

ORDINANCE NO. 684

AN ORDINANCE PERTAINING TO THE CONSTRUCTION, ALTERATION, REPAIR AND MOVING OF BUILDINGS WITHIN THE CITY OF CANBY, OREGON; ADOPTING BY REFERENCE UNIFORM BUILDING CODES AS THE CITY'S BUILDING CODE; PROVIDING PENALTIES FOR VIOLATIONS; REPEALING ORDINANCES NO. 590 and 661; AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: ADOPTION AND EXECUTION OF THE CODE. The 1979 Edition of the "Uniform Building Code" and its appendix and the 1979 Edition of the "Uniform Building Code Standards" published by the International Conference of Building Officials, are hereby adopted as the Building Code for the City of Canby, Oregon, and for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in the City of Canby. The said Uniform Code, appendix and Standards are hereby referred to and adopted and made a part hereof as if fully set out in this ordinance. The City's Building Code shall be executed in accordance with the provisions as set forth in said Code; and no less than two copies of the Code shall be kept on file at the Canby City Hall for examination there by any interested person.

Section 2: SPECIALTY CODES ADOPTED BY REFERENCE: The following State of Oregon Codes are also adopted as Codes for the City of Canby, Oregon;

- 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 1979 Uniform Code for the Abatement of Dangerous Buildings.
- d) The 1979 Uniform Sign Code.

At least two (2) copies of the Codes last referred to above in this Section 2 shall also be kept on file at the Canby City Hall and be available for inspection by any interested person. Each of said Codes are hereby referred to, adopted, and made a part hereof as if fully set out in this ordinance.

Section 3: Each of the Codes referred to above in both of the foregoing Sections 1 and 2, and which are hereby adopted by reference for the City of Canby, are the latest editions, and all amendments to said Codes and each subsequent edition is hereby adopted as a Code and regulation for the City of Canby and continuing until the Canby City Council provides otherwise by appropriate ordinance. It is the intent and purpose of this provision to eliminate the necessity or requirement of enacting an ordinance to adopt by reference each revised edition of the said Codes and this provision is also intended to permit continuity for application and enforcement of the Codes.

Section 4: VIOLATIONS AND PENALTIES.

- 1) A person shall not:
  - a) Violate or procure, aid or abet in the violation of any act or activity proscribed by the said Building Code or Specialty Codes, or in the violation of any order concerning the application of a provision of the Uniform Building Code and other Specialty Codes in a particular case, and which said order is made by a building official, an advisory board, a city administrative officer, any local appeals board, or building inspector.

- b) Engage in or procure, aid or abet any other person to engage in any conduct or activity for which a permit, certificate, label, or other formal authorization is required by the Building Code or any Specialty Code or other regulation, without first having obtained such permit, certificate, label, or other formal authorization.
- 2) A person who violates subsection 1 of this Section shall be subject to a civil penalty of 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.

Section 5: REMEDIES FOR THE CITY. In case of violations of any Code adopted by reference 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 6: INTERPRETATION. If any section, subsection, sentence, clause or phrase of this ordinance or the Building or Specialty Codes adopted by reference 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. The Canby City Council hereby declares that it would have passed this ordinance and adopted said Uniform Codes and each section, subsection, clause or phrase thereof irrespective of the fact that

any one or more sections, subsections, sentences, clauses and phrases might be declared unconstitutional.

Section 7: Repeal of Ordinances No. 590 and 661. Ordinance No. 590 "A New Plumbing Code" enacted June 2, 1975, and Ordinance No. 661 known as the "City of Canby Building Code" enacted October 17, 1979, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8: 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, October 1, 1980, 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 5th day of November, 1980, 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  
Harold A. Wyman, City Recorder

ENACTED by the Canby City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 1980, by the following vote: YEAS 6 NAYS 0.

Robt E Rapp  
Robt. E. Rapp, Mayor

ATTEST:

Harold A. Wyman  
Harold A. Wyman, City Recorder