

**A BILL FOR AN ORDINANCE AMENDING )  
CHAPTER 15.04 OF THE LEBANON )  
MUNICIPAL CODE CONCERNING )  
BUILDING AND CONSTRUCTION AND )  
ADOPTING THE CITY OF LEBANON )  
SPECIALTY CODE AND DECLARING )  
AN EMERGENCY )**

**Ordinance Bill Number 9 for  
2002**

**Bill Number 2296**

WHEREAS, the City of Lebanon is charged with the duty of enforcing building codes and other specialty codes; and

WHEREAS, the City Council has determined that it is in the best interests of the citizens of the City of Lebanon to provide reasonable safeguards for health, safety, welfare, comfort and security for such citizens; and

WHEREAS, the City Council finds that the adoption of the "City of Lebanon Specialty Code" will further protect and enhance the public safety, health and welfare.

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

**Section 1.** Chapter 15.04 of the Lebanon Municipal Code is hereby amended to read as follows:

**15.04.010 Title**

Chapter 15.04.010 to 15.04.150 shall be known and may be cited as the "City of Lebanon Specialty Code" or simply as the "Specialty Code".

**15.04.020 Definitions**

As used in this Chapter:

(A) "Building" includes any structure that is subject to the applicable code, rule or standard adopted in Chapter 15.04.060 (B) (1) and (2).

(B) "Building Code" includes Chapter 15.04 Specialty Code, 15.08 Fire Code.

(C) "Specialty Code" specifically means the codes, rules and standards adopted in 15.04.060. The term generally means this Chapter. The *Specialty Code* is a part of the Building Code.

(D) "Building Official" includes any person who is the designee thereof.

(E) "Owner" means the owner of record, the contract purchaser of record, any person in control of the building, any person occupying the building, a contractor of the owner and the owner's designated agent.

**15.04.030 Purpose**

The purpose of this Chapter is to provide uniform performance standards providing reasonable safeguards for health, safety, welfare, comfort and security of the residents of this City who are occupants and users of buildings.

**15.04.040 Scope**

The location, relocation, erection, construction, demolition, maintenance, repair, alteration, equipping and use of buildings shall comply with requirements of this Chapter and with applicable State and Federal Laws and Regulations.

**15.04.050 Interpretation**

Where the conditions imposed by a provision of this Chapter differ from the conditions of another provision of this Chapter or of another law, ordinance, code, regulation or order having application in the City of Lebanon, the provision that is more restrictive shall govern.

**15.04.060 Specialty codes, rules and standards**

(A) Adoption of specialty codes, rules and standards. The codes, rules and standards named in subsection (B) of this section are hereby adopted and shall be known as the City of Lebanon *Specialty code*.

(B) Specialty codes, rules and standards shall consist of the following:

(1) The "State Building Codes" as per ORS Chapter 455 and the Codes thereunder.

(2) The 1997 Uniform Code for the Abatement of Dangerous Buildings ("Dangerous Building Code") is enforced as part of this Chapter.

(C) The fee amounts in the provisions of the State Building Codes or of the Oregon Administrative Rules have not been adopted by this Chapter.

**15.04.070 Permit Required**

Prior to conducting any work subject to this Chapter, the owner thereof shall first apply for and obtain from the Building Official a permit authorizing that work.

**15.04.080 Permit Fees**

The applicant for a building permit shall, at the time the permit is issued, pay the amount fixed by resolution of the Lebanon City Council for that permit.

**15.04.090 Permit Process**

(A) Applications for permits are made on forms provided by the Building Official.

(B) The application process is governed by the City of Lebanon Building Inspection Program Operating Plan, which is amended from time to time by and on the authority of the Building Official.

**15.04.100 Activities Prohibited; Permit Required**

(A) No person shall engage in or procure, aide 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 this Chapter or any other regulation without first having obtained such permit, certificate, label or other formal authorization.

(B) No person shall perform any work for which a permit is required unless that permit has been issued.

(C) No person shall violate or procure, aid or abet in the violation of any order concerning the application of a provision of this Chapter, in a particular case made by the

Planning Official, an advisory board, a State administrative officer or any local appeals board, Building Official or inspector.

(D) It is the responsibility of all property owners and their assignees to assure no building, mechanical system, materials or appurtenances, plumbing or drainage system or any parts thereof to be maintained in an unsafe or unsanitary condition.

(E) No owner or person in control of a building shall maintain any device or safeguard, which is required by this Chapter in a manner not in conformance with this Chapter.

(F) No person shall continue to use or occupy a building for which the Building Official has given that person notice that the building is to be vacated as described in LMC 15.04.120(G).

#### **15.04.110 Building Official Established**

(A) The Public Works Director shall appoint a person to the position of Building Official to administer and enforce the *Specialty Code*. The Building Official shall attend to all aspects of code enforcement, including the issuance of all building permits under the City's jurisdiction.

(B) In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint a chief plans examiner, a chief building inspector and other related technical officers and inspectors and other employees as shall be authorized from time to time.

#### **15.04.120 Building Official; Powers and Duties**

(A) The Building Official is hereby authorized and directed to enforce all the provisions of this Chapter. For such purposes, the Building Official shall have the powers of a law enforcement officer.

(B) In addition to any other authority and power granted to the Building Official, and except where inconsistent with other provisions of law, the Building Official may enforce the provisions of this Chapter against any person regardless of whether a permit, certificate, license or other indicia of authority have been issued.

(C) The Building Official shall not issue a permit if the proposed work would be in violation of local, state or federal laws.

(D) Inspections and investigations.

(1) The Building Official may make any inspection, any investigation, order corrective action and may issue an order to stop all or any part of the work under the applicable provision of this Chapter.

(2) The Building Official may cause a building to be reinspected to determine compliance with this Chapter.

(3) Special Investigation. Whenever any work for which a permit is required by this Chapter has been commenced without first obtaining said permit, a special investigation may be made before a permit is issued for such work. If an investigation is conducted, an investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or is subsequently issued. The minimum investigation fee shall be the same as the minimum investigation fee set forth in the fee schedule adopted by the City of Lebanon City Council. The payment of such investigation fee shall not exempt any person from

compliance with all other provisions of this Chapter or from any penalty prescribed by this Chapter or other law.

**(E) Right of entry onto property to make inspections and investigations.**

Whenever necessary to make any inspection or any investigation to determine compliance with or to enforce any of the provisions of this Chapter, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or ordinance or code violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official may enter such building or premises at reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Chapter, provided that if such building or premises be occupied, the Building Official shall first present proper credentials and request entry, and if such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

**(F) Issuance of stop work orders.**

(1) Whenever any work is being done contrary to the provisions of this Chapter, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

(2) For the purposes of this Chapter, a stop work order shall be deemed served on any and all persons engaged in the doing or causing work to be done if it has been posted on the job in a location visible to persons entering or working on the site.

**(G) Occupancy Violations.**

Whenever any building or equipment therein is regulated by this Chapter and is being used contrary to the provisions of this Chapter, the Building Official may order such use discontinued and the building, or portion thereof, vacated by notice given to the owner.

**(H) Cooperation of Other Officials and Officers.**

The Building Official may request, and shall receive so far as is required, in the discharge of any duties of the Building Official duties, the assistance and cooperation of other officials of this jurisdiction.

**15.04.130 Liabilities**

**(A)** The Building Official, acting in good faith and without malice, in the discharge of any duties of the Building Official, is not thereby rendered personally liable for any damage that may occur to persons or property as a result of any act or by reason of any act or omission in the discharge of any of those duties. Any suit brought against the Building Official or employee because of such act or omission shall be defended by legal counsel provided by the City until final termination of such proceedings.

**(B)** This Chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building for any damages to persons or property caused by defects, nor shall the City be held as assuming any such liability by reason of the inspections authorized by this Chapter or any certificates of inspection issued under this Chapter.

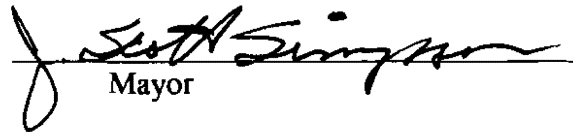
**15.04.140 Additional Remedies**

In addition to any other remedies provided by law, the governing body or the City Attorney may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, relocation, construction, maintenance, repair, alteration or use of a building or equipment thereof.

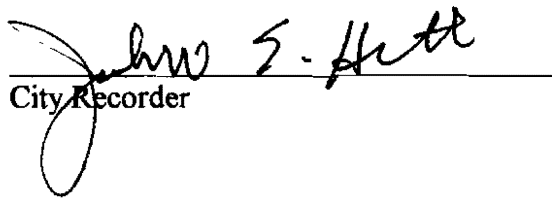
**Section 2. Emergency.**

Because the prompt and continuous enforcement of the Building and Specialty Codes is necessary for the peace, health and safety of the people of the City of Lebanon, an emergency is declared to exist, and this ordinance is effective upon its passage by the City Council.

Passed by the Council of the City of Lebanon by a vote of 6 for and 0 against, and approved by the Mayor this 10<sup>th</sup> day of April, 2002.

  
Mayor

ATTEST:

  
City Recorder