the Uniform Building Code and 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 5.

Section 5: 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 the City's Subdivision Ordinance.

(b) All improvements have been installed in accordance with the improvement procedures of the Subdivision Ordinance except as otherwise provided in the following Section 6 of this Ordinance.

(B) In areas of the City other than subdivisions, the Certificate of Occupancy by the Building Official 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 6: Requirements for completion of streets in subdivisions.

If all improvements have been installed as required by Ordinance except the final 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 7: 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 8: 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; 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 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 9: Civil Penalty for Violations. Any person, firm, or corporation that 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 10: Other Penalties. Any person violating any provisions of this ordinance, except those relating to the use and occupancy of buildings and structures, shall be deemed guilty of a separate offense for each day or portion thereof during which the violation continues and upon conviction of the violation, shall be punishable as a Class C misdemeanor as defined in the Oregon Criminal Code of 1971.

Section 11: Interpretation. If a provision of this ordinance, including the Uniform Building Code, 1976 Edition, of the International Conference of Building Officials, and amendments thereto, as now adopted and amended by this ordinance, imposes conditions which are less restrictive than those imposed by another provision of this ordinance or by any other ordinance, resolution or regulation of the


Canby City Council, the provision which imposes the more restrictive condition shall govern.

Section 12: Repeal of Ordinances No. 576 and No. 634. Ordinance No. 576, enacted November 6, 1973, and Ordinance No. 634, enacted October 5, 1977, and all other ordinances or parts of ordinances in conflict herewith, are hereby repealed.

Section 13: Required Copies of Building Code. Not less than two copies of the City of Canby Building Code shall be kept in the office of the Superintendent of Public Works for use and examination by the public.

Section 14: 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 passage by the Council and approval by the Mayor.

Submitted to the Council and read the first time at a regular meeting thereof on Wednesday, September 19, 1979; 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, October 17, 1979, 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 at a regular meeting thereof

on the 17th day of October, 1979, by the following vote:

YEAS 6 NAYS 0.



Robt. E. Rapp, Mayor

ATTEST:



Marilyn K. Perkett, City Recorder Pro Tem